

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

sure they have the necessary training and equipment and ability to conduct and win this mission we have asked them to complete.

The ironic thing about it is, while all this is not going on here, the absence of activity in the Congress where we ought to be conferencing the supplemental bill so we can get the process moving forward and hopefully get a bill back from the President that will have been vetoed so we can send him another bill that has funding in it for our troops, while all this is not going on in Washington, the Speaker of the House of Representatives, while the House is out of session this week in recess, is traveling around the world conducting foreign policy. Where and since when is it the job of the Speaker of the House of Representatives to conduct foreign policy, going to other countries in the world, particularly countries with which we don't have a relationship, countries that harbor and sponsor terrorist activities, meeting with them to deliver messages from other countries around the world?

I know we have a President and Vice President, we have a State Department and a diplomatic corps, all of which are tasked with that important job. But the Speaker of the House of Representatives somehow decided she should be the courier of messages between Israel and Syria.

It should come as no surprise that the Israeli Prime Minister took issue with the Speaker of the House of Representatives conducting Israeli foreign policy as well, not to mention the fact that she didn't have the authority to do it, nor was the message she delivered the correct message. It seems to me what we ought to be focused on as a Congress is not running around the world meeting with leaders who are aiding and abetting the very people our men and women in uniform are fighting against in Iraq but, rather, being in Washington, dealing with the important issue of funding our men and women in uniform who are involved in a very important mission for the future of our country. I know this is an issue on which this country has great debate. I know people in my State, as in many States, are weary of the conflict in Iraq.

We have in place a new strategy that includes additional troops, a change in rules of engagement, new conditions and benchmarks for the Iraqi Government, for the Iraqi military. I want to see it work. I want to see our troops succeed. I believe a majority of the people want to see our mission in Iraq succeed, knowing full well the consequences of failure will be detrimental and disastrous to the United States and to our security in the future. Yet here we are. The Senate is here. We can't conduct a conference because the House of Representatives is not in session, nor did they, before they departed for a 2-week recess, appoint conferees to the supplemental appropriations bill that would enable us to go about this important work.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. THUNE. I am happy to yield to the Senator from Alabama.

Mr. SESSIONS. About the conference process, when an emergency supplemental is passed, even though it had language in it that I know the Senator opposes, and so do I, it would normally have to go to a conference committee of Members of the House of Representatives and Members of the Senate. Sometimes it takes a good while, does it not, historically, for differences in the House and Senate bills to be worked out? It sometimes takes a good while; would the Senator agree?

Mr. THUNE. That is correct. The Senator is absolutely right. He well knows, anytime the House and Senate act on separate pieces of legislation, it has to go to a conference committee. Differences have to be worked out before the conference report can come back to the House and Senate and be passed and ultimately sent to the President.

Mr. SESSIONS. Those conference committee appointments are decided by the leaders of the Senate for the Senate conferees and the leaders of the House, the Speaker of the House, Ms. PELOSI, would appoint those conferees. If it were something they wanted to have done badly, that was high on her agenda, would not they have appointed conferees before we recessed almost 2 weeks ago so the conferees could have begun work during this interim period, staffs could have been working on these issues and been ready to move rapidly when the House comes back in session? If they had wanted to, couldn't they have done that?

Mr. THUNE. Mr. President, I serve with my colleague from Alabama on the Armed Services Committee. This is an issue he cares deeply about, making sure our men and women are well cared for and that they are in a position to do the work we ask them to do. It would make sense—I think it is fair to say—that the House, knowing they were going to take a 2-week recess, to appoint the conferees so the important work of the conference committee could get underway, so we wouldn't have to wait another several weeks to get this legislation through the conference committee, ultimately sent to the President, where it is certain to be vetoed, so that it has to come back here and start all over again. It seems that would be a fair expectation of our colleagues in the other body when it comes to appointing conferees for this important legislation.

Having served three terms in the House of Representatives, I had the privilege during those terms to represent my class as a Member of the House leadership. On a weekly basis, I had the opportunity, under both Speakers Gingrich and HASTERT, to be a part of the process. I know how many pressures and how much responsibility comes with the job of Speaker of the House. Our Senate leaders on both

sides have a caucus of about 50 people, thereabouts, that they have to deal with. The Speaker of the House has a responsibility for making sure that 435 Members of the House of Representatives are moving forward with a legislative agenda. There is a lot of responsibility, a lot of pressure. I have experienced and seen firsthand much of that.

