

112TH CONGRESS
2D SESSION

H. R. 4054

To amend the Lobbying Disclosure Act of 1995 to require the disclosure of political intelligence activities, to amend title 18, United States Code, to enhance the prosecution of public corruption, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2012

Mr. WALZ of Minnesota (for himself, Ms. SLAUGHTER, and Mr. QUIGLEY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Lobbying Disclosure Act of 1995 to require the disclosure of political intelligence activities, to amend title 18, United States Code, to enhance the prosecution of 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 “Restore Public Trust
5 Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

Sec. 1. Short title.

Sec. 2. Table of Contents.

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1 **TITLE I—DISCLOSURE OF** 2 **POLITICAL INTELLIGENCE**

3 **SEC. 101. DISCLOSURE OF POLITICAL INTELLIGENCE AC-** 4 **TIVITIES UNDER LOBBYING DISCLOSURE** 5 **ACT.**

6 (a) DEFINITIONS.—Section 3 of the Lobbying Dislo-
7 sure Act of 1995 (2 U.S.C. 1602) is amended—

8 (1) in paragraph (2)—

9 (A) by inserting after “lobbying activities”
10 each place that term appears the following: “or
11 political intelligence activities”; and

12 (B) by inserting after “lobbyists” the fol-
13 lowing: “or political intelligence consultants”;
14 and

1 (2) by adding at the end the following new
2 paragraphs:

3 “(17) POLITICAL INTELLIGENCE ACTIVITIES.—

4 The term ‘political intelligence activities’ means po-
5 litical intelligence contacts and efforts in support of
6 such contacts, including preparation and planning
7 activities, research, and other background work that
8 is intended, at the time it is performed, for use in
9 such contacts, and coordination with such contacts
10 and efforts of others.

11 “(18) POLITICAL INTELLIGENCE CONTACT.—

12 “(A) DEFINITION.—The term ‘political in-
13 telligence contact’ means any oral or written
14 communication (including an electronic commu-
15 nication) to or from a covered executive branch
16 official or a covered legislative branch official,
17 the information derived from which is intended
18 for use in analyzing securities or commodities
19 markets, or in informing investment decisions,
20 and which is made on behalf of a client with re-
21 gard to—

22 “(i) the formulation, modification, or
23 adoption of Federal legislation (including
24 legislative proposals);

1 “(ii) the formulation, modification, or
2 adoption of a Federal rule, regulation, Ex-
3 ecutive order, or any other program, policy,
4 or position of the United States Govern-
5 ment; or

6 “(iii) the administration or execution
7 of a Federal program or policy (including
8 the negotiation, award, or administration
9 of a Federal contract, grant, loan, permit,
10 or license).

11 “(B) EXCEPTION.—The term ‘political in-
12 telligence contact’ does not include a commu-
13 nication that is made by or to a representative
14 of the media if the purpose of the communica-
15 tion is gathering and disseminating news and
16 information to the public.

17 “(19) POLITICAL INTELLIGENCE FIRM.—The
18 term ‘political intelligence firm’ means a person or
19 entity that has 1 or more employees who are polit-
20 ical intelligence consultants to a client other than
21 that person or entity.

22 “(20) POLITICAL INTELLIGENCE CONSULT-
23 ANT.—The term ‘political intelligence consultant’
24 means any individual who is employed or retained by
25 a client for financial or other compensation for serv-

1 ices that include one or more political intelligence
2 contacts.”.

3 (b) REGISTRATION REQUIREMENT.—Section 4 of the
4 Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is
5 amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) by inserting after “whichever is
9 earlier,” the following: “or a political intel-
10 ligence consultant first makes a political
11 intelligence contact,”; and

12 (ii) by inserting after “such lobbyist”
13 each place that term appears the following:
14 “or consultant”;

15 (B) in paragraph (2), by inserting after
16 “lobbyists” each place that term appears the
17 following: “or political intelligence consultants”;
18 and

19 (C) in paragraph (3)(A)—

20 (i) by inserting after “lobbying activi-
21 ties” each place that term appears the fol-
22 lowing: “and political intelligence activi-
23 ties”; and

1 (ii) in clause (i), by inserting after
2 “lobbying firm” the following: “or political
3 intelligence firm”;

4 (2) in subsection (b)—

5 (A) in paragraph (3), by inserting after
6 “lobbying activities” each place that term ap-
7 pears the following: “or political intelligence ac-
8 tivities”;

