#### 112th CONGRESS 2D Session

## **S. 2038**

## AN ACT

To prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, 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,

#### 1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "Stop Trading on Con-3 gressional Knowledge Act of 2012" or the "STOCK Act".

#### 4 SEC. 2. DEFINITIONS.

5 In this Act:

6	(1) Member of congress.—The term "Mem-
7	ber of Congress'' means a member of the Senate or
8	House of Representatives, a Delegate to the House
9	of Representatives, and the Resident Commissioner
10	from Puerto Rico.
11	(2) Employee of congress.—The term "em-
12	ployee of Congress'' means—
13	(A) an employee of the Senate; or
14	(B) an employee of the House of Rep-
15	resentatives.
16	(3) EXECUTIVE BRANCH EMPLOYEE.—The
17	term "executive branch employee"—
18	(A) has the meaning given the term "em-
19	ployee" under section 2105 of title 5, United
20	States Code; and
21	(B) includes—
22	(i) the President;
23	(ii) the Vice President; and
24	(iii) an employee of the United States
25	Postal Service or the Postal Regulatory
26	Commission.

(4) JUDICIAL OFFICER.—The term "judicial of ficer" has the meaning given that term under sec tion 109(10) of the Ethics in Government Act of
 1978.

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# 5 SEC. 3. PROHIBITION OF THE USE OF NONPUBLIC INFOR6 MATION FOR PRIVATE PROFIT.

7 The Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the 8 9 House of Representatives shall issue interpretive guidance of the relevant rules of each chamber, including rules on 10 11 conflicts of interest and gifts, clarifying that a Member of Congress and an employee of Congress may not use 12 13 nonpublic information derived from such person's position as a Member of Congress or employee of Congress or 14 15 gained from the performance of such person's official re-16 sponsibilities as a means for making a private profit.

#### 17 SEC. 4. PROHIBITION OF INSIDER TRADING.

(a) AFFIRMATION OF NON-EXEMPTION.—Members of
Congress and employees of Congress are not exempt from
the insider trading prohibitions arising under the securities laws, including section 10(b) of the Securities Exchange Act of 1934 and Rule 10b–5 thereunder.

23 (b) DUTY.—

24 (1) PURPOSE.—The purpose of the amendment
25 made by this subsection is to affirm a duty arising

from a relationship of trust and confidence owed by
 each Member of Congress and each employee of
 Congress.

4 (2) AMENDMENT.—Section 21A of the Securi5 ties Exchange Act of 1934 (15 U.S.C. 78u–1) is
6 amended by adding at the end the following:

7 "(g) DUTY OF MEMBERS AND EMPLOYEES OF CON-8 GRESS.—

9 "(1) IN GENERAL.—For purposes of the insider 10 trading prohibitions arising under the securities 11 laws, including section 10(b) and Rule 10b–5 there-12 under, each Member of Congress or employee of 13 Congress owes a duty arising from a relationship of 14 trust and confidence to the Congress, the United 15 States Government, and the citizens of the United 16 States with respect to material, nonpublic informa-17 tion derived from such person's position as a Mem-18 ber of Congress or employee of Congress or gained 19 from the performance of such person's official re-20 sponsibilities.

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"(2) DEFINITIONS.—In this subsection—

22 "(A) the term 'Member of Congress'
23 means a member of the Senate or House of
24 Representatives, a Delegate to the House of

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1	Representatives, and the Resident Commis-
2	sioner from Puerto Rico; and
3	"(B) the term 'employee of Congress'
4	means—
5	"(i) an employee of the Senate; or
6	"(ii) an employee of the House of
7	Representatives.
8	"(3) RULE OF CONSTRUCTION.—Nothing in
9	this subsection shall be construed to impair or limit
10	the construction of the existing antifraud provisions
11	of the securities laws or the authority of the Com-
12	mission under those provisions.".
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13	SEC. 5. CONFORMING CHANGES TO THE COMMODITY EX-
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13 14	CHANGE ACT.
13 14 15	<b>CHANGE ACT.</b> Section 4c(a) of the Commodity Exchange Act (7
13 14 15 16	CHANGE ACT. Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) is amended—
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> </ol>	CHANGE ACT. Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) is amended— (1) in paragraph (3), in the matter preceding
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> </ol>	CHANGE ACT. Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) is amended— (1) in paragraph (3), in the matter preceding subparagraph (A)—
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> </ol>	CHANGE ACT. Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) is amended— (1) in paragraph (3), in the matter preceding subparagraph (A)— (A) by inserting "or any Member of Con-
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> </ol>	CHANGE ACT. Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) is amended— (1) in paragraph (3), in the matter preceding subparagraph (A)— (A) by inserting "or any Member of Con- gress or employee of Congress (defined in this
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	CHANGE ACT. Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) is amended— (1) in paragraph (3), in the matter preceding subparagraph (A)— (A) by inserting "or any Member of Con- gress or employee of Congress (defined in this subsection as those terms are defined in section
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	CHANGE ACT. Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) is amended— (1) in paragraph (3), in the matter preceding subparagraph (A)— (A) by inserting "or any Member of Con- gress or employee of Congress (defined in this subsection as those terms are defined in section 2 of the Stop Trading on Congressional Knowl-

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1	(B) by inserting "Member," after "position
2	of the"; and
3	(C) by inserting "or by Congress" before
4	"in a manner"; and
5	(2) in paragraph $(4)$ —
6	(A) in subparagraph (A), in the matter
7	preceding clause (i)—
8	(i) by inserting "or any Member of
9	Congress or employee of Congress" after
10	"Federal Government," the first place it
11	appears;
12	(ii) by inserting "Member," after "po-
13	sition of the"; and
14	(iii) by inserting "or by Congress" be-
15	fore "in a manner";
16	(B) in subparagraph (B), in the matter
17	preceding clause (i), by inserting "or any Mem-
18	ber of Congress or employee of Congress" after
19	"Federal Government,"; and
20	(C) in subparagraph (C)—
21	(i) in the matter preceding clause (i),
22	by inserting "or by Congress"—
23	(I) before "that may affect"; and
24	(II) before 'in a manner'; and

·
(ii) in clause (iii), by inserting "to
Congress, or any Member of Congress or
employee of Congress" after "Federal Gov-
ernment".
SEC. 6. PROMPT REPORTING OF FINANCIAL TRANS-
ACTIONS.
(a) REPORTING REQUIREMENT.—Section 101 of the
Ethics in Government Act of 1978 is amended by adding
at the end the following subsection:
"(j) Not later than 30 days after any transaction re-
quired to be reported under section $102(a)(5)(B)$ , the fol-
lowing persons, if required to file a report under any other
subsection of this section subject to any waivers and exclu-
sions, shall file a report of the transaction:
"(1) A Member of Congress.
"(2) An officer or employee of Congress re-
quired to file a report under this section.
"(3) The President.
"(4) The Vice President.
"(5) Each employee appointed to a position in
the executive branch, the appointment to which re-
quires advice and consent of the Senate, except
for—
"(A) an individual appointed to a posi-
tion—

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1	"(i) as a Foreign Service Officer
2	below the rank of ambassador; or
3	"(ii) in the uniformed services for
4	which the pay grade prescribed by section
5	201 of title 37, United States Code is O-
6	6 or below; or
7	"(B) a special government employee, as de-
8	fined under section 202 of title 18, United
9	States Code.
10	"(6) Any employee in a position in the executive
11	branch who is a noncareer appointee in the Senior
12	Executive Service (as defined under section
13	3132(a)(7) of title 5, United States Code) or a simi-
14	lar personnel system for senior employees in the ex-
15	ecutive branch, such as the Senior Foreign Service,
16	except that the Director of the Office of Government
17	Ethics may, by regulation, exclude from the applica-
18	tion of this paragraph any individual, or group of in-
19	dividuals, who are in such positions, but only in
20	cases in which the Director determines such exclu-
21	sion would not affect adversely the integrity of the
22	Government or the public's confidence in the integ-
23	rity of the Government.
24	"(7) The Director of the Office of Government

24 "(7) The Director of the Office of Government25 Ethics.

