chargeable under State law, involves a violation of section 201 or 666, section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official, or section 1951, if the offense involves extortion under color of official right.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following new item:

''3302. Corruption offenses.''.

(c) APPLICATION OF AMENDMENT.—The amendments made by this section shall not apply to any offense committed before the date of enactment of this Act.

SEC. 208. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.

(a) SOLICITATION OF POLITICAL CONTRIBUTIONS.—Section 602(a)(4) of title 18, United States Code, is amended by striking ''3 years'' and inserting ''5 years''.

(b) PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking ''one year'' and inserting ''3 years''.

(c) DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking ''one year'' and inserting ''3 years''.

(d) INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS.—Section 606 of title 18, United States Code, is amended by striking ''three years'' and inserting ''5 years''.

(e) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking ''3 years'' and inserting ''5 years''.

(f) COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.—Section 610 of title 18, United States Code, is amended by striking ''three years'' and inserting ''5 years''.

SEC. 209. ADDITIONAL WIRETAP PREDICATES.

Section 2516(1)(c) of title 18, United States Code, is amended—

(1) by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records), section 666 (relating to theft or bribery concerning programs receiving Federal funds),'' after ''section 224 (bribery in sporting contests),''; and

(2) by inserting ''section 1031 (relating to major fraud against the United States)'' after ''section 1014 (relating to loans and credit applications generally; renewals and discounts),''.

SEC. 210. EXPANDING VENUE FOR PERJURY AND OBSTRUCTION OF JUSTICE PROCEEDINGS.

(a) IN GENERAL.—Section 1512(i) of title 18, United States Code, is amended to read as follows:

''(i) A prosecution under section 1503, 1504, 1505, 1508, 1509, 1510, or this section may be brought in the district in which the conduct constituting the alleged offense occurred or in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected.''.

(b) PERJURY.—

(1) IN GENERAL.—Chapter 79 of title 18, United States Code, is amended by adding at the end the following:

''§ 1624. Venue

''A prosecution under section 1621(1), 1622 (in regard to subornation of perjury under 1621(1)), or 1623 of this title may be brought in the district in which the oath, declaration, certificate, verification, or statement under penalty of perjury is made or in which a proceeding takes place in connection with the oath, declaration, certificate, verification, or statement.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of title 18, United States Code, is amended by adding at the end the following:

''1624. Venue.''.

SEC. 211. PROHIBITION ON UNDISCLOSED SELF-DEALING BY PUBLIC OFFICIALS.

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

''§ 1346A. Undisclosed self-dealing by public officials

''(a) UNDISCLOSED SELF-DEALING BY PUBLIC OFFICIALS.—For purposes of this chapter, the term 'scheme or artifice to defraud' also includes a scheme or artifice by a public official to engage in undisclosed self-dealing.

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

''(1) OFFICIAL ACT.—The term official act—

''(A) means any act within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding, or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such official's place of trust or profit; and

''(B) may be a single act, more than one act, or a course of conduct.

''(2) PUBLIC OFFICIAL.—The term 'public official' means an officer, employee, or elected or appointed representative, or person acting for or on be half of the United States, a State, or a subdivision of a State, or any department, agency or branch of government thereof, in any official function, under or by authority of any such department, agency, or branch of government.

''(3) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(4) UNDISCLOSED SELF-DEALING.—The term 'undisclosed self-dealing' means that—

''(A) a public official performs an official act for the purpose, in whole or in material part, of furthering or benefitting a financial interest, of which the public official has knowledge, of—

''(i) the public official;

''(ii) the spouse or minor child of a public official;

''(iii) a general business partner of the public official;

''(iv) a business or organization in which the public official is serving as an employee, officer, director, trustee, or general partner;

''(v) an individual, business, or organization with whom the public official is negotiating for, or has any arrangement concerning, prospective employment or financial compensation; or

''(vi) an individual, business, or organization from whom the public official has received any thing or things of value, otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation; and

''(B) the public official knowingly falsifies, conceals, or covers up material information that is required to be disclosed by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official, or the knowing failure of the public official to disclose material information in a manner that is required by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official.

''(5) MATERIAL INFORMATION.—The term 'material information' means information—

''(A) regarding a financial interest of a person described in clauses (i) through (iv) paragraph (4)(A); and

''(B) regarding the association, connection, or dealings by a public official with an individual, business, or organization as described in clauses (iii) through (vi) of paragraph (4)(A).''.

