

112TH CONGRESS
1ST SESSION

H. R. 1793

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

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2011

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

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. APPLICATION OF MAIL AND WIRE FRAUD STATUTES**
7 **TO LICENCES AND OTHER INTANGIBLE**
8 **RIGHTS.**

9 Sections 1341 and 1343 of title 18, United States
10 Code, are each amended by striking “money or property”

1 and inserting “money, property, or any other thing of
2 value”.

3 **SEC. 3. VENUE FOR FEDERAL OFFENSES.**

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

8 **SEC. 4. THEFT OR BRIBERY CONCERNING PROGRAMS RE-**
9 **CEIVING FEDERAL FINANCIAL ASSISTANCE.**

10 Section 666(a) of title 18, United States Code, is
11 amended by striking “10 years” and inserting “20 years”.

12 **SEC. 5. PENALTY FOR SECTION 641 VIOLATIONS.**

13 Section 641 of title 18, United States Code, is
14 amended by striking “ten years” and inserting “20
15 years”.

16 **SEC. 6. BRIBERY AND GRAFT.**

17 Section 201 of title 18, United States Code, is
18 amended—

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

21 (2) in subsection (c), by striking “two years”
22 and inserting “five years”.

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

3 Section 641 of title 18, United States Code, is
4 amended by inserting “the District of Columbia or” before
5 “the United States” each place such term appears.

6 **SEC. 8. CLARIFICATION OF CRIME OF ILLEGAL GRATU-**
7 **ITIES.**

8 Subparagraphs (A) and (B) of section 201(c)(1) of
9 title 18, United States Code, are each amended by insert-
10 ing “the official’s or person’s official position or” before
11 “any official act”.

12 **SEC. 9. CLARIFICATION OF DEFINITION OF “OFFICIAL ACT”.**

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

15 “(3) the term ‘official act’—

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

24 “(B) may be a single act, more than one
25 act, or a course of conduct; and

1 “(C) includes a decision or recommenda-
2 tion that a government should not take ac-
3 tion.”.

4 **SEC. 10. AMENDMENT OF THE SENTENCING GUIDELINES**
5 **RELATING TO CERTAIN CRIMES.**

6 (a) **DIRECTIVE TO SENTENCING COMMISSION.**—Pur-
7 suant to its authority under section 994(p) of title 28,
8 United States Code, and in accordance with this section,
9 the United States Sentencing Commission forthwith shall
10 review and amend its guidelines and its policy statements
11 applicable to persons convicted of an offense under section
12 201, 641, 666, 1951, 1952, or 1962 of title 18, United
13 States Code in order to reflect the intent of Congress that
14 such penalties be increased in comparison to those cur-
15 rently provided by guidelines and policy statements.

16 (b) **REQUIREMENTS.**—In carrying out this sub-
17 section, 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),
22 the growing incidence of such offenses, and the need
23 for an effective deterrent and appropriate punish-
24 ment to prevent 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
5 from 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 in-
12 tent to cause either physical or property harm
13 in 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
20 or 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
24 relevant directives and with other sentencing guide-
25 lines;

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. 11. 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 fol-
13 lowing:

14 **“§ 3302. Corruption offenses**

15 “Unless an indictment is returned or the information
16 is filed against a person within 10 years after the commis-
17 sion of the offense, a person may not be prosecuted, tried,
18 or punished for a violation of, or a conspiracy or an at-
19 tempt to violate the offense in—

20 “(1) section 201 or 666;

21 “(2) section 1341 or 1343, when charged in
22 conjunction with section 1346 and where the offense
23 involves a scheme or artifice to deprive another of
24 the intangible right of honest services of a public of-
25 ficial;

1 (b) PROMISE OF EMPLOYMENT FOR POLITICAL AC-
2 TIVITY.—Section 600 of title 18, United States Code, is
3 amended by striking “one year” and inserting “10 years”.

4 (c) DEPRIVATION OF EMPLOYMENT FOR POLITICAL
5 ACTIVITY.—Section 601(a) of title 18, United States
6 Code, is amended by striking “one year” and inserting
7 “10 years”.

8 (d) INTIMIDATION TO SECURE POLITICAL CON-
9 TRIBUTIONS.—Section 606 of title 18, United States
10 Code, is amended by striking “three years” and inserting
11 “10 years”.

12 (e) SOLICITATION AND ACCEPTANCE OF CONTRIBU-
13 TIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title
14 18, United States Code, is amended by striking “3 years”
15 and inserting “10 years”.