"(8) Any civilian employee, not described in
 paragraph (5), employed in the Executive Office of
 the President (other than a special government employee) who holds a commission of appointment from
 the President.".

6 (b) EFFECTIVE DATE.—The amendment made by
7 subsection (a) shall apply to transactions occurring on or
8 after the date that is 90 days after the date of enactment
9 of this Act.

#### 10 SEC. 7. REPORT ON POLITICAL INTELLIGENCE ACTIVITIES.

11 (a) REPORT.—

12 (1) IN GENERAL.—Not later than 12 months 13 after the date of enactment of this Act, the Comp-14 troller General of the United States, in consultation 15 with the Congressional Research Service, shall sub-16 mit to the Committee on Homeland Security and 17 Governmental Affairs of the Senate and the Com-18 mittee on Oversight and Government Reform and 19 the Committee on the Judiciary of the House of 20 Representatives a report on the role of political intel-21 ligence in the financial markets.

(2) CONTENTS.—The report required by thissection shall include a discussion of—

1	(A) what is known about the prevalence of
2	the sale of political intelligence and the extent
3	to which investors rely on such information;
4	(B) what is known about the effect that
5	the sale of political intelligence may have on the
6	financial markets;
7	(C) the extent to which information which
8	is being sold would be considered non-public in-
9	formation;
10	(D) the legal and ethical issues that may
11	be raised by the sale of political intelligence;
12	(E) any benefits from imposing disclosure
13	requirements on those who engage in political
14	intelligence activities; and
15	(F) any legal and practical issues that may
16	be raised by the imposition of disclosure re-
17	quirements on those who engage in political in-
18	telligence activities.
19	(b) DEFINITION.—For purposes of this section, the
20	term "political intelligence" shall mean information that
21	is—
22	(1) derived by a person from direct communica-
23	tions with an executive branch employee, a Member
24	of Congress, or an employee of Congress; and

1 (2) provided in exchange for financial com-2 pensation to a client who intends, and who is known 3 to intend, to use the information to inform invest-4 ment decisions. 5 SEC. 8. PUBLIC FILING AND DISCLOSURE OF FINANCIAL 6 DISCLOSURE FORMS OF MEMBERS OF CON-7 GRESS AND CONGRESSIONAL STAFF. 8 (a) PUBLIC, ON-LINE DISCLOSURE OF FINANCIAL 9 DISCLOSURE FORMS OF MEMBERS OF CONGRESS AND 10 Congressional Staff.— 11 (1) IN GENERAL.—Not later than August 31, 12 2012, or 90 days after the date of enactment of this 13 Act, whichever is later, the Secretary of the Senate 14 and the Sergeant at Arms of the Senate, and the 15 Clerk of the House of Representatives, shall ensure 16 that financial disclosure forms filed by Members of 17 Congress, officers of the House and Senate, can-18 didates for Congress, and employees of the Senate 19 and the House of Representatives in calendar year 20 2012 and in subsequent years pursuant to title I of the Ethics in Government Act of 1978 are made 21 22 available to the public on the respective official 23 websites of the Senate and the House of Representa-24 tives not later than 30 days after such forms are 25 filed.

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(2) EXTENSIONS.—The existing protocol allow ing for extension requests for financial disclosures
 shall be retained. Notices of extension for financial
 disclosure shall be made available electronically
 under this subsection along with its related disclo sure.

7 (3) REPORTING TRANSACTIONS.—In the case of 8 a transaction disclosure required by section 101(j) of 9 the Ethics in Government Act of 1978, as added by 10 this Act, such disclosures shall be filed not later 11 than 30 days after the transaction. Notices of exten-12 sion for transaction disclosure shall be made avail-13 able electronically under this subsection along with 14 its related disclosure.

(4) EXPIRATION.—The requirements of this
subsection shall expire upon implementation of the
public disclosure system established under subsection
(b).

(b) ELECTRONIC FILING AND ON-LINE PUBLIC
20 AVAILABILITY OF FINANCIAL DISCLOSURE FORMS OF
21 MEMBERS OF CONGRESS, OFFICERS OF THE HOUSE AND
22 SENATE, AND CONGRESSIONAL STAFF.—

(1) IN GENERAL.—Subject to paragraph (6)
and not later than 18 months after the date of enactment of this Act, the Secretary of the Senate and

nt at Arms of the

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the Sergeant at Arms of the Senate and the Clerk
 of the House of Representatives shall develop sys tems to enable—

4 (A) electronic filing of reports received by 5 them pursuant to section 103(h)(1)(A) of title 6 I of the Ethics in Government Act of 1978; and 7 (B) public access to financial disclosure re-8 ports filed by Members of Congress, Officers of 9 the House and Senate, candidates for Congress, 10 and employees of the Senate and House of Rep-11 resentatives, as well as reports of a transaction 12 disclosure required by section 101(j) of the Eth-13 ics in Government Act of 1978, as added by 14 this Act, notices of extensions, amendments and 15 blind trusts, pursuant to title I of the Ethics in 16 Government Act of 1978 through databases 17 that---18 are maintained on the official (i)

(1) are maintained on the official
websites of the House of Representatives
and the Senate; and

21 (ii) allow the public to search, sort
22 and download data contained in the re23 ports.

24 (2) LOGIN.—No login shall be required to25 search or sort the data contained in the reports

made available by this subsection. A login protocol
with the name of the user shall be utilized by a person downloading data contained in the reports. For
purposes of filings under this section, section
105(b)(2) of the Ethics in Government Act of 1978
does not apply.

7 (3) PUBLIC AVAILABILITY.—Pursuant to sec8 tion 105(b)(1) of title I of the Ethics in Government
9 Act of 1978, electronic availability on the official
10 websites of the Senate and the House of Representa11 tives under this subsection shall be deemed to have
12 met the public availability requirement.

13 (4) FILERS COVERED.—Individuals required 14 under the Ethics in Government Act of 1978 or the 15 Senate Rules to file financial disclosure reports with 16 the Secretary of the Senate or the Clerk of the 17 House shall file reports electronically using the sys-18 tems developed by the Secretary of the Senate, the 19 Sergeant at Arms of the Senate, and the Clerk of 20 the House.

(5) EXTENSIONS.—The existing protocol allowing for extension requests for financial disclosures
shall be retained for purposes of this subsection. Notices of extension for financial disclosure shall be

made available electronically under this subsection
 along with its related disclosure.

3 (6) ADDITIONAL TIME.—The requirements of
4 this subsection may be implemented after the date
5 provided in paragraph (1) if the Secretary of the
6 Senate or the Clerk of the House identify in writing
7 to relevant congressional committees an additional
8 amount of time needed.

