

In the Senate of the United States,

July 25, 1996.

Resolved, That the bill from the House of Representatives (H.R. 3166) entitled “An Act to amend title 18, United States Code, with respect to the crime of false statement in a Government matter.”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “False Statements Pen-*
3 *alty Restoration Act”.*

4 **SEC. 2. RESTORING FALSE STATEMENTS PROHIBITION.**

5 *Section 1001 of title 18, United States Code, is amend-*
6 *ed to read as follows:*

7 **“§ 1001. Statements or entries generally**

8 *“(a) PROHIBITED CONDUCT.—*

9 *“(1) IN GENERAL.—A person shall be punished*
10 *under subsection (b) if, in any matter within the ju-*
11 *risdiction of the executive, legislative, or judicial*

1 *branch of the Federal Government, or any depart-*
2 *ment, agency, committee, subcommittee, or office*
3 *thereof, that person knowingly and willfully—*

4 *“(A) falsifies, conceals, or covers up, by any*
5 *trick, scheme, or device, a material fact;*

6 *“(B) makes any materially false, fictitious,*
7 *or fraudulent statement or representation; or*

8 *“(C) makes or uses any false writing or doc-*
9 *ument, knowing that the document contains any*
10 *materially false, fictitious, or fraudulent state-*
11 *ment or entry.*

12 *“(2) APPLICABILITY.—This section shall not*
13 *apply to parties to a judicial proceeding or anyone*
14 *seeking to become a party to a judicial proceeding, or*
15 *their counsel, for statements, representations, or docu-*
16 *ments submitted by them to a judge in connection*
17 *with the performance of an adjudicative function.*

18 *“(b) PENALTIES.—A person who violates this section*
19 *shall be fined under this title, imprisoned not more than*
20 *5 years, or both.”.*

21 **SEC. 3. CLARIFYING PROHIBITION ON OBSTRUCTING CON-**
22 **GRESS.**

23 *Section 1515 of title 18, United States Code, is amend-*
24 *ed—*

1 (1) *by redesignating subsection (b) as subsection*
2 *(c); and*

3 (2) *by inserting after subsection (a) the following*
4 *new subsection:*

5 “(b) *CORRUPTLY.*—*As used in section 1505, the term*
6 *‘corruptly’ means acting with an improper purpose, person-*
7 *ally or by influencing another, including making a false*
8 *or misleading statement, or withholding, concealing, alter-*
9 *ing, or destroying a document or other information.”.*

10 **SEC. 4. ENFORCING SENATE SUBPOENA.**

11 *Section 1365(a) of title 28, United States Code, is*
12 *amended in the second sentence, by striking “Federal Gov-*
13 *ernment acting within his official capacity” and inserting*
14 *“executive branch of the Federal Government acting within*
15 *his or her official capacity, except that this section shall*
16 *apply if the refusal to comply is based on the assertion of*
17 *a personal privilege or objection and is not based on a gov-*
18 *ernmental privilege or objection the assertion of which has*
19 *been authorized by the executive branch of the Federal Gov-*
20 *ernment”.*

21 **SEC. 5. COMPELLING TRUTHFUL TESTIMONY FROM IMMUNIZED WITNESS.**

22 *Section 6005 of title 18, United States Code, is amend-*
23 *ed—*
24 *ed—*

- 1 (1) *in subsection (a), by inserting “or ancillary*
2 *to” after “any proceeding before”; and*
- 3 (2) *in subsection (b)—*
- 4 (A) *in paragraphs (1) and (2), by inserting*
5 *“or ancillary to” after “a proceeding before”*
6 *each place that term appears; and*
- 7 (B) *in paragraph (3), by adding a period*
8 *at the end.*

Amend the title so as to read: “An Act to prohibit false statements to Congress, to clarify congressional authority to obtain truthful testimony, and for other purposes.”.

Attest:

Secretary.

104TH CONGRESS
2^D SESSION

H. R. 3166

AMENDMENTS