What I don't understand, however, is where in the job description of the Speaker of the House comes this notion that somehow the Speaker of the House ought to be going out and meeting with Syrian leaders, countries and leadership that are aiding and abetting the people we are fighting against, our enemies in Iraq, and trying to conduct foreign policy, representing the interests of one of our allies, the Nation of Israel, and not only misrepresenting their views but, frankly, exercising authority that clearly they didn't give her to exercise. I am at a loss to explain why we would be here waiting to conference an important supplemental appropriations bill that will fund the troops while the leadership of the other body is traveling the world, conducting meetings that clearly ought to be in the purview of our representation at the State Department and the White House and diplomatic corps.

If the Senator from Alabama would like to make some comments on this particular subject, I am happy to yield the floor.

Mr. SESSIONS. Mr. President, what time remains on this side?

The PRESIDING OFFICER. The Senator has 14½ minutes.

Mr. SESSIONS. I thank the Chair.

I thank my colleague from South Dakota. I believe his National Guard per capita is one of the largest National Guards in the country. I know mine is, both on a per-capita and aggregate basis. We have soldiers in Iraq right now from our home States. I talked to the mother of a soldier who was recently killed, and this is a painful subject for us all. At this very moment throughout Baghdad, Al Anbar Province, American soldiers are walking those streets, working closely with Iraqi soldiers, Iraqi police officers, in an effort to create stability so that political agreements can be reached that could lead to a stable and successful Iraq. This is an extremely, deeply important matter. Now we are in a situation in which our leader in the Senate, Democratic leader, Senator REID, has said they intend to fund our troops. They intend to provide the money the President needs to conduct this war, but at the same time they want to tell the generals how to conduct it. They want to say that on a given date we have to move troops in this direction or that direction, and we will begin to bring troops home 4 months from today, regardless of the conditions in Iraq, regardless of what the military experts say, without any real thought, if you want to know the truth.

I have been to Iraq four times and will be soon going my fifth. Very few

people in the Senate have been there so often. I submit we don't know sufficiently how to direct the deployment of our troops. I don't know. Who knows the best? General Petraeus? This is his third full tour over there. He has studied insurgencies and written a Department of Defense manual on how to defeat an insurgency.

Who is the best qualified to make these decisions? This is not a little matter. We voted, over three-fourths of this Senate, to authorize military force in Iraq. Our soldiers are doing what we asked them to do—not what they want to do, what their duty is.

A father of a military Army officer told me right out here a few weeks ago—his son was about to go to Iraq—he said: Senator, they are watching you like a hawk. Our soldiers over there are watching what we in Congress do. They wonder what is going on.

They are putting their necks on the line for the policies we asked them to do, and they hear this kind of talk, they hear of this delay. We can't get even the emergency supplemental passed. It is very discouraging to me. I don't believe this is an action worthy of a responsible Senate. We know this Senate has the power, this Congress has the power to shut off funding for the war in Iraq and bring our troops home immediately.

But if we are not going to do that—and the Democratic leader said we are not going to do that, we are going to give them the money they need under this supplemental—if we are not going to bring them home, and we are going to give them the money, for Heaven's sakes, let's don't micromanage what they do, and let's don't demand commitments from the Commander in Chief he cannot agree to.

He cannot agree to 100 Senators telling him when and how to deploy the troops. What would General Petraeus think? What would his responsibility be to his general whom he asked to serve, who is serving, whom he told would be given responsibility to be successful in Iraq and bring stability there, with his whole effort focused on that?

I wish to share with my colleagues a deep concern that we not get into some sort of game of chicken with the President and the Congress. I must say, I am glad the Democratic leaders apparently said last night, after earlier saying no, now they will meet with the President at his request to discuss their differences.

But it is not just a political game of chicken between the Congress and the President; we have soldiers in the field whose lives are at risk this very moment. They need better support than that. Our allies need to know we are not going to be acting in a way this Senate resolution suggests. The enemy needs to know we are not going to be acting in that fashion, in my view.

We have a tough challenge over there, there is no doubt about it. Gen-

eral Petraeus committed, at my request, that if he thought what we were doing would not be successful, he would not hesitate to tell the Congress and the American people exactly that. I believe he will. Right now, he believes he can be successful. If we allow him to do so, I believe he will be.

Mr. President, I see others on the floor. I conclude by saying I believe we ought not to be in this posture of brinkmanship over this issue. I believe it is irresponsible. I believe it places those soldiers we have sent at greater risk for their lives, and their mission is placed in a situation where it would be more difficult to accomplish. That is something we should not do. I hope cooler heads will prevail.

Mr. THUNE. Mr. President, I ask the Senator from Alabama if he will yield for a question.