9 (c) RECORDKEEPING.—Section 105(d) of the Ethics in Government Act of 1978 is amended to read as follows: 10 "(d)(1) Any report filed with or transmitted to an 11 agency or supervising ethics office or to the Clerk of the 12 House of Representatives or the Secretary of the Senate 13 14 pursuant to this title shall be retained by such agency or 15 office or by the Clerk or the Secretary of the Senate, as 16 the case may be.

17 "(2) Such report shall be made available to the pub-18 lic—

"(A) in the case of a Member of Congress until
a date that is 6 years from the date the individual
ceases to be a Member of Congress; and

22 "(B) in the case of all other reports filed pursu23 ant to this title, for a period of six years after re24 ceipt of the report.

1 "(3) After the relevant time period identified under 2 paragraph (2), the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an 3 individual who filed the report pursuant to section 101(b) 4 5 and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 101(c) and was not 6 7 subsequently elected, such reports shall be destroyed 1 8 year after the individual either is no longer under consid-9 eration by the Senate or is no longer a candidate for nomination or election to the Office of President, Vice Presi-10 dent, or as a Member of Congress, unless needed in an 11 ongoing investigation or inquiry.". 12

#### 13 SEC. 9. OTHER FEDERAL OFFICIALS.

14 (a) PROHIBITION OF THE USE OF NONPUBLIC IN-15 FORMATION FOR PRIVATE PROFIT.—

16 (1) EXECUTIVE BRANCH EMPLOYEES.—The Of-17 fice of Government Ethics shall issue such interpre-18 tive guidance of the relevant Federal ethics statutes 19 and regulations, including the Standards of Ethical 20 Conduct for executive branch employees, related to 21 use of nonpublic information, as necessary to clarify 22 that no executive branch employee may use non-pub-23 lic information derived from such person's position 24 as an executive branch employee or gained from the performance of such person's official responsibilities
 as a means for making a private profit.

3 (2) JUDICIAL OFFICERS.—The Judicial Con-4 ference of the United States shall issue such inter-5 pretive guidance of the relevant ethics rules applica-6 ble to Federal judges, including the Code of Conduct 7 for United States Judges, as necessary to clarify 8 that no judicial officer may use non-public informa-9 tion derived from such person's position as a judicial 10 officer or gained from the performance of such per-11 son's official responsibilities as a means for making 12 a private profit.

13 (b) Application of Insider Trading Laws.—

(1) AFFIRMATION OF NON-EXEMPTION.—Executive branch employees and judicial officers are not
exempt from the insider trading prohibitions arising
under the securities laws, including section 10(b) of
the Securities Exchange Act of 1934 and Rule 10b–
5 thereunder.

20

(2) Duty.—

21 (A) PURPOSE.—The purpose of the
22 amendment made by this paragraph is to affirm
23 a duty arising from a relationship of trust and
24 confidence owed by each executive branch em25 ployee and judicial officer.

1	(B) Amendment.—Section 21A of the Se-
2	curities Exchange Act of 1934 (15 U.S.C. 78u–
3	1), as amended by this Act, is amended by add-
4	ing at the end the following:
5	"(h) DUTY OF OTHER FEDERAL OFFICIALS.—
6	"(1) IN GENERAL.—For purposes of the insider
7	trading prohibitions arising under the securities
8	laws, including section 10(b), and Rule 10b–5 there-
9	under, each executive branch employee and each ju-
10	dicial officer owes a duty arising from a relationship
11	of trust and confidence to the United States Govern-
12	ment and the citizens of the United States with re-
13	spect to material, nonpublic information derived
14	from such person's position as an executive branch
15	employee or judicial officer or gained from the per-
16	formance of such person's official responsibilities.
17	"(2) DEFINITIONS.—In this subsection—
18	"(A) the term 'executive branch em-
19	ployee'—
20	"(i) has the meaning given the term
21	'employee' under section 2105 of title 5,
22	United States Code;
23	"(ii) includes—
24	"(I) the President;
25	"(II) the Vice President; and

1	"(III) an employee of the United
2	States Postal Service or the Postal
3	Regulatory Commission; and
4	"(B) the term 'judicial officer' has the
5	meaning given that term under section $109(10)$
6	of the Ethics in Government Act of 1978.
7	"(3) RULE OF CONSTRUCTION.—Nothing in
8	this subsection shall be construed to impair or limit
9	the construction of the existing antifraud provisions
10	of the securities laws or the authority of the Com-
11	mission under those provisions.".
12	SEC. 10. RULE OF CONSTRUCTION.
13	Nothing in this Act, the amendments made by this
14	Act, or the interpretive guidance to be issued pursuant
15	to sections 3 and 9 of this Act, shall be construed to—
16	(1) impair or limit the construction of the anti-
17	fraud provisions of the securities laws or the Com-
18	modities Exchange Act or the authority of the Secu-
19	rities and Exchange Commission or the Commodity
20	Futures Trading Commission under those provi-
21	sions;
22	(2) be in derogation of the obligations, duties
23	and functions of a Member of Congress, an employee
	and functions of a memori of congress, an employee

cial officer, arising from such person's official posi tion; or

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3 (3) be in derogation of existing laws, regula4 tions or ethical obligations governing Members of
5 Congress, employees of Congress, executive branch
6 employees or judicial officers.

7 SEC. 11. EXECUTIVE BRANCH REPORTING.

8 Not later than 2 years after the date of enactment9 of this Act, the President shall—

(1) ensure that financial disclosure forms filed
by officers and employees referred to in section
101(j) of the Ethics in Government Act of 1978 (5
U.S.C. App.) are made available to the public as required by section 8(a) on appropriate official
websites of agencies of the executive branch; and

16 (2) develop systems to enable electronic filing
17 and public access, as required by section 8(b), to the
18 financial disclosure forms of such individuals.

19 SEC. 12. PROMPT REPORTING AND PUBLIC FILING OF FI-

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## NANCIAL TRANSACTIONS FOR EXECUTIVE

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### BRANCH.

(a) TRANSACTION REPORTING.—Each agency or department of the Executive branch and each independent
agency shall comply with the provisions of sections 6 with
respect to any of such agency, department or independent

agency's officers and employees that are subject to the dis closure provisions under the Ethics in Government Act of
 1978.

4 (b) PUBLIC AVAILABILITY.—Not later than 2 years 5 after the date of enactment of this Act, each agency or 6 department of the Executive branch and each independent 7 agency shall comply with the provisions of section 8, ex-8 cept that the provisions of section 8 shall not apply to 9 a member of a uniformed service for which the pay grade 10 prescribed by section 201 of title 37, United States Code 11 is O-6 or below.

