

minimum wage. We passed a continuing resolution that enacted tough spending limitations, and earmarks were eliminated. We passed every single recommendation of the 9/11 Commission, after they languished in the Congress for years with nothing being done. We passed a responsible pay-as-you-go budget that cut taxes for working people and invested more in education, veterans, and health care. And I might say that as a result of Senator JOHNSON being incapacitated for the next few weeks, we were able to pass that budget even though the margin here was 50 to 49. We had two brave Republicans to join with us on this very sound budget, which we appreciate very much—Senators SNOWE and COLLINS—and it was done even though in the past the Republicans couldn't pass the budget with a much larger majority than we have.

Yesterday, we passed legislation offering the promise of stem cell research in a responsible, ethical way, with 66 votes—or actually 63, but three Democratic Senators were unable to be here. They would have voted for that. So 66—1 short of being able to override the promised veto of the President. I think it is very possible we will get this bill, and it will be the first to override the President's veto. I think we can do that. There must be another Republican who will step forward, in a profile in courage, and vote with us and give hope to millions of Americans.

In the weeks ahead, we will turn our focus to reducing drug costs for senior citizens. That is going to be a battle because the wealthy, strong, powerful pharmaceutical industry has hired nearly every lobbyist in town—those with Gucci shoes and chauffeur-driven limousines—and they have been flooding this Capitol to prevent the American people from having the benefit of Medicare being able to negotiate for lower priced drugs. The big HMOs, the health care providers, and the insurance companies can but not Medicare. What does that say? It says the pharmaceutical industry is way too powerful. But we are going to have a shot at it. We will see how much power the pharmaceutical industry has over the Senate. On this side of the aisle, they have very little power, but we will see how much power they have over on the other side of the aisle. So we are going to try to allow Medicare to negotiate for lower priced drugs.

We are going to do our very best to develop a new strategy for energy, and we are going to act as quickly as we can to see what we can come up with regarding comprehensive immigration reform. We passed something here last year. We did it without the help of the President. With the help of the President this year, maybe we can do better. I certainly hope so. He says he wants to help, but actions speak louder than words.

All the while, during these first 100 days, as I mentioned, we retired the rubber stamp and restored Congress to

its rightful, constitutionally mandated role as a coequal branch of Government. The Bush administration is finally being held accountable for some of its failures—and I say some of them, whether the political manipulation at the Department of Justice, where we learned today that all the e-mails dealing with their so-called political computers appear to have been destroyed or hidden—just part of the manipulations of this very historic Justice Department, and I mean historic in the sense of being the most corrupt ever, the most inept ever. We have also been able to look at this administration for its failures at Walter Reed, the deplorable conditions at Walter Reed, and the tragic mishandling of the war in Iraq.

No message was more clear in November than the call for a new direction in Iraq. Yet, in the months that have passed, President Bush has only dug us deeper, deeper in this intractable civil war going on in Iraq. Now we hear the Army will be forced to put further strain on the troops by extending their tours of duty from 12 to 15 months. Next, the Marine Corps will have added time to their already strained forces.

Today, although you didn't read it in the paper because it happened since the papers went to print, a bridge in Iraq was blown up right in the city of Baghdad, with cars piled up off of that. They do not know how many are dead as a result of that. In the Green Zone, inside the Iraqi Parliament, a bomb went off today, killing members of Parliament. They do not know how many, maybe only a couple. We don't know at this stage. But many were injured right in the Iraqi Parliament.

Policing the civil war was never supposed to be the mission, and every day the price we pay grows worse and worse—3,300 American lives lost, tens of thousands more wounded, and about \$½ trillion spent. That is \$½ trillion that could go to health care for the 47 million Americans who have no health care and to look at what we are going to do about the children dropping out of school and to do something to provide monies for the Leave No Child Behind Act, which could help education around our country. This \$½ trillion spent, yet no end in sight, according to our President, for the troops. More of the same.

