

Union Calendar No. 499

112TH CONGRESS
2^D SESSION

H. R. 2572

[Report No. 112-688]

To amend title 18, United States Code, to deter public corruption, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2011

Mr. SENSENBRENNER (for himself and Mr. QUIGLEY) introduced the following
bill; which was referred to the Committee on the Judiciary

SEPTEMBER 21, 2012

Additional sponsor: Mr. COHEN

SEPTEMBER 21, 2012

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on July 15, 2011]

A BILL

To amend title 18, United States Code, to deter public corruption, 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 “Clean Up Government*
5 *Act of 2011”.*

6 **SEC. 2. VENUE FOR FEDERAL OFFENSES.**

7 *Section 3237(a) of title 18, United States Code, is*
8 *amended by inserting after “begun, continued, or com-*
9 *pleted” the following: “or in any district in which an act*
10 *in furtherance of an offense is committed”.*

11 **SEC. 3. THEFT OR BRIBERY CONCERNING PROGRAMS RE-**
12 **CEIVING FEDERAL FINANCIAL ASSISTANCE.**

13 *Section 666(a) of title 18, United States Code, is*
14 *amended—*

15 (1) *by striking “10 years” and inserting “20*
16 *years”;*

17 (2) *by striking “\$5,000” the second place and the*
18 *third place it appears and inserting “\$1,000”;*

19 (3) *by striking “anything of value” each place it*
20 *appears and inserting “any thing or things of value”;*
21 *and*

22 (4) *in paragraph (1)(B), by inserting after “any*
23 *thing” the following: “or things”.*

1 **SEC. 4. PENALTY FOR SECTION 641 VIOLATIONS.**

2 *Section 641 of title 18, United States Code, is amended*
3 *by striking “ten years” and inserting “15 years”.*

4 **SEC. 5. BRIBERY AND GRAFT.**

5 *Section 201 of title 18, United States Code, is amend-*
6 *ed—*

7 *(1) in subsection (a)—*

8 *(A) in paragraph (2), by striking “and” at*
9 *the end;*

10 *(B) in paragraph (3), by striking the period*
11 *at the end; and*

12 *(C) by adding at the end the following:*

13 *“(4) the term ‘rule or regulation’ means a Fed-*
14 *eral regulation or a rule of the House of Representa-*
15 *tives or the Senate, including those rules and regula-*
16 *tions governing the acceptance of campaign contribu-*
17 *tions.”;*

18 *(2) in subsection (b), by striking “fifteen years”*
19 *and inserting “20 years”;*

20 *(3) in subsection (c)—*

21 *(A) by striking “two years” and inserting*
22 *“five years”; and*

23 *(B) in paragraph (1), in the matter pre-*
24 *ceding subparagraph (A), to read as follows:*

25 *“otherwise than as provided by law for the prop-*

1 *er discharge of official duty, or by rule or regula-*
2 *tion, knowingly—”; and*

3 *(4) by striking “anything of value” each place it*
4 *appears and inserting “any thing or things of value*
5 *of not less than \$1,000”.*

6 **SEC. 6. ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF**
7 **PUBLIC MONEY OFFENSE.**

8 *Section 641 of title 18, United States Code, is amended*
9 *by inserting “the District of Columbia or” before “the*
10 *United States” each place such term appears.*

11 **SEC. 7. CLARIFICATION OF CRIME OF ILLEGAL GRATUITIES.**

12 *Subparagraphs (A) and (B) of section 201(c)(1) of title*
13 *18, United States Code, are each amended by inserting “the*
14 *official’s or person’s official position or” before “any official*
15 *act”.*

16 **SEC. 8. CLARIFICATION OF DEFINITION OF “OFFICIAL ACT”.**

17 *Section 201(a)(3) of title 18, United States Code, is*
18 *amended to read as follows:*

19 *“(3) the term ‘official act’—*

20 *“(A) means any act within the range of of-*
21 *ficial duty, and any decision, recommendation,*
22 *or action on any question, matter, cause, suit,*
23 *proceeding, or controversy, which may at any*
24 *time be pending, or which may by law be*
25 *brought before any public official, in such public*

1 *official’s official capacity or in such official’s*
2 *place of trust or profit; and*