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

''1346A. Undisclosed self-dealing by public officials.''.

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

SEC. 212. DISCLOSURE OF INFORMATION IN COMPLAINTS AGAINST JUDGES.

Section 360(a) of title 28, United States Code, is amended—

(1) in paragraph (2) by striking ''or'';

(2) in paragraph (3), by striking the period at the end, and inserting ''; or''; and

(3) by inserting after paragraph (3) the following:

''(4) such disclosure of information regarding a potential criminal offense is made to the Attorney General, a Federal, State, or local grand jury, or a Federal, State, or local law enforcement agency.''.

SEC. 213. CLARIFICATION OF EXEMPTION IN CERTAIN BRIBERY OFFENSES.

Section 666(c) of title 18, United States Code, is amended—

(1) by striking ''This section does not apply to''; and

(2) by inserting ''The term 'anything of value' that is corruptly solicited, demanded, accepted or agreed to be accepted in subsection (a)(1)(B) or corruptly given, offered, or agreed to be given in subsection (a)(2) shall not include,'' before ''bona fide salary''.

SEC. 214. CERTIFICATIONS REGARDING APPEALS BY UNITED STATES.

Section 3731 of title 18, United States Code, is amended by inserting after ''United States attorney'' the following: '', Deputy Attorney General, Assistant Attorney General, or the Attorney General''.

The PRESIDING OFFICER. The Senator from Utah.

MORNING BUSINESS

Mr. HATCH. Madam President, I ask unanimous consent that the Senate proceed to 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.

Mr. HATCH. Madam President, I ask unanimous consent that I be permitted to deliver my full speech regardless of the time.

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

RECESS APPOINTMENTS

Mr. HATCH. Madam President, our Nation faces grave challenges. We are looking at our fourth straight $1 trillion deficit, our credit rating has been downgraded, and public spending is out of control. The Nation demands leadership.

At some moments in our Nation's history—at moments of crisis—leaders have emerged, put partisanship aside, and worked to solve our greatest challenges. Although our current President has compared himself to both Franklin Roosevelt and Abraham Lincoln, his leadership is falling well short of their examples. Instead of taking the reins

and making tough choices when presented with our current fiscal crisis, he has decided to put politics first. He always puts politics first.

Just this morning, at the National Prayer Breakfast, the President took what has always been a nonpartisan opportunity for national unity and used it to promote his political agenda. He suggested to the attendees that Jesus would have supported his latest tax-the-rich scheme. With due respect to the President, he ought to stick to public policy. I think most Americans would agree the Gospels are concerned with weightier matters than effective tax rates.

As long as the President has decided to assume the role of theologian-in-chief, he would do well to put tax policy aside and consider the impact of one of his latest ObamaCare mandates. Secretary Sebelius's decision to force religious institutions—over the strong objections of churches and universities representing millions and millions of Americans—to provide insurance coverage for abortifacient drugs and contraceptives to their employees will require these groups to violate their deepest held religious beliefs.

The President's comments this morning share more of a political strategy than they do the religious beliefs of most Americans. In 2008, the President declared his nomination was the world historical moment when the rise of the oceans began to slow and our planet began to heal. Someone needs to remind the President there was only one person who walked on water, and he did not occupy the Oval Office.

This drive to politicize every aspect of our institutions and public discourse took a serious and dangerous turn last month with the President's appointments to the Consumer Financial Protection Bureau—the CFPB—and to the National Labor Relations Board—the NLRB. Last week, in his State of the Union Address, President Obama said Americans deserve a government that plays by the rules. Yet his appointments of January 4, just 1 day into a 3-day Senate recess, failed to meet his own standard.

Those unlawful appointments are the latest example of how he is willing even to undermine the Constitution and weaken our government institutions to get what he wants. They are a deeply cynical political ploy that puts his own ideological wants and electoral needs above our Constitution and rule of law.

The Constitution, not the President's political agenda or reelection strategy, sets the rules we must live by and play by. In the regular order of the appointment process, the President nominates, but the Senate must consent for him to appoint. The President may not get his way every time, but this is one of many checks and balances in our system to make sure one part of the government does not gather too much power.