It takes more than saying we support our troops to make it so, and in these first 100 days, this Congress put words to action. Our emergency supplemental appropriations bill gives the troops every single penny requested by the commanders on the ground, plus it gives more than the President requested. It provides a reasonable, realistic strategy to draw them out from the crossfire of another country's civil war, and it provides funds that the President's budget left out to make right the unconscionable situations at Walter Reed and other VA medical facilities, because our troops do deserve that support. The support of the Amer-

ican troops doesn't end when they leave Iraq; it must continue when they come home to American soil.

No single piece of legislation will bring this tragic war to a climax. The American people understand that, but they elected us to lead the way, to chart a new course, showing President Bush the way forward, and in these first 100 days, we have done precisely that on the war in Iraq and the issues here at home.

In the weeks and months ahead, we will continue to do the very best we can to change the direction at home and abroad.

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#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

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#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes controlled by the majority leader or his designee and the last 30 minutes controlled by the Republican leader or his designee.

The Senator from New York is recognized.

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#### FIRST 100 DAYS

Mr. SCHUMER. Mr. President, I rise to join our distinguished leader, my friend, Senator REID, and to thank him and our whip, Senator DURBIN, for their leadership and commitment to this body and to the American people.

Last November, the American people asked us to do three things: No. 1, change course in Iraq; No. 2, make middle-class families' lives a little better; and No. 3, oversee an administration that is out of touch and has had virtually no oversight for 6 years.

Over the past 100 days, we have made significant progress. Change, accountability, and oversight have become more than words; they have become our mission. We are demanding the change in Iraq that the American people want. The President is ordering us to send him a blank check to continue to fund a failed policy, no questions asked. In fact, anyone who asks questions, their integrity is often impugned. That is because the President thinks the only way to support our troops is to rubberstamp what he wants.

We in the Congress are keeping faith with the American people. We have passed a bill that funds our troops and at the same time changes our mission from policing a civil war to focusing on counterterrorism. We have worked on resolutions that offer alternatives to the President's head-in-the-sand policy in Iraq. We have held hearings to ask

the tough questions that have gone unasked over the past 4 years of the war. We have also made our country safer and more secure by implementing the 9/11 Commission recommendations.

We have funded homeland security grant programs, improved communications for first responders, increased information-sharing among our intelligence and law enforcement agencies, and strengthened the visa waiver program while boosting civil liberties protections.

In the first 100 days, we also passed an increase in the minimum wage that will put real money into the pockets of hard-working individuals and families. A minimum wage increase was long overdue. While the costs of everyday life continue to rise, wages for the middle class and those aspiring to be middle class have not kept pace.

We passed a bill to open the hope of stem cell research for millions of families who suffer from debilitating diseases and, in the first 100 days, Congress has resumed one of its fundamental responsibilities—oversight of the White House and the administration. From the Justice Department to the Defense Department, Democrats are asking tough questions that have needed to be asked.

On U.S. attorneys, our investigation—not in a partisan manner but bipartisan, both parties seeking the truth—continues, and we will work until we receive every document we need and until we have talked to all the key figures involved, whether they be in the Justice Department or the White House.

Already, we passed legislation that will make sure the Senate has a say in the confirmation of U.S. attorneys because we must put the finest people in these positions, not simply cronies. We cannot allow the deprofessionalization of the U.S. attorneys.

Our oversight also meant that when major failures were disclosed, such as the disgraceful treatment of our veterans at Walter Reed and at VA centers around the country, we did not let them get swept under the rug. We held hearings to get to the bottom of things and it is clear we need accountability from those who were in charge and we need to make changes in our veterans system so our veterans do not fall through the cracks again. There is no higher priority than giving our soldiers the medical care they need, and that is why we put over \$4 billion in the supplemental appropriations bill for veterans health care. When it comes to our vets, money is no object. It never should be.

It only has been 100 days, but there are marked changes in the way this Congress is being run. We are not rubberstamping the President's failed agenda, unlike the previous Congress. We have accomplished a great deal and we know there is a lot more to do.

