

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2572
OFFERED BY MR. SENSENBRENNER OF
WISCONSIN**

Strike all that follows after the enacting clause and
insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Clean Up Government
3 Act of 2011”.

4 SEC. 2. VENUE FOR FEDERAL OFFENSES.

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

**9 SEC. 3. THEFT OR BRIBERY CONCERNING PROGRAMS RE-
10 CEIVING FEDERAL FINANCIAL ASSISTANCE.**

11 Section 666(a) of title 18, United States Code, is
12 amended—

13 (1) by striking “10 years” and inserting “20
14 years”;

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

1 (3) by striking “anything of value” each place
2 it appears and inserting “any thing or things of
3 value”; and

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

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

7 Section 641 of title 18, United States Code, is
8 amended by striking “ten years” and inserting “15
9 years”.

10 **SEC. 5. BRIBERY AND GRAFT.**

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

13 (1) in subsection (a)—

14 (A) in paragraph (2), by striking “and” at
15 the end;

16 (B) in paragraph (3), by striking the pe-
17 riod at the end; and

18 (C) by adding at the end the following:

19 “(4) the term ‘rule or regulation’ means a Fed-
20 eral regulation or a rule of the House of Representa-
21 tives or the Senate, including those rules and regula-
22 tions governing the acceptance of campaign con-
23 tributions.”;

24 (2) in subsection (b), by striking “fifteen years”
25 and inserting “20 years”;

1 (3) in subsection (c)—

2 (A) by striking “two years” and inserting
3 “five years”; and

4 (B) in paragraph (1), in the matter pre-
5 ceding subparagraph (A), to read as follows:
6 “otherwise than as provided by law for the
7 proper discharge of official duty, or by rule or
8 regulation, knowingly—”; and

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

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

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

17 **SEC. 7. CLARIFICATION OF CRIME OF ILLEGAL GRATU-**
18 **ITIES.**

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

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

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

1 “(3) the term ‘official act’—

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

10 “(B) may be a single act, more than one
11 act, or a course of conduct.”.

12 **SEC. 9. AMENDMENT OF THE SENTENCING GUIDELINES RE-**
13 **LATING TO CERTAIN CRIMES.**

14 (a) **DIRECTIVE TO SENTENCING COMMISSION.**—Pur-
15 suant to its authority under section 994(p) of title 28,
16 United States Code, and in accordance with this section,
17 the United States Sentencing Commission forthwith shall
18 review and amend its guidelines and its policy statements
19 applicable to persons convicted of an offense under section
20 201, 641, or 666 of title 18, United States Code in order
21 to reflect the intent of Congress that such penalties be
22 increased in comparison to those currently provided by
23 guidelines and policy statements.

24 (b) **REQUIREMENTS.**—In carrying out this sub-
25 section, the Commission shall—

1 (1) ensure that the sentencing guidelines and
2 policy statements reflect Congress's intent that the
3 guidelines and policy statements reflect the serious
4 nature of the offenses described in paragraph (1),
5 the incidence of such offenses, and the need for an
6 effective deterrent and appropriate punishment to
7 prevent such offenses;

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

10 (A) the potential and actual harm to the
11 public and the amount of any loss resulting
12 from the offense;

13 (B) the level of sophistication and planning
14 involved in the offense;

15 (C) whether the offense was committed for
16 purposes of commercial advantage or private fi-
17 nancial benefit;

18 (D) whether the defendant acted with in-
19 tent to cause either physical or property harm
20 in committing the offense;

21 (E) the extent to which the offense rep-
22 resented an abuse of trust by the offender and
23 was committed in a manner that undermined
24 public confidence in the Federal, State or local
25 government; and

1 (F) whether the violation was intended to
2 or had the effect of creating a threat to public
3 health or safety, injury to any person or even
4 death;

5 (3) assure reasonable consistency with other
6 relevant directives and with other sentencing guide-
7 lines;

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

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

13 (6) assure that the guidelines adequately meet
14 the purposes of sentencing as set forth in section
15 3553(a)(2) of title 18, United States Code.

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

18 (a) IN GENERAL.—Chapter 213 of title 18, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 **“§ 3302. Corruption offenses**

22 “Unless an indictment is returned or the information
23 is filed against a person within 6 years after the commis-
24 sion of the offense, a person may not be prosecuted, tried,

1 or punished for a violation of, or a conspiracy or an at-
2 tempt to violate the offense in—

3 “(1) section 201 or 666;

4 “(2) section 1341 or 1343, when charged in
5 conjunction with section 1346 and where the offense
6 involves a scheme or artifice to deprive another of
7 the intangible right of honest services of a public of-
8 ficial;

9 “(3) section 1951, if the offense involves extor-
10 tion under color of official right;

11 “(4) section 1952, to the extent that the unlaw-
12 ful activity involves bribery; or

13 “(5) section 1962, to the extent that the racket-
14 eering activity involves bribery chargeable under
15 State law, involves a violation of section 201 or 666,
16 section 1341 or 1343, when charged in conjunction
17 with section 1346 and where the offense involves a
18 scheme or artifice to deprive another of the intan-
19 gible right of honest services of a public official, or
20 section 1951, if the offense involves extortion under
21 color of official right.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 213 of title 18, United States
24 Code, is amended by adding at the end the following new
25 item:

“3302. Corruption offenses.”.

1 (c) APPLICATION OF AMENDMENT.—The amend-
2 ments made by this section shall not apply to any offense
3 committed before the date of enactment of this Act.

