

109TH CONGRESS
2D SESSION

S. 2559

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.

IN THE SENATE OF THE UNITED STATES

APRIL 6, 2006

Mr. LEAHY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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.

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 Act
5 of 2006”.

1 **SEC. 2. HONEST SERVICES FRAUD INVOLVING MEMBERS**
2 **OF CONGRESS.**

3 (a) IN GENERAL.—Chapter 63 of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 1351. Honest services fraud involving members of**
7 **Congress**

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

13 “(1) offering and providing to a Member of
14 Congress, or an employee of a Member of Congress,
15 anything of value or a series of things of value, with
16 the intent to influence the performance an official
17 act or series of official acts; or

18 “(2) being a Member of Congress, or an em-
19 ployee of a Member of Congress, accepting anything
20 of value or a series of things of value or holding an
21 undisclosed financial interest, with the intent to be
22 influenced in performing an official act or series of
23 official acts;

24 shall be fined under this title or imprisoned not more than
25 20 years, or both.

26 “(b) DEFINITIONS.—In this section:

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

7 “(2) OFFICIAL ACT.—The term ‘official act’—
8 “(A) has the meaning given that term in
9 section 201(a)(3) of this title; and

10 “(B) includes supporting and passing legis-
11 lation, placing a statement in the Congressional
12 Record, participating in a meeting, conducting
13 hearings, or advancing or advocating for an ap-
14 plication to obtain a contract with the United
15 States Government.

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

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

22 “(1) create any inference with respect to wheth-
23 er the conduct described in section 1351 of this title
24 was already a criminal or civil offense prior to the
25 enactment of this section; or

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

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

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

6 **SEC. 3. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO**
7 **INVESTIGATE AND PROSECUTE HONEST**
8 **SERVICES FRAUD, BRIBERY, GRAFT, AND**
9 **CONFLICTS OF INTEREST OFFENSES.**

10 There are authorized to be appropriated to the De-
11 partment of Justice, including the Public Integrity Section
12 of the Criminal Division, and the Federal Bureau of Inves-
13 tigation, \$25,000,000 for each of the fiscal years 2007,
14 2008, 2009, and 2010, to increase the number of per-
15 sonnel to investigate and prosecute violations of section
16 1351 and sections 201, 203 through 209, 1001, 1341,
17 1343, and 1346 of title 18, United States Code, as amend-
18 ed by this Act.

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