As we move forward, we hope our colleagues across the aisle will join us and the vast majority of the American peo-

ple who are with us in forging a new direction for the country, especially when it comes to Iraq. Let us use the next 100 days to show we support the troops by providing them with the funding they need and the change in mission the situation requires.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, today we mark the 100th day of the new Congress. We have much more to do on behalf of the American people, but we have already accomplished an awful lot.

We have heard the American people's call for accountability and competence in their Government, and we started making those goals a reality. We have returned the focus to the rights and interests of the American people.

As I have commended the members of the Judiciary Committee—and I commend the distinguished Presiding Officer as well as the other members for their help and active participation in the work of our committee—I come to the Senate today to thank the majority leader and those Senators who have been working so hard to restore balance to our Government, protect the liberties and rights of all Americans, and also to revive America's leadership in the world.

First and foremost, we are making progress restoring the Senate and Congress to their proper constitutional role. From the FBI's illegal and improper use of national security letters to the politically motivated dismissal of so many of the Nation's U.S. attorneys, there are concerns about the competence—but especially the independence—of the Department of Justice. This pattern of abuse of authority and mismanagement causes me, and I might say many Republicans as well as Democrats, to wonder whether the FBI and Department of Justice have been faithful stewards of the great trust the Congress and the American people have placed in them.

We need to keep our Nation safe, but we also have to respect the rights and the liberties of all Americans. In the previous Congress, the administration sought expanded powers in the PATRIOT Act to appoint U.S. attorneys without Senate confirmation and to more freely use national security letters. You know, the administration got those powers, and almost immediately they bungled them. They bungled them badly.

In the Judiciary Committee, early oversight efforts included our January 18 hearing with Attorney General Gonzales. There we examined the

change in course of this administration, which had engaged in warrantless wiretapping of Americans, contrary to the law, for years. Under the watchful eye of the new Congress, the President's program for warrantless wiretaps on Americans has been revised, and now the Government has to seek approval for those wiretaps from the Foreign Intelligence Surveillance Court—something we have always expected. If our Government is going to inspect our papers, our computers, our voices, they should get a court order first.

We must engage in all surveillance necessary to prevent acts of terrorism, but we can and should do so in ways that protect the basic rights of all Americans, including the right to privacy. The issue has never been whether to monitor suspected terrorists but doing it legally and with proper checks and balances to prevent abuses. The Administration's recent reversal of course was a good first step.

Last month we held oversight hearings with FBI Director Mueller, and we called him to task for the longstanding FBI abuses of national security letters. The inspector general's report we insisted be provided included troubling findings of widespread illegal and improper use of national security letters to obtain Americans' phone and financial and credit and other records.

Nobody would stand for it if you had somebody—agents—walk into your home in the middle of the night grabbing these records. It is the same thing when they grab them electronically.

Inspector General Glenn Fine testified there could be thousands of additional violations among the tens of thousands of national security letters the FBI is now using, willy-nilly, each year.

The inspector general also found widespread use by the FBI of so-called "exigent letters." These letters, which are not authorized by any statute, were issued at least 739 times to obtain Americans' phone records when there was often no emergency and never a follow-up subpoena, as the FBI had promised. Despite these extensive abuses, the top leadership at the FBI sat idly by for years, doing nothing to stop this practice.

We questioned the FBI Director about these matters and reports that the FBI has repeatedly submitted inaccurate information to the Foreign Intelligence Surveillance Court in its efforts to obtain secret warrants in terrorism and espionage cases. It severely undermines the Government's credibility in the eyes of the Chief Judge of that court.

If the people charged with law enforcement in this country don't follow the law themselves, it all breaks down. Every one of us, every one of the 100 Senators, every one of us are required to follow the law. None of us—no American—is above the law, but it becomes even worse if those who are supposed to enforce the law do not follow

the law. These abuses are unacceptable. Director Mueller now knows that and knows these abuses and violations can no longer be continued or repeated.

