

chapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

Section 985 of this title, referred to in subsec. (a), was enacted by Pub. L. 106-185, and relates to civil forfeitures of real property and not to procedures and limitations for subpoenas. The reference to section 985 was included in this section when it was enacted by Pub. L. 102-550, but at that time there was no section 985 of this title.

The Federal Rules of Civil Procedure, referred to in subsec. (c), are set out in Title 28, Appendix, Judiciary and Judicial Procedure.

AMENDMENTS

2000—Subsec. (d). Pub. L. 106-185 added subsec. (d).
1994—Subsec. (a). Pub. L. 103-325 substituted “section 5322 or 5324 of title 31” for “section 5322 of title 31”.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-185 applicable to any forfeiture proceeding commenced on or after the date that is 120 days after Apr. 25, 2000, see section 21 of Pub. L. 106-185, set out as a note under section 1324 of Title 8, Aliens and Nationality.

§ 987. Anti-terrorist forfeiture protection

(a) **RIGHT TO CONTEST.**—An owner of property that is confiscated under any provision of law relating to the confiscation of assets of suspected international terrorists, may contest that confiscation by filing a claim in the manner set forth in the Federal Rules of Civil Procedure (Supplemental Rules for Certain Admiralty and Maritime Claims), and asserting as an affirmative defense that—

- (1) the property is not subject to confiscation under such provision of law; or
- (2) the innocent owner provisions of section 983(d) of title 18, United States Code, apply to the case.

(b) **EVIDENCE.**—In considering a claim filed under this section, a court may admit evidence that is otherwise inadmissible under the Federal Rules of Evidence, if the court determines that the evidence is reliable, and that compliance with the Federal Rules of Evidence may jeopardize the national security interests of the United States.

(c) **CLARIFICATIONS.**—

(1) **PROTECTION OF RIGHTS.**—The exclusion of certain provisions of Federal law from the definition of the term “civil forfeiture statute” in section 983(i) of title 18, United States Code, shall not be construed to deny an owner of property the right to contest the confiscation of assets of suspected international terrorists under—

- (A) subsection (a) of this section;
- (B) the Constitution; or
- (C) subchapter II of chapter 5 of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

(2) **SAVINGS CLAUSE.**—Nothing in this section shall limit or otherwise affect any other remedies that may be available to an owner of property under section 983 of title 18, United States Code, or any other provision of law.

(Added Pub. L. 109-177, title IV, §406(b)(1)(B), Mar. 9, 2006, 120 Stat. 244.)

REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsec. (a), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure. The Supplemental Rules for Certain Admiralty and Maritime Claims, which are set out as part of the Federal Rules of Civil Procedure, were renamed the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

The Federal Rules of Evidence, referred to in subsec. (b), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 107-56, title III, §316(a)–(c), Oct. 26, 2001, 115 Stat. 309, which was set out as a note under section 983 of this title, prior to repeal by Pub. L. 109-177, §406(b)(2).

CHAPTER 47—FRAUD AND FALSE STATEMENTS

Sec.	
1001.	Statements or entries generally.
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¹Section catchline amended by Pub. L. 108-21 without corresponding amendment of chapter analysis.

²Section catchline amended by Pub. L. 111-203 without corresponding amendment of chapter analysis.

1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.
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1035. False statements relating to health care matters.
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1037. Fraud and related activity in connection with electronic mail.
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1039. Fraud and related activity in connection with obtaining confidential phone records information of a covered entity.
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AMENDMENTS

2008—Pub. L. 110-179, §2(b), Jan. 7, 2008, 121 Stat. 2557, added item 1040.

2007—Pub. L. 109-476, §3(b), Jan. 12, 2007, 120 Stat. 3571, added item 1039.

2006—Pub. L. 109-177, title III, §302(b), Mar. 9, 2006, 120 Stat. 233, inserted “or seaport” at end of item 1036.

2004—Pub. L. 108-458, title VI, §6702(b), Dec. 17, 2004, 118 Stat. 3766, added item 1038.

Pub. L. 108-275, §2(b), July 15, 2004, 118 Stat. 832, added item 1028A.