The Constitution also allows the President temporarily to fill ''vacancies that may happen during the recess of the Senate.'' These so-called recess appointments do not require Senate consent. However, they are supposed to be an exception to the confirmation rule. The most obvious requirement for a recess appointment is that there actually be a real recess. Needless to say, if the President alone can define a recess, he can make recess appointments during every weekend or lunch break. The exception would swallow the rule and the President could issue the Senate out of the process all together.

Our Constitution refers to the recess of the Senate, not to a recess of the President's imagination or his lawyers' creation. Under the Constitution, the Senate has the authority to determine its own procedural rules, including the what, when, and how long of Senate recesses.

I will not go into all the twists and turns of recess appointment history. However, for decades, the standard has been that a recess must be longer than 3 days for the President to make a recess appointment. The Constitution, for example, requires the consent of the House or Senate for the other body to adjourn for more than 3 days. The Congressional Directory, which is the official directory of Congress, defines a recess as ''a break in House or Senate proceedings of three or more days, excluding Sundays.'' The Senate's own Web site has the same definition.

The Clinton administration argued in 1993 that a recess must be longer than 3 days. The Clinton administration took that position. In 2010, the Obama administration's own Deputy Solicitor General said this to Chief Justice John Roberts when arguing before the Supreme Court: ''Our office has opined the recess has to be longer than three days.''

Let me repeat that. The Obama administration told the Supreme Court a recess must be longer than 3 days for the President to make a recess appointment.

The Democratic majority in this body has endorsed this same standard. On November 16, 2007, the majority leader said: ''The Senate will be coming in for pro forma situations during the Thanksgiving holiday to prevent recess appointments.''

The four brief sessions he scheduled chopped the Thanksgiving break into recesses of—you guessed it—3 days or less and so did the five sessions he scheduled during the Christmas break. This new tactic worked, and President Bush did not make another recess appointment for the rest of his Presidency.

There is no record that then-Senator Barack Obama objected to this tactic in any way. He did not criticize it as a gimmick. He did not opine that the President could still make recess appointments despite these pro forma sessions. He did not even suggest that pro forma sessions did anything other than create new, shorter recesses. That is, after all, the only way the pro forma sessions can block recess appointments.

As far as I can tell, Senator Obama fully supported his party using pro forma sessions to block recess appointments.

Finally, consider this. Our rule XXXI requires that pending nominations be sent back to the President whenever the Senate ''shall adjourn or take a recess for more than 30 days.'' Pursuing his strategy to prevent appointments during the August 2008 recess, the Democratic majority leader scheduled no less than 10 pro forma sessions during that period. As a result, because each pro forma session began a new recess of less than 30 days, the Senate executive clerk did not return any pending nominations to the President.

The standard here is clear: Pro forma sessions create new recesses. Read the CONGRESSIONAL RECORD. Each pro forma session begins with the words ''The Senate met'' and ends with the statement that ''The Senate stands in recess'' until a specific date and time. I don't know how much clearer it could possibly be. The Senate must adjourn for more than 3 days for a President to make a recess appointment. The Senate has endorsed this standard. The Democratic majority has endorsed this standard, Senator Barack Obama endorsed this standard, and President Barack Obama's administration has endorsed this standard. A new recess begins when a Senate session, even a pro forma session, ends.

But that was then; this is now. The Senate met on January 3, 2012, as the Constitution requires, to convene the second session of the 112th Congress. The CONGRESSIONAL RECORD states that the Senate adjourned at 12:02 until January 6, at 11 a.m. I know we see some fuzzy math here in Washington from time to time, but this is pretty simple. That was a 3-day recess, which was not long enough to allow a recess appointment.

The very next day, however, President Obama installed Richard Cordray as head of the Consumer Financial Protection Bureau and he also installed three members of the National Labor Relations Board. These appointments were clearly unlawful because a sufficient recess did not exist. These appointments violated the standard President Obama himself endorsed when he served in this body, and they violated the standard his own administration endorsed before the Supreme Court.

Senate Democrats routinely attacked President George W. Bush for supposedly creating what they called an imperial Presidency. That criticism was bogus for a host of reasons, but I can only imagine how the majority would have howled had President Bush made recess appointments the day after those pro forma sessions in 2007 and 2008. They would have denounced him for defying the Senate, for an unprecedented power grab, and for destroying the checks and balances that

are so important in our form of government. They would have taken swift and firm measures in retaliation. Who knows, but they might even have gone to the Court over it. But President Bush respected the Senate and, whether he liked it or not, declined to make recess appointments when there was no legitimate recess.