3 *“(B) may be a single act, more than one*
4 *act, or a course of conduct.”.*

5 **SEC. 9. AMENDMENT OF THE SENTENCING GUIDELINES RE-**
6 **LATING TO CERTAIN CRIMES.**

7 *(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursu-*
8 *ant to its authority under section 994(p) of title 28, United*
9 *States Code, and in accordance with this section, the United*
10 *States Sentencing Commission forthwith shall review and,*
11 *if appropriate, amend its guidelines and its policy state-*
12 *ments applicable to persons convicted of an offense under*
13 *section 201, 641, or 666 of title 18, United States Code in*
14 *order to reflect the intent of Congress that such penalties*
15 *meet the requirements in subsection (b) of this section.*

16 *(b) REQUIREMENTS.—In carrying out this subsection,*
17 *the Commission shall—*

18 *(1) ensure that the sentencing guidelines and*
19 *policy statements reflect Congress’s intent that the*
20 *guidelines and policy statements reflect the serious*
21 *nature of the offenses described in paragraph (1), the*
22 *incidence of such offenses, and the need for an effec-*
23 *tive deterrent and appropriate punishment to prevent*
24 *such offenses;*

1 (2) *consider the extent to which the guidelines*
2 *may or may not appropriately account for—*

3 (A) *the potential and actual harm to the*
4 *public and the amount of any loss resulting from*
5 *the offense;*

6 (B) *the level of sophistication and planning*
7 *involved in the offense;*

8 (C) *whether the offense was committed for*
9 *purposes of commercial advantage or private fi-*
10 *nancial benefit;*

11 (D) *whether the defendant acted with intent*
12 *to cause either physical or property harm in*
13 *committing the offense;*

14 (E) *the extent to which the offense rep-*
15 *resented an abuse of trust by the offender and*
16 *was committed in a manner that undermined*
17 *public confidence in the Federal, State or local*
18 *government; and*

19 (F) *whether the violation was intended to or*
20 *had the effect of creating a threat to public*
21 *health or safety, injury to any person or even*
22 *death;*

23 (3) *assure reasonable consistency with other rel-*
24 *evant directives and with other sentencing guidelines;*

1 (4) account for any additional aggravating or
2 mitigating circumstances that might justify excep-
3 tions to the generally applicable sentencing ranges;

4 (5) make any necessary conforming changes to
5 the sentencing guidelines; and

6 (6) assure that the guidelines adequately meet
7 the purposes of sentencing as set forth in section
8 3553(a)(2) of title 18, United States Code.

9 **SEC. 10. EXTENSION OF STATUTE OF LIMITATIONS FOR SE-**
10 **RIOUS PUBLIC CORRUPTION OFFENSES.**

11 (a) *IN GENERAL.*—Chapter 213 of title 18, United
12 States Code, is amended by adding at the end the following:

13 **“§ 3302. Corruption offenses**

14 “Unless an indictment is returned or the information
15 is filed against a person within 6 years after the commis-
16 sion of the offense, a person may not be prosecuted, tried,
17 or punished for a violation of, or a conspiracy or an at-
18 tempt to violate the offense in—

19 “(1) section 201 or 666;

20 “(2) section 1341 or 1343, when charged in con-
21 junction with section 1346 and where the offense in-
22 volves a scheme or artifice to deprive another of the
23 intangible right of honest services of a public official;

24 “(3) section 1951, if the offense involves extortion
25 under color of official right;

1 “(4) section 1952, to the extent that the unlawful
2 activity involves bribery; or

3 “(5) section 1962, to the extent that the racket-
4 eering activity involves bribery chargeable under
5 State law, involves a violation of section 201 or 666,
6 section 1341 or 1343, when charged in conjunction
7 with section 1346 and where the offense involves a
8 scheme or artifice to deprive another of the intangible
9 right of honest services of a public official, or section
10 1951, if the offense involves extortion under color of
11 official right.”.

12 (b) *CLERICAL AMENDMENT.*—The table of sections at
13 the beginning of chapter 213 of title 18, United States Code,
14 is amended by adding at the end the following new item:
 “3302. Corruption offenses.”.

15 (c) *APPLICATION OF AMENDMENT.*—The amendments
16 made by this section shall not apply to any offense com-
17 mitted before the date of enactment of this Act.

18 **SEC. 11. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN**
19 **PUBLIC CORRUPTION RELATED OFFENSES.**

20 (a) *SOLICITATION OF POLITICAL CONTRIBUTIONS.*—
21 Section 602(a)(4) of title 18, United States Code, is amend-
22 ed by striking “3 years” and inserting “5 years”.