9 (B) in paragraph (4)—

10 (i) in the matter preceding subpara-
11 graph (A), by inserting after “lobbying ac-
12 tivities” the following: “or political intel-
13 ligence activities”; and

14 (ii) in subparagraph (C), by inserting
15 after “lobbying activity” the following: “or
16 political intelligence activity”;

17 (C) in paragraph (5), by inserting after
18 “lobbying activities” each place that term ap-
19 pears the following: “or political intelligence ac-
20 tivities”;

21 (D) in paragraph (6), by inserting after
22 “lobbyist” each place that term appears the fol-
23 lowing: “or political intelligence consultant”;
24 and

1 (E) in the matter following paragraph (6),
 2 by inserting “or political intelligence activities”
 3 after “such lobbying activities”;

4 (3) in subsection (c)—

5 (A) in paragraph (1), by inserting after
 6 “lobbying contacts” the following: “or political
 7 intelligence contacts”; and

8 (B) in paragraph (2)—

9 (i) by inserting after “lobbying con-
 10 tact” the following: “or political intel-
 11 ligence contact”; and

12 (ii) by inserting after “lobbying con-
 13 tacts” the following: “and political intel-
 14 ligence contacts”; and

15 (4) in subsection (d), by inserting after “lob-
 16 bying activities” each place that term appears the
 17 following: “or political intelligence activities”.

18 (c) REPORTS BY REGISTERED POLITICAL INTEL-
 19 LIGENCE CONSULTANTS.—Section 5 of the Lobbying Dis-
 20 closure Act of 1995 (2 U.S.C. 1604) is amended—

21 (1) in subsection (a), by inserting after “lob-
 22 bying activities” the following: “and political intel-
 23 ligence activities”;

24 (2) in subsection (b)—

25 (A) in paragraph (2)—

1 (i) in the matter preceding subpara-
2 graph (A), by inserting after “lobbying ac-
3 tivities” the following: “or political intel-
4 ligence activities”;

5 (ii) in subparagraph (A)—

6 (I) by inserting after “lobbyist”
7 the following: “or political intelligence
8 consultant”; and

9 (II) by inserting after “lobbying
10 activities” the following: “or political
11 intelligence activities”;

12 (iii) in subparagraph (B), by inserting
13 after “lobbyists” the following: “and polit-
14 ical intelligence consultants”; and

15 (iv) in subparagraph (C), by inserting
16 after “lobbyists” the following: “or political
17 intelligence consultants”;

18 (B) in paragraph (3)—

19 (i) by inserting after “lobbying firm”
20 the following: “or political intelligence
21 firm”; and

22 (ii) by inserting after “lobbying activi-
23 ties” each place that term appears the fol-
24 lowing: “or political intelligence activities”;
25 and

1 (C) in paragraph (4), by inserting after
2 “lobbying activities” each place that term ap-
3 pears the following: “or political intelligence ac-
4 tivities”; and

5 (3) in subsection (d)(1), in the matter pre-
6 ceding subparagraph (A), by inserting “or a political
7 intelligence consultant” after “a lobbyist”.

8 (d) DISCLOSURE AND ENFORCEMENT.—Section 6(a)
9 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605)
10 is amended—

11 (1) in paragraph (3)(A), by inserting after “lob-
12 bying firms,” the following: “political intelligence
13 consultants, political intelligence firms,”;

14 (2) in paragraph (7), by striking “or lobbying
15 firm” and inserting “, lobbying firm, political intel-
16 ligence consultant, or political intelligence firm”; and

17 (3) in paragraph (8), by striking “or lobbying
18 firm” and inserting “, lobbying firm, political intel-
19 ligence consultant, or political intelligence firm”.

20 (e) RULES OF CONSTRUCTION.—Section 8(b) of the
21 Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(b)) is
22 amended by striking “or lobbying contacts” and inserting
23 “, lobbying contacts, political intelligence activities, or po-
24 litical intelligence contacts”.