#### 12 SECTION 13. REQUIRING MORTGAGE DISCLOSURE.

Section 102(a)(4)(A) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking 'spouse; and' and inserting the following: "spouse, except that this exception shall not apply to a reporting individual—

18 "(i) described in paragraph (1), (2),
19 or (9) of section 101(f);

20 "(ii) described in section 101(b) who
21 has been nominated for appointment as an
22 officer or employee in the executive branch
23 described in subsection (f) of such section,
24 other than—

1	"(I) an individual appointed to a
2	position—
3	"(aa) as a Foreign Service
4	Officer below the rank of ambas-
5	sador; or
6	"(bb) in the uniformed serv-
7	ices for which the pay grade pre-
8	scribed by section 201 of title 37,
9	United States Code is O-6 or
10	below; or
11	"(II) a special government em-
12	ployee, as defined under section $202$
13	of title 18, United States Code; or
14	"(iii) described in section 101(f) who
15	is in a position in the executive branch the
16	appointment to which is made by the
17	President and requires advice and consent
18	of the Senate, other than—
19	"(I) an individual appointed to a
20	position—
21	"(aa) as a Foreign Service
22	Officer below the rank of ambas-
23	sador; or
24	"(bb) in the uniformed serv-
25	ices for which the pay grade pre-

	23
1	scribed by section 201 of title 37,
2	United States Code is O-6 or
3	below; or
4	"(II) a special government em-
5	ployee, as defined under section 202
6	of title 18, United States Code; and".
7	SEC. 14. TRANSACTION REPORTING REQUIREMENTS.
8	The transaction reporting requirements established
9	by section $101(j)$ of the Ethics in Government Act of
10	1978, as added by section 6 of this Act, shall not be con-
11	strued to apply to a widely held investment fund (whether
12	such fund is a mutual fund, regulated investment com-
13	pany, pension or deferred compensation plan, or other in-
14	vestment fund), if—
15	(1)(A) the fund is publicly traded; or
16	(B) the assets of the fund are widely diversified;
17	and
18	(2) the reporting individual neither exercises
19	control over nor has the ability to exercise control
20	over the financial interests held by the fund.
21	SEC. 15. APPLICATION TO OTHER ELECTED OFFICIALS AND
22	CRIMINAL OFFENSES.
23	(a) Application to Other Elected Officials.—

1	(1) Civil service retirement system.—Sec-
2	tion 8332(0)(2)(A) of title 5, United States Code, is
3	amended—
4	(A) in clause (i), by inserting ", the Presi-
5	dent, the Vice President, or an elected official
6	of a State or local government" after "Mem-
7	ber"; and
8	(B) in clause (ii), by inserting ", the Presi-
9	dent, the Vice President, or an elected official
10	of a State or local government" after "Mem-
11	ber".
12	(2) Federal employees retirement sys-
13	TEM.—Section 8411(l)(2) of title 5, United States
14	Code, is amended—
15	(A) in subparagraph (A), by inserting ",
16	the President, the Vice President, or an elected
17	official of a State or local government" after
18	"Member"; and
19	(B) in subparagraph (B), by inserting ",
20	the President, the Vice President, or an elected
21	official of a State or local government" after
22	"Member".
23	(b) Criminal Offenses.—Section $8332(0)(2)$ of
24	title 5, United States Code, is amended—

1	(1) in subparagraph (A), by striking clause (iii)
2	and inserting the following:
3	"(iii) The offense—
4	"(I) is committed after the date
5	of enactment of this subsection and—
6	"(aa) is described under
7	subparagraph (B)(i), (iv), (xvi),
8	(xix), (xxiii), (xxiv), or (xxvi); or
9	"(bb) is described under
10	subparagraph (B)(xxix), (xxx), or
11	(xxxi), but only with respect to
12	an offense described under sub-
13	paragraph (B)(i), (iv), (xvi),
14	(xix), (xxiii), (xxiv), or (xxvi); or
15	"(II) is committed after the date
16	of enactment of the STOCK Act
17	and—
18	"(aa) is described under
19	subparagraph (B)(ii), (iii), (v),
20	(vi), (vii), (viii), (ix), (x), (xi),
21	(xii), (xiii), (xiv), (xv), (xvii),
22	(xviii), (xx), (xxi), (xxii), (xxv),
23	(xxvii), or (xxviii); or
24	"(bb) is described under
25	subparagraph (B)(xxix), (xxx), or

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1	(xxxi), but only with respect to
2	an offense described under sub-
3	paragraph (B)(ii), (iii), (v), (vi),
4	(vii), (viii), (ix), (x), (xi), (xii),
5	(xiii), (xiv), (xv), (xvii), (xviii),
6	(xx), (xxi), (xxii), (xxv), (xxvii),
7	or (xxviii)."; and
8	(2) by striking subparagraph (B) and inserting
9	the following:
10	"(B) An offense described in this subpara-
11	graph is only the following, and only to the ex-
12	tent that the offense is a felony:
13	"(i) An offense under section 201 of
14	title 18 (relating to bribery of public offi-
15	cials and witnesses).
16	"(ii) An offense under section 203 of
17	title 18 (relating to compensation to Mem-
18	ber of Congress, officers, and others in
19	matters affecting the Government).
20	"(iii) An offense under section 204 of
21	title 18 (relating to practice in the United

title 18 (relating to practice in the United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Member of Congress).

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1	"(iv) An offense under section 219 of
2	title 18 (relating to officers and employees
3	acting as agents of foreign principals).
4	"(v) An offense under section 286 of
5	title 18 (relating to conspiracy to defraud
6	the Government with respect to claims).
7	"(vi) An offense under section 287 of
8	title 18 (relating to false, fictitious or
9	fraudulent claims).
10	"(vii) An offense under section 597 of
11	title 18 (relating to expenditures to influ-
12	ence voting).
13	"(viii) An offense under section 599
14	of title 18 (relating to promise of appoint-
15	ment by candidate).
16	"(ix) An offense under section 602 of
17	title 18 (relating to solicitation of political
18	contributions).
19	"(x) An offense under section 606 of
20	title 18 (relating to intimidation to secure
21	political contributions).
22	"(xi) An offense under section 607 of
23	title 18 (relating to place of solicitation).

1	"(xii) An offense under section 641 of
2	title 18 (relating to public money, property
3	or records).
4	"(xiii) An offense under section 666
5	of title 18 (relating to theft or bribery con-
6	cerning programs receiving Federal funds).
7	"(xiv) An offense under section 1001
8	of title 18 (relating to statements or en-
9	tries generally).
10	"(xv) An offense under section 1341
11	of title 18 (relating to frauds and swindles,
12	including as part of a scheme to deprive
13	citizens of honest services thereby).
14	"(xvi) An offense under section 1343
15	of title 18 (relating to fraud by wire, radio,
16	or television, including as part of a scheme
17	to deprive citizens of honest services there-
18	by).
19	"(xvii) An offense under section 1503
20	of title 18 (relating to influencing or injur-
21	ing officer or juror).
22	"(xviii) An offense under section 1505
23	of title 18 (relating to obstruction of pro-
24	ceedings before departments, agencies, and
25	committees).

