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Clean Up Government Act of 2007 (Introduced in House)

HR 2438 IH

110th CONGRESS

1st Session

H. R. 2438

To amend title 18, United States Code, to deter public corruption.

IN THE HOUSE OF REPRESENTATIVES

May 22, 2007

Mr. JORDAN of Ohio (for himself and Mr. ELLSWORTH) introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To amend title 18, United States Code, to deter public corruption.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'CleanUpGovernmentAct of 2007'.

SEC. 2. APPLICATION OF MAIL AND WIRE FRAUD STATUTES TO LICENCES AND OTHER INTANGIBLE RIGHTS.

Sections 1341 and 1343 of title 18, United States Code, are each amended by striking 'money or property' and inserting 'money, property, or any other thing of value'.

SEC. 3. VENUE FOR FEDERAL OFFENSES.

(a) Venue Includes Any District in Which Conduct in Furtherance of an Offense Takes Place- Subsection (a) of section 3237 of title 18, United States Code, is amended to read as follows:

'(a) Except as otherwise provided by law, an offense against the United States may be inquired of and prosecuted in any district in which any conduct required for, or any conduct in furtherance of, the offense took place, or in which the offense was completed.'

(b) Conforming Amendments-

(1) SECTION HEADING- The heading for section 3237 of title 18, United States Code, is amended to read as follows:

'**Sec. 3237. Offense taking place in more than one district'**.

(2) 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:

'3237. Offense taking place in more than one district.'

SEC. 4. THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 666(a) of title 18, United States Code, is amended by striking 'ten years' and inserting '20 years'.

SEC. 5. PENALTY FOR SECTION 641 VIOLATIONS.

Section 641 of title 18, United States Code, is amended by striking 'ten years' and inserting '20 years'.

SEC. 6. BRIBERY AND GRAFT.

Section 201 of title 18, United States Code, is amended--

(1) in subsection (b), by striking 'fifteen years' and inserting '30 years'; and

(2) in subsection (c), by striking 'two years' and inserting 'five years'.

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

Section 641 of title 18, United States Code, is amended by inserting 'the District of Columbia or' before 'the United States'.

SEC. 8. CLARIFICATION OF CRIME OF ILLEGAL GRATUITIES.

Paragraphs (A) and (B) of section 201(c)(1) of title 18, United States Code, are each amended by inserting 'the official's official position or' before 'any official act'.

SEC. 9. CLARIFICATION OF DEFINITION OF 'OFFICIAL ACT'.

Section 201(a)(3) of title 18, United States Code, is amended by striking 'any decision' and all that follows through 'profit' and inserting 'any decision or action within the range of official duty of a public official'.

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

(a) Directive to Sentencing Commission- Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall review and amend its guidelines and its policy statements applicable to persons convicted of an offense under sections 201, 641, 666, 1962 of title 18, United States Code in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by guidelines and policy statements.

(b) Requirements- In carrying out this subsection, the Commission shall--

(1) ensure that the sentencing guidelines and policy statements reflect Congress' intent that the guidelines and policy statements reflect the serious nature of the offenses described in paragraph (1), the growing 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-

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

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

(C) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(D) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

(E) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the federal, state or local government; and

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

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

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

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