1 (f) IDENTIFICATION OF CLIENTS AND COVERED OF-
2 FICIALS.—Section 14 of the Lobbying Disclosure Act of
3 1995 (2 U.S.C. 1609) is amended—

4 (1) in subsection (a)—

5 (A) in the heading, by inserting “OR PO-
6 LITICAL INTELLIGENCE” after “LOBBYING”;

7 (B) by inserting “or political intelligence
8 contact” after “lobbying contact” each place
9 that term appears; and

10 (C) in paragraph (2), by inserting “or po-
11 litical intelligence activity, as the case may be”
12 after “lobbying activity”;

13 (2) in subsection (b)—

14 (A) in the heading, by inserting “OR PO-
15 LITICAL INTELLIGENCE” after “LOBBYING”;

16 (B) by inserting “or political intelligence
17 contact” after “lobbying contact” each place
18 that term appears; and

19 (C) in paragraph (2), by inserting “or po-
20 litical intelligence activity, as the case may be”
21 after “lobbying activity”; and

22 (3) in subsection (c), by inserting “or political
23 intelligence contact” after “lobbying contact”.

1 (g) ANNUAL AUDITS AND REPORTS BY COMP-
 2 TROLLER GENERAL.—Section 26 of the Lobbying Disclo-
 3 sure Act of 1995 (2 U.S.C. 1614) is amended—

4 (1) in subsection (a)—

5 (A) by inserting “political intelligence
 6 firms, political intelligence consultants,” after
 7 “lobbying firms,”; and

8 (B) by striking “lobbying registrations”
 9 and inserting “registrations”;

10 (2) in subsection (b)(1)(A), by inserting “polit-
 11 ical intelligence firms, political intelligence consult-
 12 ants,” after “lobbying firms,”; and

13 (3) in subsection (c), by inserting “or political
 14 intelligence consultant” after “a lobbyist”.

15 **SEC. 102. EFFECTIVE DATE.**

16 The amendments made by this title shall apply with
 17 respect to any political intelligence contact (as defined in
 18 section 3 of the Lobbying Disclosure Act of 1995, as
 19 added by section 101 of this Act) that is made on or after
 20 the 45th day after the date of the enactment of this Act.

21 **TITLE II—PUBLIC CORRUPTION**
 22 **PROSECUTION IMPROVEMENTS**

23 **SEC. 201. VENUE FOR FEDERAL OFFENSES.**

24 (a) IN GENERAL.—The second undesignated para-
 25 graph of section 3237(a) of title 18, United States Code,

1 is amended by adding before the period at the end the
 2 following: “or in any district in which an act in further-
 3 ance of the offense is committed”.

4 (b) SECTION HEADING.—The heading for section
 5 3237 of title 18, United States Code, is amended to read
 6 as follows:

7 **“§ 3237. Offense taking place in more than one dis-**
 8 **trict”.**

9 (c) TABLE OF SECTIONS.—The table of sections at
 10 the beginning of chapter 211 of title 18, United States
 11 Code, is amended so that the item relating to section 3237
 12 reads as follows:

“3237. Offense taking place in more than one district.”.

13 **SEC. 202. THEFT OR BRIBERY CONCERNING PROGRAMS RE-**
 14 **CEIVING FEDERAL FINANCIAL ASSISTANCE.**

15 Section 666(a) of title 18, United States Code, is
 16 amended—

17 (1) by striking “10 years” and inserting “20
 18 years”;

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

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

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

1 **SEC. 203. PENALTY FOR SECTION 641 VIOLATIONS.**

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

5 **SEC. 204. BRIBERY AND GRAFT; CLARIFICATION OF DEFINI-**
6 **TION OF “OFFICIAL ACT”; CLARIFICATION OF**
7 **THE CRIME OF ILLEGAL GRATUITIES.**

8 (a) DEFINITION.—Section 201(a) of title 18, United
9 States Code, is amended—

10 (1) in paragraph (2), by striking “and” at the
11 end;

12 (2) by amending paragraph (3) to read as fol-
13 lows:

14 “(3) the term ‘official act’—

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

23 “(B) may be a single act, more than 1 act,
24 or a course of conduct; and”; and

25 (3) by adding at the end the following:

1 “(4) the term ‘rule or regulation’ means a Fed-
2 eral regulation or a rule of the House of Representa-
3 tives or the Senate, including those rules and regula-
4 tions governing the acceptance of gifts and campaign
5 contributions.”.

