

I ask unanimous consent that a copy of my amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(Purpose: To make it illegal for anyone to defraud and deprive the American people of the right to the honest services of a Member of Congress and to instill greater public confidence in the United States Congress)

At the appropriate place, insert the following:

SEC. . HONEST SERVICES ACT OF 2006.

(a) **SHORT TITLE.**—This section may be cited as the “Honest Services Act of 2006”.

(b) **HONEST SERVICES FRAUD INVOLVING MEMBERS OF CONGRESS.**—

(1) **IN GENERAL.**—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

“§ 1351. Honest services fraud involving members of Congress

“(a) **IN GENERAL.**—Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice to defraud and deprive the United States, the Congress, or the constituents of a Member of Congress, of the right to the honest services of a Member of Congress by—

“(1) offering and providing to a Member of Congress, or an employee of a Member of Congress, anything of value, with the intent to influence the performance of an official act; or

“(2) being a Member of Congress, or an employee of a Member of Congress, accepting anything of value or holding an undisclosed financial interest, with the intent to be influenced in performing an official act; shall be fined under this title or imprisoned not more than 20 years, or both.

“(b) **DEFINITIONS.**—In this section:

“(1) **HONEST SERVICES.**—The term ‘honest services’ includes the right to conscientious, loyal, faithful, disinterested, and unbiased service, to be performed free of deceit, undue influence, conflict of interest, self-enrichment, self-dealing, concealment, bribery, fraud, and corruption.

“(2) **OFFICIAL ACT.**—The term ‘official act’—

“(A) has the meaning given that term in section 201(a)(3) of this title; and

“(B) includes supporting and passing legislation, placing a statement in the Congressional Record, participating in a meeting, conducting hearings, or advancing or advocating for an application to obtain a contract with the United States Government.

“(3) **UNDISCLOSED FINANCIAL INTEREST.**—The term ‘undisclosed financial interest’ includes any financial interest not disclosed as required by statute or by the Standing Rules of the Senate.

“(c) **NO INFERENCE AND SCOPE.**—Nothing in this section shall be construed to—

“(1) create any inference with respect to whether the conduct described in section 1351 of this title was already a criminal or civil offense prior to the enactment of this section; or

“(2) limit the scope of any existing criminal or civil offense.”.

(2) **CHAPTER ANALYSIS.**—The chapter analysis for chapter 63 of title 18, United States Code is amended by adding at the end, the following:

“1351. Honest services fraud involving Members of Congress.”.

(c) **AUTHORIZATION FOR ADDITIONAL PERSONNEL TO INVESTIGATE AND PROSECUTE HONEST SERVICES FRAUD, BRIBERY, GRAFT, AND CONFLICTS OF INTEREST OFFENSES.**—There

are authorized to be appropriated to the Department of Justice, including the Public Integrity Section of the Criminal Division, and the Federal Bureau of Investigations, \$25,000,000 for each of the fiscal years 2007, 2008, 2009, and 2010, to increase the number of personnel to investigate and prosecute violations of section 1351 and sections 201, 203 through 209, 1001, 1341, 1343, and 1346 of title 18, United States Code, as amended by this section.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I switched my vote from an “aye” to a “no” vote for procedural reasons so that I would have the opportunity as leader to bring the cloture vote back at some time in the future. I did support cloture, but for procedural reasons I switched that vote to a “no.”

What that means is that over the next several days, after talking to the four managers who are working together in a cooperative, bipartisan way, once we can put together a group of amendments and packages of amendments, I, in all likelihood, will bring that cloture vote back, and we will be on the glidepath to completing this very important bill.

Mr. DODD. Will the majority leader yield for a question?

Mr. FRIST. Very quickly, and then I have a statement to make.

Mr. DODD. Mr. President, I wonder if the majority leader might give us an idea because we would like to get back to the bill. As one of the managers, my hope would be that we can get back to it right away. I would like to see us clean up this bill and get it done as soon as possible.

Could you give us some sense of when you think we might do that? I know there are a lot of matters to deal with, but this is very important.

Mr. FRIST. I would bring it back right now if I had the votes. We need to have the managers working together and stressing the importance that when we start our business, we need to finish it. This is no fault of the managers. They have done a superb job. We had a totally unrelated amendment injected, I believe, for partisan purposes. I say that and put it aside.

We need to get back to the bill as soon as possible. I encourage the managers to get the list of amendments, continue working, and at the first available time when we are allowed to proceed, we will be on that bill and we will finish it. I think we can finish it in less than a day.

Mr. DODD. Would it be possible, since this issue is one that many Members care about—in fact, the vote of the

House Appropriations Committee yesterday was 62 to 2 on a similar provision, and I know there is talk of a resolution of this matter without ever going to the bill. But if we can agree that next week or so we might allocate an hour or two to do that, my view is we can move forward today and clean up this lobbying reform issue quickly—by agreeing to an hour or so next week to deal with this issue, if necessary, and we can move through this bill, I think, by tonight.

Mr. FRIST. What we have seen in the last hour is that there is a press announcement from DP World, and the Senator from Virginia, I believe, read that press announcement that “DP World decided to transfer fully the U.S. operations of P&O Ports North America to a United States entity.” I am reading from the press release.

This should make the issue go away. On the other hand, that was an hour ago. It brings me back to the point that the DP World issue and port security and the CFIUS reform is underway. The process is moving quickly. We don’t have to have votes on the floor of the Senate and disrupt your bill, our bill, which is another very important issue that the Democratic leadership and ours agree should be early. This body wanted to have working groups and, under your leadership, hold hearings and come to the floor, so we are committed to finishing it. We don’t need to be dealing with something which is being dealt with, as we see through press releases, through meetings with the company, and a port security bill that we are addressing in the Commerce Committee and the CFIUS process reform being addressed in Banking Committee. That is underway.

We don’t need to disrupt the bill. I think the distinguished manager and I are on the exact same page. Within several days, I think we will be able to work this out. I encourage the managers to work together so that when we bring it back, we can finish expeditiously. Next week, we have the budget and the debt ceiling and lobbying reform.

Mr. DODD. I thank the leader. I was suggesting that, if necessary, if we could agree to an hour or two after this bill is considered—and you may be right that we would not have to—then we might get to this reform bill today. That is all it would take to do so. We have taken the position that extraneous matters should not be on the bill.

My fear is—and I say this having been around here a quarter of a century—once you bump this off, the budget issue next week, immigration, and a recess for a week or two, we will not get back to this. If we don’t stick to this, other matters can take over—another explosion somewhere in the world—and this institution finds itself dealing with an issue that would not be the lobbying reform issue. I have seen it happen so many times. Here is an opportunity, I say with all due respect, to