

Whoever knowingly and willfully misrepresents, or misstates, or, for the purpose aforesaid, knowingly and willfully conceals any material fact or circumstance in respect of any such claim or application for indemnity—

Shall be fined under this title or imprisoned not more than one year, or both.

Where the amount of such claim or application for indemnity is less than \$1,000 only a fine shall be imposed.

(June 25, 1948, ch. 645, 62 Stat. 698; Pub. L. 103-322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-294, title VI, § 606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 354 (Mar. 4, 1909, ch. 321, § 224, 35 Stat. 1133; Aug. 5, 1939, ch. 429, 53 Stat. 1203).

Reference to persons causing, assisting, aiding, or abetting, was omitted as such persons are made principals by section 2 of this title.

Changes in phraseology were made.

Editorial Notes

AMENDMENTS

1996—Pub. L. 104-294 substituted “\$1,000” for “\$100” in fifth par.

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$500” in fourth par.

§ 289. False claims for pensions

Whoever knowingly and willfully makes, or presents any false, fictitious or fraudulent affidavit, declaration, certificate, voucher, endorsement, or paper or writing purporting to be such, concerning any claim for pension or payment thereof, or pertaining to any other matter within the jurisdiction of the Secretary of Veterans Affairs, or knowingly or willfully makes or presents any paper required as a voucher in drawing a pension, which paper bears a date subsequent to that upon which it was actually signed or acknowledged by the pensioner; or

Whoever knowingly and falsely certifies that the declarant, affiant, or witness named in such declaration, affidavit, voucher, endorsement, or other paper or writing personally appeared before him and was sworn thereto, or acknowledged the execution thereof—

Shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 699; Pub. L. 102-54, § 13(f)(1), June 13, 1991, 105 Stat. 275; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on section 81 of title 18, section 126 of title 38, Pensions, Bonuses, and Veterans' Relief, and section 787 of title 43, Public Lands, all of U.S.C., 1940 ed. (R.S. § 4746; July 7, 1898, ch. 578, 30 Stat. 718; Aug. 17, 1912, ch. 301, § 1, 37 Stat. 312; July 3, 1930, ch. 863, § 2, 46 Stat. 1016).

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

Words “or bounty land”, before “prosecution of any claim for pension”, were omitted as obsolete. (See reviser's note under section 290 of this title.)

Upon authority of 1930 enactment words “Administrator of Veterans' Affairs” were substituted for “Com-

missioner of Pensions or of the Secretary of the Interior”, which appeared in 1898 enactment.

The fine was changed from “\$500” for “\$10,000” to conform with punishment provision of section 287 of this title.

Minor changes in phraseology were also made.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

1991—Pub. L. 102-54 substituted “Secretary of Veterans Affairs” for “Administrator of Veterans' Affairs”.

§ 290. Discharge papers withheld by claim agent

Whoever, being a claim agent, attorney, or other person engaged in the collection of claims for pay, pension, or other allowances for any soldier, sailor, or marine, or for any commissioned officer of the military or naval forces, or for any person who may have been a soldier, sailor, marine, or officer of the regular or volunteer forces of the United States, or for his dependents or beneficiaries, retains, without the consent of the owner or owners thereof, or refuses to deliver or account for the same upon demand duly made by the owner or owners thereof, or by their agent or attorney, the discharge papers of any such soldier, sailor, or marine, or commissioned officer, which may have been placed in his hands for the purpose of collecting said claims, shall be fined under this title or imprisoned not more than six months, or both; and shall be debarred from prosecuting any such claim in any department or agency of the United States.

(June 25, 1948, ch. 645, 62 Stat. 699; Pub. L. 103-322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on section 100 of title 31, Money and Finance, section 130 of title 38, Pensions, Bonuses, and Veterans' Relief, and section 841 of title 43, Public Lands, all U.S.C., 1940 ed. (May 21, 1872, ch. 178, 17 Stat. 137).

Words “deemed guilty of a misdemeanor” were deleted as unnecessary. (See definition of “misdemeanor” in section 1 of this title.)

Words “and shall upon conviction, be” were omitted as surplusage since punishment can follow only after conviction.

To clarify meaning of “executive department” word “executive” before “department” was deleted and words “or agency” were inserted after it. (See definitions of “department” and “agency” in section 6 of this title.)

Words “bounty”, before “pension”, and “or land warrant”, before “of any such soldier”, were deleted as obsolete. According to regulations, Circular 1151, January 8, 1929, issued by the Secretary of the Interior and the General Land Office (see 43 CFR 131.1-131.2) “warrants for bounty lands were and are issued by the Commissioner of Pensions (Administrator of Veterans' Affairs) for services in wars or battles prior to March 3, 1855 only.” Further, it is stated that “Warrants can not now be ‘located’ upon the public lands. The locating privilege was denied except in the state of Missouri after the passage of the act of March 2, 1889 (25 Stat. 854; 43 U.S.C. § 700), and there are no lands known to the General Land Office to be subject to warrant location in Missouri.”

Words “and honorably discharged” were omitted as unnecessary and words “or for his dependents or beneficiaries” were inserted after “United States” so as to