1	"(xix) An offense under section $1512$
2	of title 18 (relating to tampering with a
3	witness, victim, or an informant).
4	"(xx) An offense under section 1951
5	of title 18 (relating to interference with
6	commerce by threats of violence).
7	"(xxi) An offense under section 1952
8	of title 18 (relating to interstate and for-
9	eign travel or transportation in aid of rack-
10	eteering enterprises).
11	"(xxii) An offense under section 1956
12	of title 18 (relating to laundering of mone-
13	tary instruments).
14	"(xxiii) An offense under section 1957
15	of title 18 (relating to engaging in mone-
16	tary transactions in property derived from
17	specified unlawful activity).
18	"(xxiv) An offense under chapter 96
19	of title 18 (relating to racketeer influenced
20	and corrupt organizations).
21	"(xxv) An offense under section $7201$
22	of the Internal Revenue Code of 1986 (re-
23	lating to attempt to evade or defeat tax).
24	"(xxvi) An offense under section
25	104(a) of the Foreign Corrupt Practices

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1	Act of 1977 (relating to prohibited foreign
2	trade practices by domestic concerns).
3	"(xxvii) An offense under section
4	10(b) of the Securities Exchange Act of
5	1934 (relating to fraud, manipulation, or
6	insider trading of securities).
7	"(xxviii) An offense under section
8	4c(a) of the Commodity Exchange Act (7
9	U.S.C. 6c(a)) (relating to fraud, manipula-
10	tion, or insider trading of commodities).
11	"(xxix) An offense under section 371
12	of title 18 (relating to conspiracy to com-
13	mit offense or to defraud United States),
14	to the extent of any conspiracy to commit
15	an act which constitutes—
16	"(I) an offense under clause (i),
17	(ii), (iii), (iv), (v), (vi), (vii), (viii),
18	(ix), (x), (xi), (xii), (xiii), (xiv), (xv),
19	(xvi), (xvii), (xviii), (xix), (xx), (xxi),
20	(xxii), (xxiii), (xxiv), (xxv), (xxvi),
21	(xxvii), or (xxviii); or
22	"(II) an offense under section
23	207 of title 18 (relating to restrictions
24	on former officers, employees, and

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1	elected officials of the executive and
2	legislative branches).
3	"(xxx) Perjury committed under sec-
4	tion 1621 of title 18 in falsely denying the
5	commission of an act which constitutes—
6	"(I) an offense under clause (i),
7	(ii), (iii), (iv), (v), (vi), (vii), (viii),
8	(ix), (x), (xi), (xii), (xiii), (xiv), (xv),
9	(xvi), (xvii), (xviii), (xix), (xx), (xxi),
10	(xxii), (xxiii), (xxiv), (xxv), (xxvi),
11	(xxvii), or (xxviii); or
12	"(II) an offense under clause
13	(xxix), to the extent provided in such
14	clause.
15	"(xxxi) Subornation of perjury com-
16	mitted under section 1622 of title 18 in
17	connection with the false denial or false
18	testimony of another individual as specified
19	in clause (xxx).".
20	SEC. 16. LIMITATION ON BONUSES TO EXECUTIVES OF
21	FANNIE MAE AND FREDDIE MAC.
22	Notwithstanding any other provision in law, senior
23	executives at the Federal National Mortgage Association
24	and the Deland Hanse Lean Martine on Commention and
24	and the Federal Home Loan Mortgage Corporation are

1	conservatorship for those entities on or after the date of
2	enactment of this Act.
3	SEC. 17. DISCLOSURE OF POLITICAL INTELLIGENCE AC-
4	TIVITIES UNDER LOBBYING DISCLOSURE
5	ACT.
6	(a) DEFINITIONS.—Section 3 of the Lobbying Disclo-
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
15	(2) by adding at the end the following new
16	paragraphs:
17	"(17) Political intelligence activities.—
18	The term 'political intelligence activities' means po-
19	litical intelligence contacts and efforts in support of
20	such contacts, including preparation and planning
21	activities, research, and other background work that
22	is intended, at the time it is performed, for use in
23	contacts, and coordination with such contacts and
24	efforts of others.
25	"(18) Political intelligence contact.—

1	"(A) DEFINITION.—The term 'political in-
2	telligence contact' means any oral or written
3	communication (including an electronic commu-
4	nication) to or from a covered executive branch
5	official or a covered legislative branch official,
6	the information derived from which is intended
7	for use in analyzing securities or commodities
8	markets, or in informing investment decisions,
9	and which is made on behalf of a client with re-
10	gard to—
11	"(i) the formulation, modification, or
12	adoption of Federal legislation (including
13	legislative proposals);
14	"(ii) the formulation, modification, or
15	adoption of a Federal rule, regulation, Ex-
16	ecutive order, or any other program, policy,
17	or position of the United States Govern-
18	ment; or
19	"(iii) the administration or execution
20	of a Federal program or policy (including
21	the negotiation, award, or administration
22	of a Federal contract, grant, loan, permit,
23	or license).
24	"(B) EXCEPTION.—The term 'political in-
25	telligence contact' does not include a commu-

1	nication that is made by or to a representative
2	of the media if the purpose of the communica-
3	tion is gathering and disseminating news and
4	information to the public.
5	"(19) Political intelligence firm.—The
6	term 'political intelligence firm' means a person or
7	entity that has 1 or more employees who are polit-
8	ical intelligence consultants to a client other than
9	that person or entity.
10	"(20) Political intelligence consult-
11	ANT.—The term 'political intelligence consultant'
12	means any individual who is employed or retained by
13	a client for financial or other compensation for serv-
14	ices that include one or more political intelligence
15	contacts.".
16	(b) REGISTRATION REQUIREMENT.—Section 4 of the
17	Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is
18	amended—
19	(1) in subsection (a)—
20	(A) in paragraph (1)—
21	(i) by inserting after "whichever is
22	earlier," the following: "or a political intel-
23	ligence consultant first makes a political
24	intelligence contact,"; and

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1	(ii) by inserting after "such lobbyist"
2	each place that term appears the following:
3	"or consultant";
4	(B) in paragraph $(2)$ , by inserting after
5	"lobbyists" each place that term appears the
6	following: "or political intelligence consultants";
7	and
8	(C) in paragraph (3)(A)—
9	(i) by inserting after "lobbying activi-
10	ties" each place that term appears the fol-
11	lowing: "and political intelligence activi-
12	ties"; and
13	(ii) in clause (i), by inserting after
14	"lobbying firm" the following: "or political
15	intelligence firm";
16	(2) in subsection (b)—
17	(A) in paragraph $(3)$ , by inserting after
18	"lobbying activities" each place that term ap-
19	pears the following: "or political intelligence ac-
20	tivities";
21	(B) in paragraph (4)—
22	(i) in the matter preceding subpara-
23	graph (A), by inserting after "lobbying ac-
24	tivities" the following: "or political intel-
25	ligence activities"; and

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1	(ii) in subparagraph (C), by inserting
2	after "lobbying activity" the following: "or
3	political intelligence activity';
4	(C) in paragraph $(5)$ , by inserting after
5	"lobbying activities" each place that term ap-
6	pears the following: "or political intelligence ac-
7	tivities";
8	(D) in paragraph (6), by inserting after
9	"lobbyist" each place that term appears the fol-
10	lowing: "or political intelligence consultant";
11	and
12	(E) in the matter following paragraph (6),
13	by inserting "or political intelligence activities"
14	after "such lobbying activities";
15	(3) in subsection (c)—
16	(A) in paragraph $(1)$ , by inserting after
17	"lobbying contacts" the following: "or political
18	intelligence contacts'; and
19	(B) in paragraph (2)—
20	(i) by inserting after "lobbying con-
21	tact" the following: "or political intel-
22	ligence contact"; and
23	(ii) by inserting after "lobbying con-
24	tacts" the following: "and political intel-
25	ligence contacts"; and

