

104TH CONGRESS
2D SESSION

S. 1734

To prohibit false statements to Congress, to clarify congressional authority to obtain truthful testimony, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 8, 1996

Mr. SPECTER (for himself, Mr. LEVIN, Mr. STEVENS, Mr. NUNN, Mr. COHEN, Mr. INOUE, Mr. JEFFORDS, Mr. LEAHY, and Mr. KOHL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit false statements to Congress, to clarify congressional authority to obtain truthful testimony, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “False Statements Pen-
5 alty Restoration Act”.

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

7 Section 1001 of title 18, United States Code, is
8 amended to read as follows:

1 **“§ 1001. Statements or entries generally**

2 “(a) PROHIBITED CONDUCT.—

3 “(1) IN GENERAL.—A person shall be punished
4 under subsection (b) if, in any matter within the ju-
5 risdiction of the executive, legislative, or judicial
6 branch of the United States Government, or any de-
7 partment, agency, committee, subcommittee, or of-
8 fice thereof, that person knowingly and willfully—

9 “(A) falsifies, conceals, or covers up, by
10 any trick, scheme, or device, a material fact;

11 “(B) makes any materially false, fictitious,
12 or fraudulent statement or representation; or

13 “(C) makes or uses any false writing or
14 document, knowing that the document contains
15 any materially false, fictitious, or fraudulent
16 statement or entry.

17 “(2) APPLICABILITY.—This section shall not
18 apply to statements, representations, writings, or
19 documents submitted to a court in connection with
20 the performance of an adjudicative function.

21 “(b) PENALTIES.—A person who violates this section
22 shall be fined under this title, imprisoned for not more
23 than 5 years, or both.”.

1 **SEC. 3. CLARIFYING PROHIBITION ON OBSTRUCTING**
2 **CONGRESS.**

3 Section 1515 of title 18, United States Code, is
4 amended—

5 (1) by redesignating subsection (b) as sub-
6 section (c); and

7 (2) by inserting after subsection (a) the follow-
8 ing new subsection:

9 “(b) As used in section 1505, the term ‘corruptly’
10 means acting with an improper purpose, personally or by
11 influencing another, including, but not limited to, making
12 a false or misleading statement, or withholding, conceal-
13 ing, altering, or destroying a document or other informa-
14 tion.”.

15 **SEC. 4. ENFORCING SENATE SUBPOENA.**

16 Section 1365(a) of title 28, United States Code, is
17 amended in the second sentence, by striking “Federal
18 Government acting within his official capacity” and insert-
19 ing “Executive Branch of the Federal Government acting
20 within his or her official capacity, if the head of the de-
21 partment or agency employing the officer or employee has
22 directed the officer or employee not to comply with the
23 subpoena or order and identified the Executive Branch
24 privilege or objection underlying such direction”.

1 **SEC. 5. COMPELLING TRUTHFUL TESTIMONY FROM IMMUNIZED WITNESS.**
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3 Section 6005 of title 18, United States Code, is
4 amended—

5 (1) in subsection (a), by inserting “or ancillary
6 to” after “any proceeding before”; and

7 (2) in subsection (b)—

8 (A) in paragraphs (1) and (2), by inserting
9 “or ancillary to” after “a proceeding before”
10 each place it appears; and

11 (B) in paragraph (3), by inserting a period
12 at the end.

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