

115TH CONGRESS
2D SESSION

H. R. 6788

To amend title 18, United States Code, to provide a criminal penalty for certain Federal officers and employees using their public office for private gain, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2018

Mr. TED LIEU of California introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide a criminal penalty for certain Federal officers and employees using their public office for private gain, 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 “E. Scott Pruitt Ac-
5 countability for Government Officials Act of 2018”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) During his time as Administrator of the
2 Environmental Protection Agency, Scott Pruitt faced
3 more than 12 separate ethics investigations includ-
4 ing by the Environmental Protection Agency Inspec-
5 tor General, the Committee on Oversight and Gov-
6 ernment Reform of the House of Representatives,
7 the Executive Office of the President, the Govern-
8 ment Accountability Office, and the U.S. Office of
9 Special Counsel.

10 (2) On October 2, 2017, the Department of the
11 Interior’s Inspector General confirmed they were in-
12 vestigating Secretary Ryan Zinke’s taxpayer-funded
13 flights, including \$12,375 on a chartered flight from
14 Las Vegas to Montana where he spoke to a hockey
15 team that is owned by one of Secretary Zinke’s larg-
16 est political donors.

17 (3) On March 14, 2018, CNN reported that
18 Secretary of Housing and Urban Development Ben
19 Carson knew about a dining set worth \$31,000 that
20 was ordered for Carson’s office, knowledge of which
21 he had previously denied.

22 (4) On March 20, 2018, it was publicly re-
23 ported that Scott Pruitt secured a sub-market lease
24 for a Washington, DC, condominium owned by the
25 wife of a lobbyist who represented clients with mat-

1 ters pending before the Environmental Protection
2 Agency, and told the Washington Examiner that he
3 was “dumbfounded that that’s controversial”.

4 (5) On April 4, 2018, the New York Times re-
5 ported that Scott Pruitt used a loophole in the Safe
6 Water Drinking Act to give raises to his aides that
7 had been explicitly denied by the White House.

8 (6) On April 16, 2018, the Washington Post re-
9 ported that Scott Pruitt had spent nearly
10 \$3,000,000 of taxpayer funds on security and travel
11 since taking office in February 2017.

12 (7) On April 26, 2018, Politico reported that
13 Scott Pruitt spent over \$105,000 of taxpayer funds
14 on first-class flights, citing since-debunked threats to
15 his personal security.

16 (8) On June 5, 2018, the Washington Post re-
17 ported that Scott Pruitt used official channels to
18 pressure Chick-fil-A Chief Executive Officer Dan
19 Cathy into securing a restaurant franchise for his
20 wife.

21 (9) On June 6, 2018, the Washington Post re-
22 ported that Scott Pruitt forced aides to help him se-
23 cure a used “Trump Home Luxury Plush Euro Pil-
24 low Top”.

1 (10) On June 8, 2018, the Washington Post re-
2 ported that Scott Pruitt forced his security detail to
3 help him acquire high-end hand lotion and to pick
4 up his dry cleaning.

5 (11) On July 2, 2018, the Washington Post re-
6 ported that Scott Pruitt recruited a staff member to
7 help his wife find a job, the salary for which he stip-
8 ulated should be no less than \$200,000.

9 (12) On July 5, 2018, Scott Pruitt resigned
10 amid myriad scandals and massive public pressure.

11 (13) On July 13, 2018, Forbes reported on Wil-
12 bur Ross' massive conflicts of interest, including
13 having taken meetings with a trade association
14 whose members included a car manufacturer whose
15 investors included Ross himself. The same report
16 noted that Wilbur Ross took meetings with compa-
17 nies whose investors included his wife.

18 (14) On July 13, 2018, The New York Times
19 reported that Tom Price repeatedly violated govern-
20 ment travel rules, wasting at least \$314,000 of tax-
21 payer funds by using chartered jets and military air
22 travel instead of commercially available flights.

1 **SEC. 3. USE OF PUBLIC OFFICE FOR PRIVATE GAIN.**

2 (a) IN GENERAL.—Chapter 93 of title 18, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 1925. Use of public office for private gain**

6 “(a) USE FOR PRIVATE GAIN.—Whoever, being a
7 covered Federal officer or employee, uses his public office
8 for—

9 “(1) his own private gain;

10 “(2) the endorsement of any product, service or
11 enterprise; or

12 “(3) the private gain of a friend, relative, or a
13 person with whom the covered Federal officer or em-
14 ployee is affiliated in a nongovernmental capacity,
15 including a nonprofit organization of which the cov-
16 ered Federal officer or employee is an officer or
17 member, and a person with whom the employee has
18 or seeks employment or business relations,

19 shall be fined under this title, imprisoned not more than
20 one year, or in the case of a willful violation, not more
21 than 5 years, or both.

22 “(b) COERCION.—Whoever, being a covered Federal
23 officer or employee, uses or permits the use of his Govern-
24 ment position or title or any authority associated with his
25 public office in a manner that is intended to coerce or in-
26 duce another person, including a subordinate, to provide

1 any benefit, financial or otherwise, to himself or to a
2 friend, relative, or person with whom the covered Federal
3 officer or employee is affiliated in a nongovernmental ca-
4 pacity, shall be fined under this title, imprisoned not more
5 than one year, or in the case of a willful violation, not
6 more than 5 years, or both.

7 “(c) COVERED FEDERAL OFFICER OR EMPLOYEE.—
8 For purposes of this section, the term ‘covered Federal
9 officer or employee’ means any of the following officers
10 or employees of the Federal Government:

11 “(1) Assistant to the President for National Se-
12 curity Affairs.

13 “(2) Assistant to the President and Chief of
14 Staff.

15 “(3) Assistant to the President and Deputy
16 Chief of Staff.

17 “(4) Assistant to the President and Deputy
18 Chief of Staff for Communications (or Director of
19 Communications).

20 “(5) Assistant to the President and Press Sec-
21 retary.

22 “(6) Senior Advisor to the President.

23 “(7) Assistant to the President and Staff Sec-
24 retary.

1 “(8) Assistant to the President for Homeland
2 Security and Counterterrorism.

3 “(9) Assistant to the President and Counselor
4 to the President.

5 “(10) Director of the National Economic Coun-
6 cil.

7 “(11) Director of the Domestic Policy Council.

8 “(12) Assistant to the President and Chief of
9 Staff or Deputy Chief of Staff to the Vice President.

10 “(13) Special Assistant to the President and
11 Director of Communications for the Vice President.

12 “(14) Press Secretary to the Vice President

13 “(15) Senior Advisor to the Vice President.

14 “(16) Deputy Assistant to the President and
15 National Security Advisor or Deputy National Secu-
16 rity Advisor to the Vice President.

17 “(17) Deputy Assistant to the President and
18 Counselor to the Vice President.

19 “(18) Assistant to the President and White
20 House Counsel.

21 “(19) Director of the Office of Management
22 and Budget.

23 “(20) Any officer or employee whose appoint-
24 ment is made by the President by and with the ad-
25 vice and consent of the Senate.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for chapter 93 of title 18, United States Code, is amended
3 by inserting after the item related to section 1924 the fol-
4 lowing:

“1925. Use of public office for private gain.”.

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