6 (b) CLARIFICATION.—Section 201(c)(1) of title 18,
7 United States Code, is amended to read as follows:

8 “(1) otherwise than as provided by law for the
9 proper discharge of official duty, or by rule or regu-
10 lation—

11 “(A) directly or indirectly gives, offers, or
12 promises any thing or things of value to any
13 public official, former public official, or person
14 selected to be a public official for or because of
15 any official act performed or to be performed by
16 such public official, former public official, or
17 person selected to be a public official;

18 “(B) directly or indirectly, knowingly gives,
19 offers, or promises any thing or things of value
20 with an aggregate value of not less than \$1,000
21 to any public official, former public official, or
22 person selected to be a public official for or be-
23 cause of the official’s or person’s official posi-
24 tion;

1 “(C) being a public official, former public
2 official, or person selected to be a public offi-
3 cial, directly or indirectly, knowingly demands,
4 seeks, receives, accepts, or agrees to receive or
5 accept any thing or things of value with an ag-
6 gregate value of not less than \$1,000 for or be-
7 cause of the official’s or person’s official posi-
8 tion; or

9 “(D) being a public official, former public
10 official, or person selected to be a public offi-
11 cial, directly or indirectly demands, seeks, re-
12 ceives, accepts, or agrees to receive or accept
13 any thing or things of value for or because of
14 any official act performed or to be performed by
15 such official or person;”.

16 **SEC. 205. AMENDMENT OF THE SENTENCING GUIDELINES**
17 **RELATING TO CERTAIN CRIMES.**

18 (a) DIRECTIVE TO SENTENCING COMMISSION.—Pur-
19 suant to its authority under section 994(p) of title 28,
20 United States Code, and in accordance with this section,
21 the United States Sentencing Commission forthwith shall
22 review and, if appropriate, amend its guidelines and its
23 policy statements applicable to persons convicted of an of-
24 fense under section 201, 641, 1346A, or 666 of title 18,
25 United States Code, in order to reflect the intent of Con-

1 gress that such penalties meet the requirements in sub-
2 section (b) of this section.

3 (b) REQUIREMENTS.—In carrying out this sub-
4 section, the Commission shall—

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

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

14 (A) the potential and actual harm to the
15 public and the amount of any loss resulting
16 from the offense;

17 (B) the level of sophistication and planning
18 involved in the offense;

19 (C) whether the offense was committed for
20 purposes of commercial advantage or private fi-
21 nancial benefit;

22 (D) whether the defendant acted with in-
23 tent to cause either physical or property harm
24 in committing the offense;

1 (E) the extent to which the offense rep-
2 resented an abuse of trust by the offender and
3 was committed in a manner that undermined
4 public confidence in the Federal, State, or local
5 government; and

6 (F) whether the violation was intended to
7 or had the effect of creating a threat to public
8 health or safety, injury to any person or even
9 death;

10 (3) assure reasonable consistency with other
11 relevant directives and with other sentencing guide-
12 lines;

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

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

18 (6) assure that the guidelines adequately meet
19 the purposes of sentencing as set forth in section
20 3553(a)(2) of title 18, United States Code.

21 **SEC. 206. EXTENSION OF STATUTE OF LIMITATIONS FOR**
22 **SERIOUS PUBLIC CORRUPTION OFFENSES.**

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

1 **“§ 3302. Corruption offenses**

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

7 “(1) section 201 or 666;

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

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

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

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

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of chapter 213 of title 18, United States
 3 Code, is amended by adding at the end the following new
 4 item:

“3302. Corruption offenses.”.

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

8 **SEC. 207. INCREASE OF MAXIMUM PENALTIES FOR CER-**
 9 **TAIN PUBLIC CORRUPTION RELATED OF-**
 10 **FENSES.**

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

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

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

21 (d) INTIMIDATION TO SECURE POLITICAL CON-
 22 TRIBUTIONS.—Section 606 of title 18, United States
 23 Code, is amended by striking “three years” and inserting
 24 “5 years”.

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

5 (f) COERCION OF POLITICAL ACTIVITY BY FEDERAL
6 EMPLOYEES.—Section 610 of title 18, United States
7 Code, is amended by striking “three years” and inserting
8 “5 years”.

9 **SEC. 208. ADDITIONAL WIRETAP PREDICATES.**

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

12 (1) by inserting “section 641 (relating to em-
13 bezzlement or theft of public money, property, or
14 records), section 666 (relating to theft or bribery
15 concerning programs receiving Federal funds),”
16 after “section 224 (bribery in sporting contests),”;
17 and

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

22 **SEC. 209. EXPANDING VENUE FOR PERJURY AND OBSTRUC-**
23 **TION OF JUSTICE PROCEEDINGS.**

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

1 “(i) A prosecution under section
2 1503, 1504, 1505, 1508, 1509, 1510, or
3 this section may be brought in the district
4 in which the conduct constituting the al-
5 leged offense occurred or in which the offi-
6 cial proceeding (whether or not pending or
7 about to be instituted) was intended to be
8 affected.”.