1	(4) in subsection (d), by inserting after "lob-
2	bying activities" each place that term appears the
3	following: "or political intelligence activities".
4	(c) Reports by Registered Political Intel-
5	LIGENCE CONSULTANTS.—Section 5 of the Lobbying Dis-
6	closure Act of 1995 (2 U.S.C. 1604) is amended—
7	(1) in subsection (a), by inserting after "lob-
8	bying activities" the following: "and political intel-
9	ligence activities";
10	(2) in subsection (b)—
11	(A) in paragraph (2)—
12	(i) in the matter preceding subpara-
13	graph (A), by inserting after "lobbying ac-
14	tivities" the following: "or political intel-
15	ligence activities";
16	(ii) in subparagraph (A)—
17	(I) by inserting after "lobbyist"
18	the following: "or political intelligence
19	consultant"; and
20	(II) by inserting after "lobbying
21	activities" the following: "or political
22	intelligence activities";
23	(iii) in subparagraph (B), by inserting
24	after "lobbyists" the following: "and polit-
25	ical intelligence consultants"; and

1	(iv) in subparagraph (C), by inserting
2	after "lobbyists" the following: "or political
3	intelligence consultants";
4	(B) in paragraph (3)—
5	(i) by inserting after "lobbying firm"
6	the following: "or political intelligence
7	firm"; and
8	(ii) by inserting after "lobbying activi-
9	ties" each place that term appears the fol-
10	lowing: "or political intelligence activities";
11	and
12	(C) in paragraph $(4)$ , by inserting after
13	"lobbying activities" each place that term ap-
14	pears the following: "or political intelligence ac-
15	tivities"; and
16	(3) in subsection $(d)(1)$ , in the matter pre-
17	ceding subparagraph (A), by inserting "or a political
18	intelligence consultant" after "a lobbyist".
19	(d) Disclosure and Enforcement.—Section 6(a)
20	of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605)
21	is amended—
22	(1) in paragraph $(3)(A)$ , by inserting after "lob-
23	bying firms" the following: ", political intelligence
24	consultants, political intelligence firms,";

1 (2) in paragraph (7), by striking "or lobbying firm" and inserting "lobbying firm, political intel-2 3 ligence consultant, or political intelligence firm"; and (3) in paragraph (8), by striking "or lobbying 4 5 firm" and inserting "lobbying firm, political intel-6 ligence consultant, or political intelligence firm". 7 (e) RULES OF CONSTRUCTION.—Section 8(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(b)) is 8 amended by striking "or lobbying contacts" and inserting 9 "lobbying contacts, political intelligence activities, or polit-10 ical intelligence contacts". 11 12 (f) Identification of Clients and Covered Of-13 FICIALS.—Section 14 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1609) is amended— 14 15 (1) in subsection (a)— 16 (A) in the heading, by inserting "OR PO-17 LITICAL INTELLIGENCE" after "LOBBYING"; (B) by inserting "or political intelligence 18 19 contact" after "lobbying contact" each place 20 that term appears; and 21 (C) in paragraph (2), by inserting "or po-22 litical intelligence activity, as the case may be" 23 after "lobbying activity"; 24 (2) in subsection (b)—

(A) in the heading, by inserting "OR PO-
LITICAL INTELLIGENCE" after "LOBBYING";
(B) by inserting "or political intelligence
contact" after "lobbying contact" each place
that term appears; and
(C) in paragraph (2), by inserting "or po-
litical intelligence activity, as the case may be"
after "lobbying activity"; and
(3) in subsection (c), by inserting "or political
intelligence contact" after "lobbying contact".
(g) Annual Audits and Reports by Comp-
TROLLER GENERAL.—Section 26 of the Lobbying Disclo-
TROLLER GENERAL.—Section 26 of the Lobbying Disclo- sure Act of 1995 (2 U.S.C. 1614) is amended—
sure Act of 1995 (2 U.S.C. 1614) is amended—
sure Act of 1995 (2 U.S.C. 1614) is amended— (1) in subsection (a)—
<pre>sure Act of 1995 (2 U.S.C. 1614) is amended—    (1) in subsection (a)—         (A) by inserting "political intelligence</pre>
<ul> <li>sure Act of 1995 (2 U.S.C. 1614) is amended—</li> <li>(1) in subsection (a)—</li> <li>(A) by inserting "political intelligence firms, political intelligence consultants," after</li> </ul>
<pre>sure Act of 1995 (2 U.S.C. 1614) is amended—     (1) in subsection (a)—         (A) by inserting "political intelligence         firms, political intelligence consultants," after         "lobbying firms"; and</pre>
<ul> <li>sure Act of 1995 (2 U.S.C. 1614) is amended—</li> <li>(1) in subsection (a)—</li> <li>(A) by inserting "political intelligence firms, political intelligence consultants," after "lobbying firms"; and</li> <li>(B) by striking "lobbying registrations"</li> </ul>
<ul> <li>sure Act of 1995 (2 U.S.C. 1614) is amended— <ul> <li>(1) in subsection (a)—</li> <li>(A) by inserting "political intelligence firms, political intelligence consultants," after "lobbying firms"; and</li> <li>(B) by striking "lobbying registrations" and inserting "registrations";</li> </ul> </li> </ul>
<ul> <li>sure Act of 1995 (2 U.S.C. 1614) is amended— <ul> <li>(1) in subsection (a)—</li> <li>(A) by inserting "political intelligence firms, political intelligence consultants," after "lobbying firms"; and</li> <li>(B) by striking "lobbying registrations"</li> <li>and inserting "registrations";</li> <li>(2) in subsection (b)(1)(A), by inserting "polit-</li> </ul> </li> </ul>
<ul> <li>sure Act of 1995 (2 U.S.C. 1614) is amended— <ul> <li>(1) in subsection (a)—</li> <li>(A) by inserting "political intelligence firms, political intelligence consultants," after "lobbying firms"; and</li> <li>(B) by striking "lobbying registrations" and inserting "registrations";</li> <li>(2) in subsection (b)(1)(A), by inserting "political intelligence firms, political intelligence consult-</li> </ul> </li> </ul>

# TITLE II—PUBLIC CORRUPTION PROSECUTION IMPROVEMENTS

#### 3 SEC. 201. SHORT TITLE.

4 This title may be cited as the "Public Corruption5 Prosecution Improvements Act of 2012".

#### 6 SEC. 202. VENUE FOR FEDERAL OFFENSES.

7 (a) IN GENERAL.—The second undesignated para8 graph of section 3237(a) of title 18, United States Code,
9 is amended by adding before the period at the end the
10 following: "or in any district in which an act in further11 ance of the offense is committed".

12 (b) SECTION HEADING.—The heading for section
13 3237 of title 18, United States Code, is amended to read
14 as follows:

### 15 "SEC. 3237. OFFENSE TAKING PLACE IN MORE THAN ONE 16 DISTRICT.".

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

"Sec. 3237. Offense taking place in more than one district.".

### 21 SEC. 203. THEFT OR BRIBERY CONCERNING PROGRAMS RE-

CEIVING FEDERAL FINANCIAL ASSISTANCE.