The Judiciary Committee is now in the midst of an investigation in which we are uncovering an abuse of power that threatens the independence of U.S. Attorneys' Offices around the country. It undermines the trust and confidence of all Americans in Federal law enforcement. We are examining the mass firing of U.S. attorneys. We are trying to get to the truth of what happened so these abuses do not happen again. I want the American people, all Americans, to have a Justice Department and U.S. Attorneys' Offices that enforce the law without regard to political influence and partisanship. I want the American people to have confidence in Federal law enforcement. I want our Federal law enforcement officers to have the independence they need to be effective and merit the trust of the American people.

Sadly, what we have heard from the administration has been a series of shifting explanations and excuses and a lack of accountability or acknowledgment of the seriousness of this matter. The women and men replaced and whose reputations were then stained by those seeking to justify these firings as "performance related" were appointees of President Bush. Several had significant achievements in office and glowing performance reviews.

As we learn more details about the ousters of these U.S. attorneys, the story grows more troubling. Had we believed and accepted the initial testimony of the Attorney General of the United States and the other Department officials, then we would not have gotten to the truth. The White House and the Attorney General dodged Congress's questions. They ducked real accountability for years. In the past, they counted on a rubberstamping Congress to avoid accountability. The American people have a new Congress, and this is a Congress that asks questions and wants the truth, and we will get the truth. The Attorney General has admitted "mistakes were made," but somehow he doesn't say what those mistakes were.

He will have another chance, yet another chance to tell the truth and the whole truth and nothing but the truth next Tuesday at our Judiciary Committee oversight hearing. The days when he could come by once a year and not answer questions are over.

I made no secret during his confirmation hearing of my concern whether Mr. Gonzales could serve as an independent Attorney General of the United States on behalf of the American people and leave behind his role as counselor to President Bush.

The Department of Justice should serve the American people by making sure the law is enforced without fear or favor. It is an oath I took when I was a prosecutor. That is the oath all prosecutors take, but it is an oath the At-

torney General has to remember. The Department of Justice cannot be turned into a political arm of the White House.

Accountability has been lacking in this administration because there has been a "rubberstamp" Congress. Loyalty to the President is rewarded over all else. That lack of accountability and the lack of the checks and balances that foster it must end, and I hope it has ended. We do not need another commendation for the "heckuva job" for those who failed in their essential duties to the American people. True accountability means being forthcoming, and it means there are consequences for improper actions.

The White House continues to stand by the firings of the U.S. attorneys and despite assurances by the President that we would receive cooperation, documents and access to witnesses, the White House has yet to produce a single document or make any witnesses available.

Now we are learning that people in the White House were having "off-book" communications by using Republican political e-mail addresses, and they say these e-mails have not been preserved. I don't believe that. I don't believe that. You can't erase e-mails, not today. These e-mails have gone through too many servers. They can't say they have been lost. That is akin to saying the dog ate my homework. It doesn't work that way. Those e-mails are there, the White House just doesn't want to produce them. It is similar to the famous 18-minute gap in the Nixon White House tapes. They say these e-mails have been erased or misplaced.

They are there. The White House knows they are there, and we will subpoena them, if necessary, and we will have them because now, when the administration suddenly is facing meaningful oversight, they say they cannot produce the information. They have the information. They have to bring it out and show it to the American people. The administration has worn out the benefit of the doubt. They have undermined whatever credibility they had left.

The American people are right that they are entitled to full and honest testimony of the White House staff responsible for this debacle.

We have asked for administration officials and now former officials to cooperate with the Judiciary Committee in its inquiry, and I hope that they will. Through the committee's oversight work so far, we know some of the answers to some of the questions we have been asking, and the answers are troubling. We have learned that most of the U.S. attorneys that were asked to resign were doing their jobs well and were fired for not bending to the political will of some in Washington. Apparently, their reward for their efforts at rooting out serious public corruption is a kick out the door.

Along with these oversight matters, the Judiciary Committee has taken up

questions relating to the war in Iraq and congressional authority to condition funding, the plight of Iraqi refugees, the recommendation of the Iraq Study Group on policing and the administration of justice in Iraq, and contracting fraud and abuse in Iraq.