16 (f) COERCION OF POLITICAL ACTIVITY BY FEDERAL
17 EMPLOYEES.—Section 610 of title 18, United States
18 Code, is amended by striking “three years” and inserting
19 “10 years”.

20 **SEC. 13. ADDITIONAL RICO PREDICATES.**

21 (a) IN GENERAL.—Section 1961(1) of title 18,
22 United States Code, is amended—

23 (1) by inserting “section 641 (relating to em-
24 bezzlement or theft of public money, property, or
25 records),” after “473 (relating to counterfeiting),”;

1 (2) by inserting “section 666 (relating to theft
2 or bribery concerning programs receiving Federal
3 funds),” after “section 664 (relating to embezzle-
4 ment from pension and welfare funds),”; and

5 (3) by inserting “section 1031 (relating to
6 major fraud against the United States)” after “sec-
7 tion 1029 (relating to fraud and related activity in
8 connection with access devices),”.

9 (b) CONFORMING AMENDMENTS.—Section
10 1956(c)(7)(D) of title 18, United States Code, is amend-
11 ed—

12 (1) by striking “section 641 (relating to public
13 money, property, or records),”; and

14 (2) by striking “section 666 (relating to theft
15 or bribery concerning programs receiving Federal
16 funds),”.

17 **SEC. 14. ADDITIONAL WIRETAP PREDICATES.**

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

20 (1) by inserting “section 641 (relating to em-
21 bezzlement or theft of public money, property, or
22 records), section 666 (relating to theft or bribery
23 concerning programs receiving Federal funds),”
24 after “section 224 (bribery in sporting contests),”;
25 and

1 takes place in connection with the oath, declaration, cer-
 2 tificate, verification, or statement.”.

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

“1624. Venue.”.

7 **SEC. 16. PROHIBITION ON UNDISCLOSED SELF-DEALING BY**
 8 **PUBLIC OFFICIALS.**

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

12 **“§ 1346A. Undisclosed self-dealing by public officials**

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

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

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

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

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

3 “(B) may be a single act, more than one
4 act, or a course of conduct; and

5 “(C) includes a decision or recommenda-
6 tion that a government should not take action.

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

15 “(3) STATE.—The term ‘State’ includes a State
16 of the United States, the District of Columbia, and
17 any commonwealth, territory, or possession of the
18 United States.

19 “(4) UNDISCLOSED SELF-DEALING.—The term
20 ‘undisclosed self-dealing’ means that—

21 “(A) a public official performs an official
22 act for the purpose, in whole or in part, of ben-
23 efitting or furthering a financial interest of—

24 “(i) the public official;

1 “(ii) the spouse or minor child of a
2 public official;

3 “(iii) a general business partner of the
4 public official;

5 “(iv) a business or organization in
6 which the public official is serving as an
7 employee, officer, director, trustee, or gen-
8 eral partner; or

9 “(v) an individual, business, or orga-
10 nization with whom the public official is
11 negotiating for, or has any arrangement
12 concerning, prospective employment or fi-
13 nancial compensation; and

14 “(B) the public official knowingly falsifies,
15 conceals, or covers up material information that
16 is required to be disclosed regarding that finan-
17 cial interest by any Federal, State, or local stat-
18 ute, rule, regulation, or charter applicable to
19 the public official, or knowingly fails to disclose
20 material information regarding that financial
21 interest in a manner that is required by any
22 Federal, State, or local statute, rule, regulation,
23 or charter applicable to the public official.”.

24 (b) CONFORMING AMENDMENT.—The table of sec-
25 tions for chapter 63 of title 18, United States Code, is

1 amended by inserting after the item relating to section
2 1346 the following new item:

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

3 (c) APPLICABILITY.—The amendments made by this
4 section apply to acts engaged in on or after the date of
5 the enactment of this Act.

6 **SEC. 17. DISCLOSURE OF INFORMATION IN COMPLAINTS**
7 **AGAINST JUDGES.**

8 Section 360(a) of title 28, United States Code, is
9 amended—

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

11 (2) in paragraph (3), by striking the period at
12 the end, and inserting “; or”; and

13 (3) by inserting after paragraph (3) the fol-
14 lowing:

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

19 **SEC. 18. CLARIFICATION OF EXEMPTION IN CERTAIN BRIB-**
20 **ERY OFFENSES.**

21 Section 666(e) of title 18, United States Code, is
22 amended—

23 (1) by striking “This section does not apply
24 to”; and