President Obama apparently has no such regard for this body—one of which he was honored to be a Member. And to be clear, that means he has no such regard for the Constitution and its system of checks and balances. He only wants his way. His political mantra last fall, that he can't wait for Congress to enact his agenda, has now resulted in these politicized appointments that violate our deepest constitutional principles.

No doubt some on the other side of the aisle will respond that the Office of Legal Counsel at the Department of Justice has issued a memo justifying these recess appointments. Well, as Paul Harvey used to say, Here is the rest of the story. That memo was issued on January 6—2 days after President Obama made these unlawful recess appointments. I had understood OLC's rule as giving objective advice before decisions were made. Doing this after the fact looks as if it is a method of trying to justify, rather than inform, this controversial decision, especially when the memo admits that it addresses a novel issue with ''substantial arguments on each side.''

The most egregious flaw in the OLC memo is that it addresses the wrong question. The question OLC should have answered is why a pro forma session, like any other session, does not start a new recess. That is the real question here. OLC simply ignored that question entirely. And I am not at all surprised. The obvious answer is that a pro forma session does begin a new recess, and then OLC would have had to justify the President making a recess appointment during an unprecedented 3-day recess.

Rather than address that necessary question, the OLC memo instead addressed whether the President may make recess appointments during a longer recess that is ''punctuated by periodic pro forma sessions.'' I wish to know who made up this characterization of pro forma sessions as merely procedural punctuation marks, but a cliche like that is no substitute for a real legal argument.

If that is the most egregious flaw in the OLC memo, its most egregious omission might be failing even to mention, let alone explain away, the Obama administration's endorsement of the 3-day standard before the Supreme Court.

In 1996, the Clinton Office of Legal Counsel advised that making appointments during a 10-day recess would ''pose significant litigation risks.'' In this new memo, the Obama OLC admits that these appointments during only a 3-day recess ''creates some litigation risks.'' They admit that. The memo of course does not attempt to explain how appointments during an even shorter recess somehow pose less litigation risks. Either way, litigation may be where this controversy is headed. And I certainly hope so.

Just as our Democratic colleagues accused President Bush of creating an imperial Presidency, they accused his administration's Office of Legal Counsel of helping him to do it. They attacked OLC for being his advocate rather than an objective neutral adviser. Well, nothing OLC did for President Bush looked anything like what we see today. This memo reads like a brief by the President's personal lawyer. We all know Justice Department lawyers are not the President's personal lawyers.

When President Obama decided to make these appointments, the person who should have been the most outraged was the Senate majority leader. After all, as the highest ranking officer in the Chamber, he should have been particularly defensive of the rights and prerogatives of the Senate, and should have opposed any effort on the part of the Executive to undermine the Senate's role in the confirmation process.

Unfortunately, that is not what happened. Since the time the appointments were made, the Senate majority leader has, on multiple occasions, publicly endorsed the President's decision to ignore precedent and bypass the Senate. He did so on television in mid-January and again this week here on this floor. The majority leader's decision to support and, indeed, applaud the President in this case is troubling, given that, as I mentioned a few minutes ago, it was under his leadership that the Senate began to use pro forma sessions for the specific purpose of preventing President Bush from making recess appointments.

The majority leader has acknowledged this to some extent, but his explanation as to why he is taking these apparently contradictory positions is unclear and somewhat hard to follow. We need a better explanation from the majority leader, because from the vantage point of many here in the Chamber it appears that his position on the efficacy of pro forma sessions and the constitutionality of recess appointments varies depending upon who is occupying the White House. No leader in this body should ignore this question. And, frankly, our leaders should be standing for the Senate against the White House on this matter.

Well, I hope that it isn't true that the constitutionality of recess appointments varies depending on who is occupying the White House. I hope I have simply misinterpreted what appears to be plain statements, both past and present, on the part of the majority leader. That is why I, along with 33 of my colleagues, have submitted a letter to the majority leader asking him to clarify his position on these appointments. Specifically, the letter asks him to state whether he believes the pro forma sessions have any impact on the President's recess appointment power.

It also asks him to clarify whether he believes President Bush had the constitutional authority to make recess appointments like the ones recently made by President Obama and why, if he believes these recent appointments are constitutional, he instituted the practice of using pro forma sessions in the first place. Why did he do that?