We have examined enforcing our antitrust laws, restoring open government by reinvigorating the Freedom of Information Act, ending antitrust immunity for insurers, increasing drug competition, strengthening protections against identity theft, and providing for fair and comprehensive immigration reform.

We have also moved legislative initiatives. Indeed, I think the first legislation passed by the Senate this year was our bill to restore the cost-of-living adjustment for Federal judges. We have passed a bill to amend the reauthorization of the Voting Rights Act to honor the contribution of Cesar Chavez and other outstanding Americans. We passed by a bipartisan vote of 94 to 2 a bill to repeal that part of the PATRIOT Act reauthorization that had contributed to the U.S. attorney firings and thereby moved decisively to repeal the Attorney General's unlimited authority to appoint so-called interim U.S. attorneys without Senate consideration. At long last, we have given final passage to the bill against animal fighting that has languished for so many years. And we have passed the Genocide Accountability Act, the first legislative result of the new subcommittee I worked with Senator DURBIN to create within the Judiciary Committee on Human Rights and the Law.

I hope that the Senate will soon be considering a number of our other legislative initiatives. We have reported a court security bill, S. 378; a bill to increase drug competition by giving the FTC authority to stop drug companies from paying other companies not to compete, S. 316; a bill to establish a school loan program for those willing to serve as prosecutors and public defenders, S. 442; and legislation to reauthorize the successful Byrne grant program for law enforcement, S. 231. A number of additional items are not far behind, including a bill to reauthorize the COPS program, S. 368; and a bill that Senator SESSIONS and Senator LANDRIEU cosponsored attacking fraud in disaster and emergency relief funding. I hope to see action on our bill against war profiteering, S. 119, as well.

It is a new Congress. It is a new Congress that is off to a strong start in restoring accountability, revitalizing the checks and balances of our system, and earning back the public's trust in Government which was eroded during the rubberstamp Congress. Much remains to be done, but we have made meaningful progress in just 100 days.

Mr. SCHUMER. Mr. President, if my colleague would yield to me.

Mr. LEAHY. Of course, I will yield.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I just want to thank our chair and leader on the Judiciary Committee for the amazing job he has done on the U.S. attorney's issue and on so many others. One of the things that has been lacking for 6 years in this administration is oversight. There has been virtually none.

As to what the chairman of the Judiciary Committee alluded to, in the U.S. attorney's area, it has been appalling what has happened, and again with no oversight. It has been on issue after issue after issue. So many of the things that we have begun to uncover, whether it is with the NSA wiretaps, whether it is with the security letters, whether it is with some of the other things going on, have been done under his watch.

I thank my colleague for his remarks and for the great job he has done.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from New York. Of course, he is a member of the Senate Judiciary Committee, and one of the most active members we have. He has spent countless hours on this issue. We talk every single day. We have worked together. I have been so proud of what he has done on that committee. He made my job a lot easier.

Mr. President, I suggest the absence of a quorum, and I would ask that the time not be charged to either side.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### EMERGENCY SUPPLEMENTAL

Mr. THUNE. Mr. President, last month I came to the Senate floor to express my doubts about the emergency supplemental spending bill put forth by the Democratic leadership in the House and Senate.

The supplemental was, and still is, a flawed bill that will do little to advance the cause of either liberty or victory in Iraq. It is a poorly crafted bill that includes language directing the President to begin a phased withdrawal of American troops, essentially tying the hands of the Commander in Chief, and signaling to our enemies that this is the day on which we will wave the white flag and surrender.

Mr. President, the Democrats believe the war in Iraq is a civil war between Sunni and Shia, and that America has no place in their war. I see the war in Iraq as a war between Islamic fascists and everyone else.

Contrary to the belief of many of my Democratic colleagues, we are in the

middle of that war, be it in Baghdad, New York, Pennsylvania, Bali, London, or Madrid. What my colleagues on the other side of the aisle fail to realize is that diplomacy and the exertion of military force are not mutually exclusive of one another. You can and must have both, and they must be effective.