23 (b) *PROMISE OF EMPLOYMENT FOR POLITICAL ACTIV-*
24 *ITY.*—Section 600 of title 18, United States Code, is amend-
25 ed by striking “one year” and inserting “3 years”.

1 (c) *DEPRIVATION OF EMPLOYMENT FOR POLITICAL*
2 *ACTIVITY.*—Section 601(a) of title 18, United States Code,
3 is amended by striking “one year” and inserting “3 years”.

4 (d) *INTIMIDATION TO SECURE POLITICAL CONTRIBU-*
5 *TIONS.*—Section 606 of title 18, United States Code, is
6 amended by striking “three years” and inserting “5 years”.

7 (e) *SOLICITATION AND ACCEPTANCE OF CONTRIBU-*
8 *TIONS IN FEDERAL OFFICES.*—Section 607(a)(2) of title 18,
9 United States Code, is amended by striking “3 years” and
10 inserting “5 years”.

11 (f) *COERCION OF POLITICAL ACTIVITY BY FEDERAL*
12 *EMPLOYEES.*—Section 610 of title 18, United States Code,
13 is amended by striking “three years” and inserting “5
14 years”.

15 **SEC. 12. ADDITIONAL WIRETAP PREDICATES.**

16 Section 2516(1)(c) of title 18, United States Code, is
17 amended—

18 (1) by inserting “section 641 (relating to embez-
19 zlement or theft of public money, property, or
20 records), section 666 (relating to theft or bribery con-
21 cerning programs receiving Federal funds),” after
22 “section 224 (bribery in sporting contests),”; and

23 (2) by inserting “section 1031 (relating to major
24 fraud against the United States)” after “section 1014

1 *(relating to loans and credit applications generally;*
2 *renewals and discounts),”.*

3 **SEC. 13. EXPANDING VENUE FOR PERJURY AND OBSTRUC-**
4 **TION OF JUSTICE PROCEEDINGS.**

5 *(a) IN GENERAL.—Section 1512(i) of title 18, United*
6 *States Code, is amended to read as follows:*

7 *“(i) A prosecution under section 1503, 1504, 1505,*
8 *1508, 1509, 1510, or this section may be brought in the*
9 *district in which the conduct constituting the alleged offense*
10 *occurred or in which the official proceeding (whether or not*
11 *pending or about to be instituted) was intended to be af-*
12 *ected.”.*

13 *(b) PERJURY.—*

14 *(1) IN GENERAL.—Chapter 79 of title 18, United*
15 *States Code, is amended by adding at the end the fol-*
16 *lowing:*

17 **“§ 1624. Venue**

18 *“A prosecution under section 1621(1), 1622 (in regard*
19 *to subornation of perjury under 1621(1)), or 1623 of this*
20 *title may be brought in the district in which the oath, dec-*
21 *laration, certificate, verification, or statement under pen-*
22 *alty of perjury is made or in which a proceeding takes place*
23 *in connection with the oath, declaration, certificate,*
24 *verification, or statement.”.*

1 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 2 *tions at the beginning of chapter 79 of title 18,*
 3 *United States Code, is amended by adding at the end*
 4 *the following:*

“1624. Venue.”.

5 **SEC. 14. PROHIBITION ON UNDISCLOSED SELF-DEALING BY**
 6 **PUBLIC OFFICIALS.**

7 (a) *IN GENERAL.*—*Chapter 63 of title 18, United*
 8 *States Code, is amended by inserting after section 1346 the*
 9 *following new section:*

10 **“§ 1346A. Undisclosed self-dealing by public officials**

11 “(a) *UNDISCLOSED SELF-DEALING BY PUBLIC OFFI-*
 12 *CIALS.*—*For purposes of this chapter, the term ‘scheme or*
 13 *artifice to defraud’ also includes a scheme or artifice by*
 14 *a public official to engage in undisclosed self-dealing.*

15 “(b) *DEFINITIONS.*—*As used in this section:*

16 “(1) *OFFICIAL ACT.*—*The term ‘official act’—*

17 “(A) *means any act within the range of of-*
 18 *ficial duty, and any decision, recommendation,*
 19 *or action on any question, matter, cause, suit,*
 20 *proceeding, or controversy, which may at any*
 21 *time be pending, or which may by law be*
 22 *brought before any public official, in such public*
 23 *official’s official capacity or in such official’s*
 24 *place of trust or profit; and*

1 “(B) may be a single act, more than one
2 act, or a course of conduct.