9 (b) PERJURY.—

10 (1) IN GENERAL.—Chapter 79 of title 18,
11 United States Code, is amended by adding at the
12 end the following:

13 **“§ 1624. Venue**

14 “A prosecution under section 1621(1), 1622 (in re-
15 gard to subornation of perjury under 1621(1)), or 1623
16 of this title may be brought in the district in which the
17 oath, declaration, certificate, verification, or statement
18 under penalty of perjury is made or in which a proceeding
19 takes place in connection with the oath, declaration, cer-
20 tificate, verification, or statement.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of chapter 79 of title 18,
23 United States Code, is amended by adding at the
24 end the following:

“1624. Venue.”.

1 **SEC. 210. PROHIBITION ON UNDISCLOSED SELF-DEALING**
2 **BY PUBLIC OFFICIALS.**

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

6 **“§ 1346A. Undisclosed self-dealing by public officials**

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

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

12 “(1) OFFICIAL ACT.—The term official act—

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

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

23 “(2) PUBLIC OFFICIAL.—The term ‘public offi-
24 cial’ means an officer, employee, or elected or ap-
25 pointed representative, or person acting for or on be
26 half of the United States, a State, or a subdivision

1 of a State, or any department, agency or branch of
2 government thereof, in any official function, under
3 or by authority of any such department, agency, or
4 branch of government.

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

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

11 “(A) a public official performs an official
12 act for the purpose, in whole or in material
13 part, of furthering or benefitting a financial in-
14 terest, of which the public official has knowl-
15 edge, of—

16 “(i) the public official;

17 “(ii) the spouse or minor child of a
18 public official;

19 “(iii) a general business partner of the
20 public official;

21 “(iv) a business or organization in
22 which the public official is serving as an
23 employee, officer, director, trustee, or gen-
24 eral partner;

1 “(v) an individual, business, or orga-
2 nization with whom the public official is
3 negotiating for, or has any arrangement
4 concerning, prospective employment or fi-
5 nancial compensation; or

6 “(vi) an individual, business, or orga-
7 nization from whom the public official has
8 received any thing or things of value, oth-
9 erwise than as provided by law for the
10 proper discharge of official duty, or by rule
11 or regulation; and

12 “(B) the public official knowingly falsifies,
13 conceals, or covers up material information that
14 is required to be disclosed by any Federal,
15 State, or local statute, rule, regulation, or char-
16 ter applicable to the public official, or the know-
17 ing failure of the public official to disclose ma-
18 terial information in a manner that is required
19 by any Federal, State, or local statute, rule,
20 regulation, or charter applicable to the public
21 official.

22 “(5) MATERIAL INFORMATION.—The term ‘ma-
23 terial information’ means information—

1 “(A) regarding a financial interest of a
 2 person described in clauses (i) through (iv)
 3 paragraph (4)(A); and

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

8 (b) CONFORMING AMENDMENT.—The table of sec-
 9 tions for chapter 63 of title 18, United States Code, is
 10 amended by inserting after the item relating to section
 11 1346 the following new item:

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

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

15 **SEC. 211. DISCLOSURE OF INFORMATION IN COMPLAINTS**
 16 **AGAINST JUDGES.**

17 Section 360(a) of title 28, United States Code, is
 18 amended—

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

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

22 (3) by inserting after paragraph (3) the fol-
 23 lowing:

24 “(4) such disclosure of information regarding a
 25 potential criminal offense is made to the Attorney

1 General, a Federal, State, or local grand jury, or a
2 Federal, State, or local law enforcement agency.”.

3 **SEC. 212. CLARIFICATION OF EXEMPTION IN CERTAIN**
4 **BRIBERY OFFENSES.**

5 Section 666(c) of title 18, United States Code, is
6 amended—

7 (1) by striking “This section does not apply
8 to”; and

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

15 **SEC. 213. CERTIFICATIONS REGARDING APPEALS BY**
16 **UNITED STATES.**

17 Section 3731 of title 18, United States Code, is
18 amended by inserting after “United States attorney” the
19 following: “, Deputy Attorney General, Assistant Attorney
20 General, or the Attorney General”.

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