Finally, the letter asks the majority leader to state specifically whether he agrees with the President's legal argument that the Senate was unavailable to perform its advice and consent functions during the recent adjournment period.

I ask unanimous consent to have printed in the RECORD a copy of the letter, signed by 33 Senators.

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

U.S. SENATE,
Washington, DC, February 2, 2012.

Hon. HARRY REID,
Senate Majority Leader,
U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER REID: In light of President Obama's recent decision to break with precedent regarding the use of recess appointments, we are writing to inquire about your views on the matter so as to clear up what appear to be serious inconsistencies on your part. We hope you will provide a complete and candid response.

On January 4, 2012, the President announced his intent to recess appoint Richard Griffin, Sharon Block, and Terence Flynn to serve on the National Labor Relations Board (NLRB) and Richard Cordray to serve as head of the Consumer Financial Protection Bureau (CFPB). Pursuant to a Unanimous Consent agreement, the Senate was to go into pro forma session every three days between December 17, 2011 and January 23, 2012. However, the President, in a controversial turn of events, determined that the Senate's use of periodic pro forma sessions was insufficient to prevent him from exercising his recess appointment power under Article II of the Constitution.

As you are surely aware, it was under your leadership that the Senate first began to use pro forma sessions in order to prevent President George W. Bush from making recess appointments beginning in November 2007. With very few exceptions, this became the standard practice for the Senate during the rest of President Bush's term in office, during which time no recess appointments were made. And, though you discontinued this practice when President Obama first took office, the procedure was reinstituted last year.

Furthermore, in deciding whether to make these appointments, the President reportedly relied on the opinion of the Office of Legal Counsel which argued that, because no business was to be conducted during the scheduled pro forma sessions, the President could consider the Senate unavailable to provide advice and consent and exercise his power to make recess appointments. Yet, on December 23, 2011, one of the days scheduled for a pro forma session, you, yourself, went to the floor and conducted business to provide for the Senate passage of the Temporary Payroll Tax Cut Continuation Act of 2011 (H.R. 3765), clearly undermining any claim that the Senate is unavailable to perform its duties during a pro forma session.

However, despite the fact that you were indisputably the author of what became the routine use pro forma sessions to prevent recess appointments and even though you are obviously well aware that the Senate is able to conduct significant business during a scheduled pro forma session, you have, on multiple occasions, publicly expressed your support for President Obama's efforts to bypass the Senate with regard to these nominations. For example, while appearing on the January 15, 2012 edition of ''Meet the Press,'' you stated unequivocally that the President ''did the right thing'' in making these appointments. And, while you did acknowledge in the interview that it was you who established the procedure of using pro forma sessions, you also stated that ''President Bush didn't have to worry about recess appointments because [you] were working with him,'' and that ''[you] believed then, [you] believe now, that a president has a right to make appointments.'' You made similar arguments this week on the Senate floor.

This purported explanation directly contradicts remarks you made on the Senate floor during the Bush Administration wherein you explicitly indicated that the purpose of the pro forma sessions was to prevent President Bush from making recess appointments. On November 16, 2007, you stated that ''the Senate would be coming in for pro forma sessions during the Thanksgiving Holiday to prevent recess appointments,'' and that you had made the decision to do so because ''the administration informed [you] that they would make several recess appointments.'' On December 19, 2007, you stated that ''we are going into pro forma sessions so the President cannot appoint people we think are objectionable. . .'' After reading these statements, it is clear that, under the Bush Administration, you believed that the use of pro forma sessions was sufficient to prevent the President from making recess appointments and that the practice was undertaken specifically because you were unable to reach an agreement with the President regarding specific nominees.

This apparent shift in your position raises a number of concerns. Most specifically, it appears that you believe the importance of preserving Senate's constitutional role in the nomination and appointment process varies depending on the political party of the President. Because we hope that this is not the case and because we hope that you, as the Senate Majority Leader, have taken seriously your responsibility to protect and defend the rights of this chamber, we hope you will answer the following clarifying questions:

1. In your view, what specific limitations does the Senate's use of pro forma sessions place on the President's power to make recess appointments under the Constitution?

2. Would it have been constitutional, in your view, for President Bush to have made recess appointments during the time the Senate, under your leadership, was using pro forma sessions? If so, for what purpose did you establish the practice of using pro forma sessions in the first place? If not, why do you now believe it is constitutional for President Obama to make recess appointments under similar circumstances?