But it is naive to think that you can have diplomacy in a vacuum, especially when you are dealing with a country such as Iran, a country bent on developing nuclear weapons, increasing its ballistic missile capability, and providing weapons and training to our enemies in Iraq.

However, this is all moot because the Democratic leadership on the war supplemental spending bill has been absent these last couple of weeks. Here we are, almost 3 weeks after the bill was passed in the Senate. There has been no conference of the bill. And the other body, the House of Representatives, has yet to appoint conferees. What are we waiting for? Why are we asking our men and women in uniform to wait?

Well, unfortunately, waiting is what our military is going to do. The Democratic leadership has thus far decided to purposefully send a bill to the White House that they know will be vetoed in order to set up a confrontation with the President to score political points.

I find it ironic that many of the Democrats who are so insistent on micromanaging the war and usurping the power of the President cannot even show up and show the requisite leadership to pass an emergency bill that funds our troops. Our troops deserve more from this Congress.

I hope my colleagues across the aisle will do what is right and get a bill passed that the President can sign into law. If you look at what the consequences of us not acting are, it has been very clear. Secretary of Defense Robert Gates said: This kind of disruption to key programs will have a genuinely adverse effect on the readiness of the Army and the quality of life for soldiers and their families.

The supplemental is necessary to pay for training and equipping our soldiers in Iraq and Afghanistan. If the supplemental is not passed by April 15, the military will be forced to consider the following steps: Curtailing and suspending home station training for Reserve and Guard units; slowing the training of units slated to deploy next to Iraq and Afghanistan; cutting the funding for the upgrade or renovation of barracks and other facilities that support quality of life for troops and their families; stopping the repair of equipment necessary to support predeployment training; reducing the repair work being done at Army depots; delaying or curtailing the deployment of brigade combat teams to their training rotation; this, in turn, will cause additional units in theater to have their tours extended because other units are not ready to take their place; delaying formation of new bri-

gade combat teams; implementation of a civilian hiring freeze; prohibiting the execution of new contracts and service orders, including service orders for training events and facilities; holding or canceling the order of repair parts to nondeployed units in the Army.

These are all things that can result simply because this Congress has not acted in a way that is consistent with what is in the best interest of our men and women in uniform who are serving their country in Iraq and Afghanistan. It is about the politics of whether we ought to be withdrawing. Of course, as I said, the legislation that has passed both the House and Senate, including time lines for withdrawal, which ties the hands of our Commander in Chief, ties the hands of our generals in the field, sends a very clear message to our troops that we don't believe in their mission, that we don't believe it is possible for them to attain victory. It sends a very clear message to our enemies that on this date certain, we are going to pull out. What does that say to them, other than all they to have do is to wait us out?

Irrespective of where you are on this particular war—I know it is divisive in the United States—when it comes to the fundamental question of making sure our troops have the resources they need to do the job we have asked them to do, to make sure we are supporting the important work they are doing and giving them the impression we believe they can win and that we want them to win, there is nothing more important in the Senate for us to be dealing with. I know there are a lot of important issues the Senate has to deal with. We have an Intelligence authorization bill we are deliberating. We had stem cell research in the last couple of days. We ought to be dealing with issues such as immigration and health care and energy, all issues that are important to the people.

I submit nothing is more important than making sure the men and women in uniform, serving our country in theaters of conflict, have the resources they need to do the job we have asked of them.

Meanwhile, while the House is out of session and has yet to appoint conferees so even our staffs in the House and Senate could get together and begin discussing the differences between the House and Senate bills to get a bill to send to the President, which the President can subsequently veto and send back here so we can have an override vote, which will fail—then we will be right back where we started—the troops don't have any funding. Hopefully, at that point, perhaps, the Democrats in the House and Senate will come to the realization that all these theatrics and shenanigans being played on the floor of the House and Senate are not doing anything but sending a message to our enemies that we are weakening in our resolve and not doing what we need to be doing, and that is funding our troops to make