2003—Pub. L. 108-187, §4(a)(2), Dec. 16, 2003, 117 Stat. 2705, added item 1037.

2000—Pub. L. 106-547, §2(b), Dec. 19, 2000, 114 Stat. 2739, added item 1036.

1998—Pub. L. 105-318, §3(h)(2), Oct. 30, 1998, 112 Stat. 3009, inserted “and information” at end of item 1028.

1996—Pub. L. 104-294, title VI, §601(f)(8), Oct. 11, 1996, 110 Stat. 3500, substituted “veterans’ facilities” for “veterans’ facilities” in item 1024.

Pub. L. 104-191, title II, §244(b), Aug. 21, 1996, 110 Stat. 2017, added item 1035.

1994—Pub. L. 103-322, title XXXII, §320603(b), Sept. 13, 1994, 108 Stat. 2118, added items 1033 and 1034.

1990—Pub. L. 101-647, title XXV, §2501(b), title XXXV, §3532, Nov. 29, 1990, 104 Stat. 4860, 4925, inserted a period after “1031” and added item 1032.

1989—Pub. L. 101-73, title IX, §§961(g)(2), 962(a)(4), Aug. 9, 1989, 103 Stat. 500, 502, struck out item 1008 “Federal Savings and Loan Insurance Corporation transactions” and item 1009 “Rumors regarding Federal Savings and Loan Insurance Corporation”.

1988—Pub. L. 100-700, §2(c), Nov. 19, 1988, 102 Stat. 4632, added item 1031.

1984—Pub. L. 98-473, title II, §§1602(b), 2102(b), Oct. 12, 1984, 98 Stat. 2184, 2192, added items 1029 and 1030.

1982—Pub. L. 97-398, §3, Dec. 31, 1982, 96 Stat. 2010, added item 1028.

1974—Pub. L. 93-406, title I, §111(a)(2)(B)(iii), Sept. 2, 1974, 88 Stat. 852, substituted “Employee Retirement Income Security Act of 1974” for “Welfare and Pension Plans Disclosure Act” in item 1027.

1967—Pub. L. 90-19, §24(e), May 25, 1967, 81 Stat. 28, included “Department of Housing and Urban Development” in item 1010, and substituted the same for “Public Housing Administration” in item 1012.

1962—Pub. L. 87-420, §17(d), Mar. 20, 1962, 76 Stat. 42, added item 1027.

1951—Act Oct. 31, 1951, ch. 655, §25, 65 Stat. 720, substituted “Public Housing Administration” for “United States Housing Authority” in item 1012.

1949—Act May 24, 1949, ch. 139, §§18, 19, 63 Stat. 92, corrected spelling in item 1012 and substituted “officers” for “offices” in item 1019.

§ 1001. Statements or entries generally

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party’s counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—

(1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or

(2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.

(June 25, 1948, ch. 645, 62 Stat. 749; Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-292, §2, Oct. 11, 1996, 110 Stat. 3459; Pub. L. 108-458, title VI, §6703(a), Dec. 17, 2004, 118 Stat. 3766; Pub. L. 109-248, title I, §141(c), July 27, 2006, 120 Stat. 603.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §80 (Mar. 4, 1909, ch. 321, §35, 35 Stat. 1095; Oct. 23, 1918, ch. 194, 40 Stat. 1015; June 18, 1934, ch. 587, 48 Stat. 996; Apr. 4, 1938, ch. 69, 52 Stat. 197).

Section 80 of title 18, U.S.C., 1940 ed., was divided into two parts.

The provision relating to false claims was incorporated in section 287 of this title.

Reference to persons causing or procuring was omitted as unnecessary in view of definition of “principal” in section 2 of this title.

Words “or any corporation in which the United States of America is a stockholder” in said section 80 were omitted as unnecessary in view of definition of “agency” in section 6 of this title.

In addition to minor changes of phraseology, the maximum term of imprisonment was changed from 10 to 5 years to be consistent with comparable sections. (See reviser’s note under section 287 of this title.)

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-248 inserted last sentence in concluding provisions.

2004—Subsec. (a). Pub. L. 108-458 substituted “be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both” for “be fined under this title or