23 Section 666(a) of title 18, United States Code, is
24 amended—

22

1 (1) by striking "10 years" and inserting "20 2 years"; (2) by striking "\$5,000" the second place and 3 4 the third place it appears and inserting "\$1,000"; 5 (3) by striking "anything of value" each place 6 it appears and inserting "any thing or things of 7 value"; and 8 (4) in paragraph (1)(B), by inserting after "anything" the following: "or things". 9 SEC. 204. PENALTY FOR SECTION 641 VIOLATIONS. 10 11 Section 641 of title 18, United States Code, is amended by striking "ten years" and inserting "15 12 13 years". 14 SEC. 205. BRIBERY AND GRAFT; CLARIFICATION OF DEFINI-15 TION OF "OFFICIAL ACT"; CLARIFICATION OF 16 THE CRIME OF ILLEGAL GRATUITIES. 17 (a) DEFINITION.—Section 201(a) of title 18, United States Code, is amended— 18 (1) in paragraph (2), by striking "and" at the 19 20 end; 21 (2) by amending paragraph (3) to read as fol-22 lows: 23 "(3) the term 'official act'— "(A) means any act within the range of of-24 25 ficial duty, and any decision or action on any

1	question, matter, cause, suit, proceeding, or
2	controversy, which may at any time be pending,
3	or which may by law be brought before any
4	public official, in such public official's official
5	capacity or in such official's place of trust or
6	profit; and
7	"(B) may be a single act, more than 1 act,
8	or a course of conduct; and"; and
9	(3) by adding at the end the following:
10	"(4) the term 'rule or regulation' means a Fed-
11	eral regulation or a rule of the House of Representa-
12	tives or the Senate, including those rules and regula-
13	tions governing the acceptance of gifts and campaign
14	contributions.".
15	(b) CLARIFICATION.—Section 201(c)(1) of title 18,
16	United States Code, is amended to read as follows:
17	((1) otherwise than as provided by law for the
18	proper discharge of official duty, or by rule or regu-
19	lation—
20	"(A) directly or indirectly gives, offers, or
21	promises any thing or things of value to any
22	public official, former public official, or person
23	selected to be a public official for or because of
24	any official act performed or to be performed by

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1	such public official, former public official, or
2	person selected to be a public official;
3	"(B) directly or indirectly, knowingly gives,
4	offers, or promises any thing or things of value
5	with an aggregate value of not less than $$1000$
6	to any public official, former public official, or
7	person selected to be a public official for or be-
8	cause of the official's or person's official posi-
9	tion;
10	"(C) being a public official, former public
11	official, or person selected to be a public offi-
12	cial, directly or indirectly, knowingly demands,
13	seeks, receives, accepts, or agrees to receive or
14	accept any thing or things of value with an ag-
15	gregate value of not less than \$1000 for or be-
16	cause of the official's or person's official posi-
17	tion; or
18	"(D) being a public official, former public
19	official, or person selected to be a public offi-
20	cial, directly or indirectly demands, seeks, re-
21	ceives, accepts, or agrees to receive or accept
22	any thing or things of value for or because of
23	any official act performed or to be performed by
24	such official or person;".

### 1 SEC. 206. AMENDMENT OF THE SENTENCING GUIDELINES 2 RELATING TO CERTAIN CRIMES.

3 (a) DIRECTIVE TO SENTENCING COMMISSION.—Pur-4 suant to its authority under section 994(p) of title 28, 5 United States Code, and in accordance with this section, 6 the United States Sentencing Commission forthwith shall 7 review and, if appropriate, amend its guidelines and its 8 policy statements applicable to persons convicted of an of-9 fense under section 201, 641, 1346A, or 666 of title 18, United States Code, in order to reflect the intent of Con-10 11 gress that such penalties meet the requirements in sub-12 section (b) of this section.

13 (b) REQUIREMENTS.—In carrying out this sub-14 section, the Commission shall—

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

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

24 (A) the potential and actual harm to the
25 public and the amount of any loss resulting
26 from the offense;

1	(B) the level of sophistication and planning
2	involved in the offense;
3	(C) whether the offense was committed for
4	purposes of commercial advantage or private fi-
5	nancial benefit;
6	(D) whether the defendant acted with in-
7	tent to cause either physical or property harm
8	in committing the offense;
9	(E) the extent to which the offense rep-
10	resented an abuse of trust by the offender and
11	was committed in a manner that undermined
12	public confidence in the Federal, State, or local
13	government; and
14	(F) whether the violation was intended to
15	or had the effect of creating a threat to public
16	health or safety, injury to any person or even
17	death;
18	(3) assure reasonable consistency with other
19	relevant directives and with other sentencing guide-
20	lines;
21	(4) account for any additional aggravating or
22	mitigating circumstances that might justify excep-
23	tions to the generally applicable sentencing ranges;
24	(5) make any necessary conforming changes to
25	the sentencing guidelines; and

1	(6) assure that the guidelines adequately meet
2	the purposes of sentencing as set forth in section
3	3553(a)(2) of title 18, United States Code.
4	SEC. 207. EXTENSION OF STATUTE OF LIMITATIONS FOR
5	SERIOUS PUBLIC CORRUPTION OFFENSES.
6	(a) IN GENERAL.—Chapter 213 of title 18, United
7	States Code, is amended by adding at the end the fol-
8	lowing:
9	"§ 3302. Corruption offenses
10	"Unless an indictment is returned or the information
11	is filed against a person within 6 years after the commis-
12	sion of the offense, a person may not be prosecuted, tried,
13	or punished for a violation of, or a conspiracy or an at-
14	tempt to violate the offense in—
15	"(1) section 201 or 666;
16	"(2) section 1341 or 1343, when charged in
17	conjunction with section 1346 and where the offense
18	involves a scheme or artifice to deprive another of
19	the intangible right of honest services of a public of-
20	ficial;
21	"(3) section 1951, if the offense involves extor-
22	tion under color of official right;
23	((4) section 1952, to the extent that the unlaw-
24	ful activity involves bribery; or

1 "(5) section 1962, to the extent that the racket-2 eering activity involves bribery chargeable under 3 State law, involves a violation of section 201 or 666, 4 section 1341 or 1343, when charged in conjunction 5 with section 1346 and where the offense involves a 6 scheme or artifice to deprive another of the intan-7 gible right of honest services of a public official, or 8 section 1951, if the offense involves extortion under color of official right.". 9

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

"3302. Corruption offenses.".

(c) APPLICATION OF AMENDMENT.—The amendments made by this section shall not apply to any offense
committed before the date of enactment of this Act.

 17 SEC. 208. INCREASE OF MAXIMUM PENALTIES FOR CER 

 18
 TAIN PUBLIC CORRUPTION RELATED OF 

 19
 FENSES.

(a) SOLICITATION OF POLITICAL CONTRIBUTIONS.—
21 Section 602(a)(4) of title 18, United States Code, is
22 amended by striking "3 years" and inserting "5 years".
(b) PROMISE OF EMPLOYMENT FOR POLITICAL AC24 TIVITY.—Section 600 of title 18, United States Code, is
25 amended by striking "one year" and inserting "3 years".
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(c) DEPRIVATION OF EMPLOYMENT FOR POLITICAL
 ACTIVITY.—Section 601(a) of title 18, United States
 Code, is amended by striking "one year" and inserting "3
 years".

5 (d) INTIMIDATION TO SECURE POLITICAL CON6 TRIBUTIONS.—Section 606 of title 18, United States
7 Code, is amended by striking "three years" and inserting
8 "5 years".

9 (e) SOLICITATION AND ACCEPTANCE OF CONTRIBU10 TIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title
11 18, United States Code, is amended by striking "3 years"
12 and inserting "5 years".

(f) COERCION OF POLITICAL ACTIVITY BY FEDERAL
14 EMPLOYEES.—Section 610 of title 18, United States
15 Code, is amended by striking "three years" and inserting
16 "5 years".

