

111TH CONGRESS  
2D SESSION

# H. R. 6391

To amend title 18, United States Code, to prohibit public officials from engaging in undisclosed self-dealing.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Mr. WEINER (for himself, Ms. CHU, Mr. QUIGLEY, and Ms. SLAUGHTER) 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 prohibit public officials from engaging in undisclosed self-dealing.

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 “Honest Services Res-  
5 toration Act”.

6 **SEC. 2. PROHIBITION ON UNDISCLOSED SELF-DEALING BY**  
7 **PUBLIC OFFICIALS.**

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

1 **“§ 1346A. Undisclosed self-dealing by public officials**

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

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

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

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

16 “(B) may be a single act, more than one  
17 act, or a course of conduct; and

18 “(C) includes a decision or recommenda-  
19 tion that a government should not take action.

20 “(2) PUBLIC OFFICIAL.—The term ‘public offi-  
21 cial’ means an officer, employee, or elected or ap-  
22 pointed representative, or person acting for or on be-  
23 half of the United States, a State, or a subdivision  
24 of a State, or any department, agency or branch of  
25 government thereof, in any official function, under

1 or by authority of any such department, agency, or  
2 branch of government.

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

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

9 “(A) a public official performs an official  
10 act for the purpose, in whole or in part, of ben-  
11 efitting or furthering a financial interest of—

12 “(i) the public official;

13 “(ii) the spouse or minor child of a  
14 public official;

15 “(iii) a general business partner of the  
16 public official;

17 “(iv) a business or organization in  
18 which the public official is serving as an  
19 employee, officer, director, trustee, or gen-  
20 eral partner; or

21 “(v) an individual, business, or orga-  
22 nization with whom the public official is  
23 negotiating for, or has any arrangement  
24 concerning, prospective employment or fi-  
25 nancial compensation; and

1           “(B) the public official knowingly falsifies,  
2           conceals, covers up, or fails to disclose material  
3           information regarding that financial interest  
4           that is required to be disclosed by any Federal,  
5           State, or local statute, rule, regulation, or char-  
6           ter applicable to the public official.”.

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

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

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

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