

112TH CONGRESS
1ST SESSION

S. 995

To amend title 18, United States Code, to prohibit public officials from engaging in undisclosed self-dealing.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2011

Mr. KIRK introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit public officials from engaging in undisclosed self-dealing.

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 “Public Officials Ac-
5 countability Act”.

6 **SEC. 2. PROHIBITION ON UNDISCLOSED SELF-DEALING BY**
7 **PUBLIC OFFICIALS.**

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

1 **“§ 1346A. Undisclosed self-dealing by public officials**

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

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

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

8 “(A) includes any act within the range of
 9 official duty, and any decision, recommendation,
 10 or action on any question, matter, cause, suit,
 11 proceeding, or controversy, which may at any
 12 time be pending, or which may by law be
 13 brought before any public official, in such pub-
 14 lic official’s official capacity or in such official’s
 15 place of trust or profit;

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

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

20 “(2) **PUBLIC OFFICIAL.**—The term ‘public offi-
 21 cial’ means an officer, employee, or elected or ap-
 22 pointed representative, or person acting for or on be-
 23 half of, the United States, a State, or a subdivision
 24 of a State, or any department, agency or branch of
 25 government thereof, in any official function, under

1 or by authority of any such department, agency, or
2 branch of government.

3 “(3) STATE.—The term ‘State’ includes a State
4 of the United States, the District of Columbia, and
5 any commonwealth, territory, or possession of the
6 United States.

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

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

12 “(i) the public official;

13 “(ii) the spouse or minor child of a
14 public official;

15 “(iii) a general business partner of the
16 public official;

17 “(iv) a business or organization in
18 which the public official is serving as an
19 employee, officer, director, trustee, or gen-
20 eral partner; or

21 “(v) an individual, business, or orga-
22 nization with whom the public official is
23 negotiating for, or has any arrangement
24 concerning, prospective employment or fi-
25 nancial compensation; and

1 “(B) the public official knowingly falsifies,
2 conceals, covers up, or fails to disclose material
3 information regarding that financial interest
4 that is required to be disclosed by any Federal,
5 State, or local statute, rule, regulation, or char-
6 ter applicable to the public official.”.

7 (b) CONFORMING AMENDMENT.—The table of sec-
8 tions for chapter 63 of title 18, United States Code, is
9 amended by inserting after the item relating to section
10 1346 the following new item:

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

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

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