#### 17 SEC. 209. ADDITIONAL WIRETAP PREDICATES.

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

(1) by inserting "section 641 (relating to embezzlement or theft of public money, property, or
records), section 666 (relating to theft or bribery
concerning programs receiving Federal funds),"
after "section 224 (bribery in sporting contests),";
and

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1	(2) by inserting "section 1031 (relating to
2	major fraud against the United States)" after "sec-
3	tion 1014 (relating to loans and credit applications
4	generally; renewals and discounts),".
5	SEC. 210. EXPANDING VENUE FOR PERJURY AND OBSTRUC-
6	TION OF JUSTICE PROCEEDINGS.
7	(a) IN GENERAL.—Section 1512(i) of title 18, United
8	States Code, is amended to read as follows:
9	"(i) A prosecution under section
10	1503, 1504, 1505, 1508, 1509, 1510, or
11	this section may be brought in the district
12	in which the conduct constituting the al-
13	leged offense occurred or in which the offi-
14	cial proceeding (whether or not pending or
15	about to be instituted) was intended to be
16	affected.".
17	(b) PERJURY.—
18	(1) IN GENERAL.—Chapter 79 of title 18,
19	United States Code, is amended by adding at the
20	end the following:
21	"§ 1624. Venue
22	"A prosecution under section $1621(1)$ , $1622$ (in re-
23	gard to subornation of perjury under $1621(1)$ ), or $1623$

24 of this title may be brought in the district in which the25 oath, declaration, certificate, verification, or statement

under penalty of perjury is made or in which a proceeding
 takes place in connection with the oath, declaration, cer tificate, verification, or statement.".

4 (2) CLERICAL AMENDMENT.—The table of sec5 tions at the beginning of chapter 79 of title 18,
6 United States Code, is amended by adding at the
7 end the following:

"1624. Venue.".

## 8 SEC. 211. PROHIBITION ON UNDISCLOSED SELF-DEALING 9 BY PUBLIC OFFICIALS.

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

### 13 "§ 1346A. Undisclosed self-dealing by public officials

14 "(a) UNDISCLOSED SELF-DEALING BY PUBLIC OFFI15 CIALS.—For purposes of this chapter, the term 'scheme
16 or artifice to defraud' also includes a scheme or artifice
17 by a public official to engage in undisclosed self-dealing.

- 18 "(b) DEFINITIONS.—As used in this section:
- 19 "(1) OFFICIAL ACT.—The term official act—

"(A) means any act within the range of official duty, and any decision or action on any
question, matter, cause, suit, proceeding, or
controversy, which may at any time be pending,
or which may by law be brought before any
public official, in such public official's official

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1	capacity or in such official's place of trust or
2	profit; and
3	"(B) may be a single act, more than one
4	act, or a course of conduct.
5	"(2) Public official.—The term 'public offi-
6	cial' means an officer, employee, or elected or ap-
7	pointed representative, or person acting for or on be
8	half of the United States, a State, or a subdivision
9	of a State, or any department, agency or branch of
10	government thereof, in any official function, under
11	or by authority of any such department, agency, or
12	branch of government.
13	"(3) STATE.—The term 'State' includes a State
14	of the United States, the District of Columbia, and
15	any commonwealth, territory, or possession of the
16	United States.
17	"(4) UNDISCLOSED SELF-DEALING.—The term
18	'undisclosed self-dealing' means that—
19	"(A) a public official performs an official
20	act for the purpose, in whole or in material
21	part, of furthering or benefitting a financial in-
22	terest, of which the public official has knowl-
23	edge, of—
24	"(i) the public official;

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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;
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; or
14	"(vi) an individual, business, or orga-
15	nization from whom the public official has
16	received any thing or things of value, oth-
17	erwise than as provided by law for the
18	proper discharge of official duty, or by rule
19	or regulation; and
20	"(B) the public official knowingly falsifies,
21	conceals, or covers up material information that
22	is required to be disclosed by any Federal,
23	State, or local statute, rule, regulation, or char-
24	ter applicable to the public official, or the know-
25	ing failure of the public official to disclose ma-

1	terial information in a manner that is required
2	by any Federal, State, or local statute, rule,
3	regulation, or charter applicable to the public
4	official.
5	"(5) MATERIAL INFORMATION.—The term 'ma-
6	terial information' means information—
7	"(A) regarding a financial interest of a
8	person described in clauses (i) through (iv)
9	paragraph $(4)(A)$ ; and
10	"(B) regarding the association, connection,
11	or dealings by a public official with an indi-
12	vidual, business, or organization as described in
13	clauses (iii) through (vi) of paragraph (4)(A).".
14	(b) Conforming Amendment.—The table of sec-
15	tions for chapter 63 of title 18, United States Code, is
16	amended by inserting after the item relating to section
17	1346 the following new item:
	"1346A. Undisclosed self-dealing by public officials.".
18	(c) APPLICABILITY.—The amendments made by this
19	section apply to acts engaged in on or after the date of
20	the enactment of this Act.
21	SEC. 212. DISCLOSURE OF INFORMATION IN COMPLAINTS
22	AGAINST JUDGES.
23	Section 360(a) of title 28, United States Code, is
24	amended—
25	
	(1) in paragraph (2) by striking "or";

1	(2) in paragraph (3), by striking the period at
2	the end, and inserting "; or"; and
3	(3) by inserting after paragraph (3) the fol-
4	lowing:
5	"(4) such disclosure of information regarding a
6	potential criminal offense is made to the Attorney
7	General, a Federal, State, or local grand jury, or a
8	Federal, State, or local law enforcement agency.".
9	SEC. 213. CLARIFICATION OF EXEMPTION IN CERTAIN
10	BRIBERY OFFENSES.
11	Section 666(c) of title 18, United States Code, is
12	amended—
13	(1) by striking "This section does not apply
14	to"; and
15	(2) by inserting "The term 'anything of value'
15 16	(2) by inserting "The term 'anything of value' that is corruptly solicited, demanded, accepted or
16	that is corruptly solicited, demanded, accepted or
16 17	that is corruptly solicited, demanded, accepted or agreed to be accepted in subsection $(a)(1)(B)$ or cor-
16 17 18	that is corruptly solicited, demanded, accepted or agreed to be accepted in subsection $(a)(1)(B)$ or cor- ruptly given, offered, or agreed to be given in sub-
16 17 18 19	that is corruptly solicited, demanded, accepted or agreed to be accepted in subsection $(a)(1)(B)$ or cor- ruptly given, offered, or agreed to be given in sub- section $(a)(2)$ shall not include," before "bona fide
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> </ol>	that is corruptly solicited, demanded, accepted or agreed to be accepted in subsection $(a)(1)(B)$ or cor- ruptly given, offered, or agreed to be given in sub- section $(a)(2)$ shall not include," before "bona fide salary".
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	<ul> <li>that is corruptly solicited, demanded, accepted or agreed to be accepted in subsection (a)(1)(B) or corruptly given, offered, or agreed to be given in subsection (a)(2) shall not include," before "bona fide salary".</li> <li>SEC. 214. CERTIFICATIONS REGARDING APPEALS BY</li> </ul>

- 1 following: ", Deputy Attorney General, Assistant Attorney
- 2 General, or the Attorney General".

Passed the Senate February 2, 2012.

Attest:

Secretary.



# AN ACT

To prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.