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(Original Signature of Member)

111TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

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

Mr. WEINER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**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”.

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

3 (a) IN GENERAL.—Chapter 63 of title 18, United  
4 Stats 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) includes any act within the range of  
14 official duty, and any decision, recommendation,  
15 or action on any question, matter, cause, suit,  
16 proceeding, or controversy, which may at any  
17 time be pending, or which may by law be  
18 brought before any public official, in such pub-  
19 lic official’s official capacity or in such official’s  
20 place of trust or profit;

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

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

25 “(2) PUBLIC OFFICIAL.—The term ‘public offi-  
26 cial’ means an officer, employee, or elected or ap-

1 pointed representative, or person acting for or on be-  
2 half of the United States, a State, or a subdivision  
3 of a State, or any department, agency or branch of  
4 government thereof, in any official function, under  
5 or by authority of any such department, agency, or  
6 branch of government.

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

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

13 “(A) a public official performs an official  
14 act for the purpose, in whole or in part, of ben-  
15 efitting or furthering a financial interest 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; or

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; and

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

12          (b) CONFORMING AMENDMENT.—The table of sec-  
13          tions for chapter 63 of title 18, United States Code, is  
14          amended by inserting after the item relating to section  
15          1346 the following new item:

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

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