3. In your view, did the Senate's passage of the Temporary Payroll Tax Cut Continuation Act of 2011 comply with the constitutional requirements for the passage of legislation?

If so, do you disagree with the President's argument that the Senate was ''unavailable'' to perform its advice and consent duties during the recent adjournment?

Needless to say, these are very serious matters. While there are many issues that divide the two parties in the Senate, including the very appointments at issue here, we hope that you share our view that neither party should undermine the constitutional authority of the Senate in order to serve a political objective.

Thank you for your attention regarding this matter.

Sincerely,

Orrin Hatch, Jim DeMint, Ron Johnson, Mike Johanns, John Cornyn, Marco Rubio, Rand Paul, Mike Lee, Michael B. Enzi, John Boozman, Pat Roberts, Chuck Grassley, John Hoeven, Roger Wicker, Pat Toomey, Dan Coats. Rob Portman, Mike Crapo, Scott Brown, Jeff Sessions, Dick Lugar, Lindsey Graham, Jerry Moran, Kelly Ayotte, James Risch, David Vitter, Saxby Chambliss, John Thune, John McCain, John Barrasso, Richard Burr, Thad Cochran, Roy Blunt, Johnny Isakson.

Mr. HATCH. These so-called recess appointments were unlawful because there was no legitimate recess in which they could be made.

There are many disagreements about policy and political issues. That is to be expected. But the integrity of our system of government requires that even the President must, as he said in the State of the Union Address, play by the rules. President Obama broke the rules in order to install the individuals he wanted. That action weakened the Constitution, our system of checks and balances, as well as both the Senate and the Presidency.

Madam President, 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. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

EGYPT

Mr. LEAHY. Madam President, I would like to draw the Senate's attention to recent developments in Egypt, and I begin by referring to the outburst of violence yesterday by rival soccer fans after a match in that country in which 73 people were reportedly killed and hundreds injured.

This is a shocking tragedy, and I want to express my condolences to the Egyptian people and the families of the victims.

Last week tens of thousands of Egyptians gathered in Tahrir Square in Cairo to celebrate the 1 year anniversary of the popular revolution that overthrew former President Hosni Mubarak. That courageous and largely peaceful expression of popular will was inspirational to people everywhere, including millions of Americans.

The United States and Egypt share a long history of friendship and cooperation. Thousands of Americans travel and study in Egypt, and over the years we have provided tens of billions of dollars in economic and military aid to Egypt. Our countries share many interests, and it is critically important that we remain friends and allies in that strategically important part of the world during this period of political, economic, and social transition.

During the past 12 months, Egypt has been governed by a group of senior military officers, each of whom held positions of leadership and privilege in the repressive and corrupt Mubarak government. To their credit, for the most part they did not attempt to put down the revolution by force, and they pledged to support the people's demand for a democratically elected civilian government that protects fundamental freedoms.

The transition process is a work in progress. On the positive side, two democratic elections have been held and a new Parliament has been seated. On the negative side, civilian protesters have been arrested and prosecuted in military courts that do not protect due process, and in December Egyptian police raided the offices of seven nongovernmental organizations, including four U.S.-based groups whose work for democracy and human rights has for years been hindered by laws and practices that restrict freedom of expression and association. Files and computers were confiscated, and some of their employees have been interrogated.

There are also reports that as many as 400 Egyptian nongovernmental organizations are under investigation, allegedly for accepting foreign donations. Apparently, to the thinking of Egypt's military rulers, there is nothing wrong with the Egyptian Government receiving billions of dollars from U.S. taxpayers, but private Egyptian groups that work for a more democratic, free society on behalf of the Egyptian people and that cannot survive without outside help do so at their peril.

Despite repeated assurances from Egyptian authorities that the property seized from these organizations would be promptly returned, that has not happened. To the contrary, the situation has gotten worse as several of their American employees have been ordered to remain in Egypt. Some of them have obtained protection at the U.S. Embassy. With each passing day there are growing concerns that these groups could face criminal charges for operating in the country without permission.

This is a spurious charge, since registration applications were submitted and deemed complete by the government years ago, because the organizations regularly reported to officials on their activities, and since, while registration was pending, they were permitted to operate. Ironically, while the previous regime did not seek to expel them for their prodemocracy work, Egypt's current authorities, whose responsibility it is to defend and support the democratic tradition, are attempting to do just that.

There is abundant misinformation about the work of the American-based