3 “(2) *PUBLIC OFFICIAL*.—The term ‘public offi-
4 cial’ means an officer, employee, or elected or ap-
5 pointed representative, or person acting for or on be-
6 half of the United States, a State, or a subdivision of
7 a State, or any department, agency or branch of gov-
8 ernment thereof, in any official function, under or by
9 authority of any such department, agency, or branch
10 of government.

11 “(3) *STATE*.—The term ‘State’ includes a State
12 of the United States, the District of Columbia, and
13 any commonwealth, territory, or possession of the
14 United States.

15 “(4) *UNDISCLOSED SELF-DEALING*.—The term
16 ‘undisclosed self-dealing’ means that—

17 “(A) a public official performs an official
18 act for the purpose, in whole or in material part,
19 of furthering or benefitting a financial interest,
20 of which the public official has knowledge, of—

21 “(i) the public official;

22 “(ii) the spouse or minor child of a
23 public official;

24 “(iii) a general business partner of the
25 public official;

1 “(iv) a business or organization in
2 which the public official is serving as an
3 employee, officer, director, trustee, or gen-
4 eral partner;

5 “(v) an individual, business, or orga-
6 nization with whom the public official is
7 negotiating for, or has any arrangement
8 concerning, prospective employment or fi-
9 nancial compensation; or

10 “(vi) an individual, business, or orga-
11 nization from whom the public official has
12 received any thing or things of value, other-
13 wise than as provided by law for the proper
14 discharge of official duty, or by rule or reg-
15 ulation; and

16 “(B) the public official knowingly falsifies,
17 conceals, or covers up material information that
18 is required to be disclosed by any Federal, State,
19 or local statute, rule, regulation, or charter ap-
20 plicable to the public official, or the knowing
21 failure of the public official to disclose material
22 information in a manner that is required by any
23 Federal, State, or local statute, rule, regulation,
24 or charter applicable to the public official.

1 “(5) *MATERIAL INFORMATION.*—*The term ‘mate-*
2 *rial information’ means information—*

3 “(A) *regarding a financial interest of a per-*
4 *son described in clauses (i) through (iv) para-*
5 *graph (4)(A); and*

6 “(B) *regarding the association, connection,*
7 *or dealings by a public official with an indi-*
8 *vidual, business, or organization as described in*
9 *clauses (iii) through (vi) of paragraph 4.”.*

10 (b) *CONFORMING AMENDMENT.*—*The table of sections*
11 *for chapter 63 of title 18, United States Code, is amended*
12 *by inserting after the item relating to section 1346 the fol-*
13 *lowing new item:*

 “1346A. *Undisclosed self-dealing by public officials.*”.

14 (c) *APPLICABILITY.*—*The amendments made by this*
15 *section apply to acts engaged in on or after the date of the*
16 *enactment of this Act.*

17 **SEC. 15. DISCLOSURE OF INFORMATION IN COMPLAINTS**
18 **AGAINST JUDGES.**

19 Section 360(a) of title 28, United States Code, is
20 *amended—*

21 (1) *in paragraph (2) by striking “or”;*

22 (2) *in paragraph (3), by striking the period at*
23 *the end, and inserting “; or”;* and

24 (3) *by inserting after paragraph (3) the fol-*
25 *lowing:*

1 “(4) such disclosure of information regarding a
2 potential criminal offense is made to the Attorney
3 General, a Federal, State, or local grand jury, or a
4 Federal, State, or local law enforcement agency.”.

5 **SEC. 16. CLARIFICATION OF EXEMPTION IN CERTAIN BRIB-**
6 **ERY OFFENSES.**

7 Section 666(c) of title 18, United States Code, is
8 amended—

9 (1) by striking “This section does not apply to”;
10 and

11 (2) by inserting “The term ‘anything of value’
12 that is corruptly solicited, demanded, accepted or
13 agreed to be accepted in subsection (a)(1)(B) or cor-
14 ruptly given, offered, or agreed to be given in sub-
15 section (a)(2) shall not include”, before “bona fide
16 salary”.

17 **SEC. 17. CERTIFICATIONS REGARDING APPEALS BY UNITED**
18 **STATES.**

19 Section 3731 of title 18, United States Code, is amend-
20 ed by inserting after “United States attorney” the fol-
21 lowing: “, Deputy Attorney General, Assistant Attorney
22 General, or the Attorney General”.

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