4 **SEC. 11. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN**
5 **PUBLIC CORRUPTION RELATED OFFENSES.**

6 (a) SOLICITATION OF POLITICAL CONTRIBUTIONS.—
7 Section 602(a)(4) of title 18, United States Code, is
8 amended by striking “3 years” and inserting “5 years”.

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

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

16 (d) INTIMIDATION TO SECURE POLITICAL CON-
17 TRIBUTIONS.—Section 606 of title 18, United States
18 Code, is amended by striking “three years” and inserting
19 “5 years”.

20 (e) SOLICITATION AND ACCEPTANCE OF CONTRIBU-
21 TIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title
22 18, United States Code, is amended by striking “3 years”
23 and inserting “5 years”.

24 (f) COERCION OF POLITICAL ACTIVITY BY FEDERAL
25 EMPLOYEES.—Section 610 of title 18, United States

1 Code, is amended by striking “three years” and inserting
2 “5 years”.

3 **SEC. 12. ADDITIONAL RICO PREDICATES.**

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

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

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

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

17 (b) CONFORMING AMENDMENTS.—Section
18 1956(e)(7)(D) of title 18, United States Code, is amend-
19 ed—

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

22 (2) by striking “section 666 (relating to theft
23 or bribery concerning programs receiving Federal
24 funds),”.

1 **SEC. 13. ADDITIONAL WIRETAP PREDICATES.**

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

4 (1) by inserting “section 641 (relating to em-
5 bezzlement or theft of public money, property, or
6 records), section 666 (relating to theft or bribery
7 concerning programs receiving Federal funds),”
8 after “section 224 (bribery in sporting contests),”;
9 and

10 (2) by inserting “section 1031 (relating to
11 major fraud against the United States)” after “sec-
12 tion 1014 (relating to loans and credit applications
13 generally; renewals and discounts),”.

14 **SEC. 14. EXPANDING VENUE FOR PERJURY AND OBSTRUC-**
15 **TION OF JUSTICE PROCEEDINGS.**

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

18 “(i) A prosecution under section 1503, 1504, 1505,
19 1508, 1509, 1510, or this section may be brought in the
20 district in which the conduct constituting the alleged of-
21 fense occurred or in which the official proceeding (whether
22 or not pending or about to be instituted) was intended
23 to be affected.”.

24 (b) PERJURY.—

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

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

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

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

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

21 “(3) STATE.—The term ‘State’ includes a State
22 of the United States, the District of Columbia, and
23 any commonwealth, territory, or possession of the
24 United States.

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

3 “(A) a public official performs an official
4 act for the purpose, in whole or in material
5 part, of furthering or benefitting a financial in-
6 terest of—

7 “(i) the public official;

8 “(ii) the spouse or minor child of a
9 public official;

10 “(iii) a general business partner of the
11 public official;

12 “(iv) a business or organization in
13 which the public official is serving as an
14 employee, officer, director, trustee, or gen-
15 eral partner;

16 “(v) an individual, business, or orga-
17 nization with whom the public official is
18 negotiating for, or has any arrangement
19 concerning, prospective employment or fi-
20 nancial compensation; or

21 “(vi) an individual, business, or orga-
22 nization from whom the public official has
23 received any thing or things of value, oth-
24 erwise than as provided by law for the

1 proper discharge of official duty, or by rule
2 or regulation; and

3 “(B) the public official knowingly falsifies,
4 conceals, or covers up material information that
5 is required to be disclosed by any Federal,
6 State, or local statute, rule, regulation, or charter
7 applicable to the public official, or the know-
8 ing failure of the public official to disclose ma-
9 terial information in a manner that is required
10 by any Federal, State, or local statute, rule,
11 regulation, or charter applicable to the public
12 official.

13 “(5) MATERIAL INFORMATION.—The term ‘ma-
14 terial information’ includes information—

15 “(A) regarding a financial interest of a
16 person described in clauses (i) through (iv)
17 paragraph (4)(A); and

18 “(B) regarding the association, connection,
19 or dealings by a public official with an indi-
20 vidual, business, or organization as described in
21 clauses (iii) through (vi) of paragraph 4.”.

22 (b) CONFORMING AMENDMENT.—The table of sec-
23 tions for chapter 63 of title 18, United States Code, is
24 amended by inserting after the item relating to section
25 1346 the following new item:

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

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

4 **SEC. 16. DISCLOSURE OF INFORMATION IN COMPLAINTS**
5 **AGAINST JUDGES.**

6 Section 360(a) of title 28, United States Code, is
7 amended—

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

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

11 (3) by inserting after paragraph (3) the fol-
12 lowing:

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

17 **SEC. 17. CLARIFICATION OF EXEMPTION IN CERTAIN BRIB-**
18 **ERY OFFENSES.**

19 Section 666(e) of title 18, United States Code, is
20 amended—

21 (1) by striking “This section does not apply
22 to”; and

23 (2) by inserting “The term ‘anything of value’
24 that is corruptly solicited, demanded, accepted or
25 agreed to be accepted in subsection (a)(1)(B) or cor-

1 ruptly given, offered, or agreed to be given in sub-
2 section (a)(2) shall not include”, before “bona fide
3 salary”.

4 **SEC. 18. CERTIFICATIONS REGARDING APPEALS BY**
5 **UNITED STATES.**

6 Section 3731 of title 18, United States Code, is
7 amended by inserting after “United States attorney” the
8 following: “, Deputy Attorney General, Assistant Attorney
9 General, or the Attorney General”.

