

media, or other objects or tangible things), which may be relevant to an authorized law enforcement inquiry, that a person or legal entity may possess or have care, custody, or control; or

“(B) requiring a custodian of records to give testimony concerning the production and authentication of such records.”

Subsec. (a)(3). Pub. L. 106-544, §5(a)(2), inserted “relating to a Federal health care offense” after “production of records” and inserted at end “The production of things in any other case may be required from any place within the United States or subject to the laws or jurisdiction of the United States.”

Subsec. (a)(4). Pub. L. 106-544, §5(c)(1), substituted “subpoenaed” for “summoned”.

Subsec. (a)(5) to (10). Pub. L. 106-544, §5(a)(3), added pars. (5) to (10).

Subsec. (d). Pub. L. 106-544, §5(c)(2), substituted “subpoena” for “summons” in two places.

1998—Pub. L. 105-314 substituted “Administrative subpoenas in Federal health care investigations” for “Authorized investigative demand procedures” in section catchline.

Subsec. (a)(1). Pub. L. 105-277 inserted “or any act or activity involving a Federal offense relating to the sexual exploitation or other abuse of children,” after “health care offense,” in introductory provisions.

#### TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### **[§ 3486A. Repealed. Pub. L. 106-544, § 5(b)(3), Dec. 19, 2000, 114 Stat. 2718]**

Section, added Pub. L. 105-314, title VI, §606(a)(2), Oct. 30, 1998, 112 Stat. 2984, related to administrative subpoenas in cases involving child abuse and child sexual exploitation.

#### **§ 3487. Refusal to pay as evidence of embezzlement**

The refusal of any person, whether in or out of office, charged with the safe-keeping, transfer, or disbursement of the public money to pay any draft, order, or warrant, drawn upon him by the Government Accountability Office, for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received, or may be held, or to transfer or disburse any such money, promptly, upon the legal requirement of any authorized officer, shall be deemed, upon the trial of any indictment against such person for embezzlement, prima facie evidence of such embezzlement.

(June 25, 1948, ch. 645, 62 Stat. 833; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §180 (Mar. 4, 1909, ch. 321, §94, 35 Stat. 1106; June 10, 1921, ch. 18, §304, 42 Stat. 24).

“General Accounting Office” was substituted for “proper accounting officer of the Treasury”.

#### AMENDMENTS

2004—Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

#### **§ 3488. Intoxicating liquor in Indian country as evidence of unlawful introduction**

The possession by a person of intoxicating liquors in Indian country where the introduction is prohibited by treaty or Federal statute shall be prima facie evidence of unlawful introduction.

(June 25, 1948, ch. 645, 62 Stat. 834.)

#### HISTORICAL AND REVISION NOTES

Based on section 245 of title 25, U.S.C., 1940 ed., Indians (May 18, 1916, ch. 125, §1, 39 Stat. 124).

The only change made was the insertion of the word “Indian” before “country”, to substitute specificity for generality. (See definition of “Indian country” in section 1151 of this title.)

#### **§ 3489. Discovery and inspection—(Rule)**

##### SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Inspection of documents and papers taken from defendant, Rule 16.

(June 25, 1948, ch. 645, 62 Stat. 834.)

#### **§ 3490. Official record or entry—(Rule)**

##### SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Proof of official record or entry as in civil actions, Rule 27.

(June 25, 1948, ch. 645, 62 Stat. 834.)

#### **§ 3491. Foreign documents**

Any book, paper, statement, record, account, writing, or other document, or any portion thereof, of whatever character and in whatever form, as well as any copy thereof equally with the original, which is not in the United States shall, when duly certified as provided in section 3494 of this title, be admissible in evidence in any criminal action or proceeding in any court of the United States if the court shall find, from all the testimony taken with respect to such foreign document pursuant to a commission executed under section 3492 of this title, that such document (or the original thereof in case such document is a copy) satisfies the authentication requirements of the Federal Rules of Evidence, unless in the event that the genuineness of such document is denied, any party to such criminal action or proceeding making such denial shall establish to the satisfaction of the court that such document is not genuine. Nothing contained herein shall be deemed to require authentication under the provisions of section 3494 of this title of any such foreign documents which may otherwise be properly authenticated by law.

(June 25, 1948, ch. 645, 62 Stat. 834; May 24, 1949, ch. 139, §52, 63 Stat. 96; Pub. L. 88-619, §2, Oct. 3, 1964, 78 Stat. 995; Pub. L. 94-149, §3, Dec. 12, 1975, 89 Stat. 806.)

#### HISTORICAL AND REVISION NOTES

##### 1948 ACT

Based on section 695a of title 28, U.S.C., 1940 ed., Judicial Code and Judiciary (June 20, 1936, ch. 640, §2, 49 Stat. 1562.)

##### 1949 ACT

This section [section 52] corrects section 3491 of title 18, U.S.C., so that the references therein will be to the