In Skilling v. United States, the Supreme Court sided with a former executive from Enron and greatly narrowed the honest services fraud statute, a law that has actually been used for decades in both Republican and Democratic administrations as a crucial weapon to combat public corruption and self-dealing. Unfortunately, whether intended, the Court's decision leaves corrupt conduct unchecked. Most notably, the Court's decision would leave open the opportunity for State and Federal public officials to secretly act in their own financial self-interest rather than in the interest of the public.

The amendment Senator CORNYN and I have put together would close this gaping hole in our anticorruption laws. It includes several other provisions designed to tighten existing law. It fixes the gratuities statute to make clear that while the vast majority of public officials are honest, those who are not cannot be bought. It reaffirms that public officials may not accept anything worth more than $1,000, other than what is permitted by existing rules and regulations, given to them because of their official positions. It also appropriately clarifies the definition of what it means for a public official to perform an official act under the bribery statute. It will increase sentences for serious corruption offenses. It will provide investigators and prosecutors more time to pursue these challenging and complex cases. It amends several key statutes to clarify their application in corruption cases to prevent corrupt public officials and their accomplices from evading prosecution based on legal ambiguities.

If we are serious about addressing the kinds of egregious misconduct we have seen in some of these high-profile corruption cases, then let's enact meaningful legislation. Let's give investigators and prosecutors the tools they need to enforce our laws. It is one thing to have a law on the books; it is another to have the tools to enforce it. So I hope this bipartisan amendment will be adopted.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, I send to the desk an amendment to the substitute proposed by myself and Senator CORNYN.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. CORNYN, proposes an amendment numbered 1483 to amendment No. 1470.

Mr. LEAHY. I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. LEAHY. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

RECESS

Ms. COLLINS. Mr. President, I know of no other speakers who plan to come to the floor before we are scheduled, under the previous order, to recess at 12:30. So I suggest that we might want to move up the recess time by a couple moments.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

STOP TRADING ON CONGRESSIONAL KNOWLEDGE ACT—Continued

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, what is the regular order, may I ask?

The PRESIDING OFFICER. The pending amendment is amendment No. 1483 by Senator LEAHY to S. 2038.

Mr. LIEBERMAN. I thank the Chair. So we are on the STOCK Act and Senator LEAHY has introduced this amendment, which I appreciate that he has done that. This underlying bill, as we said yesterday, responds to the concern about whether Members of Congress and our staffs are covered by insider trading laws; that is, laws that prohibit a person from using nonpublic information for private profit.

I suppose most of us here believed we have always been covered by insider trading laws. There were some questions raised about that at the end of last year. In fact, our committee held a hearing on two bills offered, one by Senator KIRSTEN GILLIBRAND of New York, the other by Senator SCOTT BROWN of Massachusetts, on this question, and we had some broadly respected, credible experts on securities law who said in fact there might be a question about Members of Congress, whether Members of Congress and our staffs were covered by Securities and Exchange Commission law and regulation on insider trading for a reason that would only make sense to lawyers and therefore may not be sensible but I will mention it anyway.

It is that the law relating to insider trading is actually the result not of a specific statute prohibiting insider trading, it is the result of regulations and enforcement actions by the SEC pursuant to antifraud provisions of the Securities Exchange Act of 1934.

In these regulations that have become the law of insider trading, a necessary element for prosecution for violating insider trading laws is the breach of a duty of trust, of a fiduciary duty. The law professors told us at our hearing at the end of last year that in fact one might raise the question of whether Members of Congress had a duty of trust as defined in insider trading cases, which is more typically the duty of trust that a corporate executive, for instance, has to stockholders. I presume that most Members of Congress would say of course we have a duty of trust, we have a very high duty of trust to our country, to our constituents. But it is, apparently, in the contemplation of securities law, perhaps not covered by the existing definitions, so this bill makes clear that Members of Congress and our staffs are covered by insider trading laws.

We cannot derive personal profit from using nonpublic information that we gain as a result of our public offices. That is made absolutely clear by stating that indeed we do have a duty of trust to the Congress, to the government of the United States and, most importantly, to our constituents, to the people who were good enough to send us here.

I do believe that provision gives us an opportunity to take a step forward. It is going to take a lot more than one step to rebuild the trust and confidence that the American people have lost at this moment in our history in Congress and in our overall Federal Government.

There are two other very important provisions. One requires Members of Congress and our staffs to file a statement within 30 days of any transaction, purchase, or sale of a stock or other security with the Senate—and that would immediately go on line, as will now, as a result of this legislation, the annual financial disclosure statements that we file. Incidentally, these statements are now available to the public but you have to go to the office here in the Senate to get them and copy them. That is out of date and not consistent with the general principles of transparency and disclosure that I think people rightly expect of Congress today.

Our bill makes clear that both the annual statements and the 30-day statements have to be filed on line. That should help provide the transparency that the SEC itself has said—in testimony before the House of Representatives on this bill or one quite similar to it—would assist them, the SEC, in guarding against insider trading by Members of Congress or our staffs; that is, that the regular reporting, the 30-day reporting and the online reporting, would assist them in preventing insider trading.

I know there are a lot of amendments filed; actually, thankfully, not too many, but a significant number. Seeing the presence of the Senator from Oklahoma, I hope he may be here to take up one of his amendments. Obviously we would all like to begin to debate the amendments and have some votes.

I yield to the Senator from Maine, Senator COLLINS.