Mr. SESSIONS. I am pleased to yield.

Mr. THUNE. Mr. President, I say to the Senator, I agree with everything he said. The thing I guess that has troubled me about this process since the inception of the debate we have had in the Senate, that has been swirling around in Washington for some time, has to do with the way this supplemental bill was constructed and the proscriptive language that was put in it relative to tying the hands of our Commander in Chief, tying the hands of our generals, essentially substituting the judgment of politics in Washington for the judgment of our generals in the field.

I am extremely troubled by that language, as is the President, which is why he has indicated he is going to veto this bill when it comes before him. They knew that. They knew that when it was passed. They knew when it went down there, it was going to be an issue which the President, absolutely, in his constitutional role as Commander in Chief, could not allow—that type of language and that type of restriction—to be imposed on his ability to prosecute and win wars.

But I guess my question to the Senator from Alabama has to do with: If the Senate or the House wanted to stop what is happening in Iraq, wanted to withdraw, get our troops home immediately—in spite of the fact that under this new strategy we now have more troops there, we have different rules of engagement, we have more buy-in from the Iraqis; the Iraqis are coming more into the fight; we have an opportunity, in my view, at least, hopefully, to have success there—what is the step the Congress, if they wanted to basically end our involvement there, could do? Is it not to cut off funding? Would that not be?

If the Senate and the House were serious about this, why is it they are going about all these shenanigans, trying to provoke this confrontation with the President over this particular language that ties his hands relative to time lines, when in fact the real constitutional role the Congress has is funding? Is funding not the way, if the

Senate and the House wanted to be heard on this, they would go about doing that?

Mr. SESSIONS. Mr. President, I could not agree with the Senator more. Having been in the Department of Justice a number of years as U.S. attorney and having had a few occasions to deal with this specific issue, money not appropriated by Congress cannot be spent by the Government. In fact, there is an Antideficiency Act that makes it a criminal offense for a governmental official to spend money that Congress has not appropriated.

So that is our responsibility: to fund or not fund. The Democratic leader said they are going to fund. It is not our responsibility to micromanage the war, however. So I would say we absolutely as a Congress—if we reach that decision—can shut off funding, and tomorrow the troops would have to be brought home, or shortly thereafter.

Mr. THUNE. Mr. President, I would say to the Senator from Alabama because I think it is an important point to make—I have heard the debate here a lot, and, again, as it continues in this city and across the country, that there has to be a political or diplomatic solution that somehow we have to reach; the sides have to come together, which I do not disagree with. However, I would also argue, in order for that to happen, you have to have security. You cannot have a functioning democracy or government absent security; in the last several hours, a couple of lawmakers in Iraq were killed in the Green Zone.

How is a government to function, how is a political process to work, if there is not adequate security, which is the point I believe many of us have made all along. I say to my colleague from Alabama, there has to be not only a political solution, but there has to be security established. That is what this new strategy is designed to accomplish, to allow that process to work. We ought to allow this strategy an opportunity to work, rather than pass bills out of here that tie the hands of the President, tie the hands of our generals, substitute the judgment of politicians in Washington for the judgment of our generals in the field. Furthermore, we need to get funding to our troops.

So I think the Senator from Alabama has put it very eloquently, and I join him in urging the rest of our colleagues in the Senate—and, obviously, hopefully, very soon in the House—to get this process wrapped up, to get a bill to the President that he will ultimately veto, send it back here, start over again, and let's at least get the funding to our troops so we can get this situation in Iraq secure so this political process can function and work and, hopefully, create a stable democracy.

Mr. SESSIONS. Mr. President, I say to Senator THUNE, I agree, and will recall for our colleagues that—I believe it was postelection—General Schoemaker, the Chief of Staff of the Army,

pleaded with us not to allow what happened last year to happen this year. He was referring to delaying passing the supplemental because it causes all kinds of problems.

A few weeks ago, he testified again, and he was passionate about this. It is his soldiers, predominantly, Army soldiers in Iraq. He pleaded with us not to delay this supplemental. He said you have to take money from all kinds of accounts, and time and effort the leadership in the Department of Defense needs to be spending helping the soldiers being successful has to be redirected to bringing money together in ways that are not easy to fund the effort. He described it as trying to walk through a marsh waste deep in water—those were his words—in the muck.

We are creating a political muck that makes it very difficult and adds additional burdens to our Defense Department when they have so many important things to do. We should not do that.

I thank the Senator for his eloquent remarks and his leadership on the Armed Services Committee and for his commitment to our soldiers and commitment to the United States of America and the good foreign policy we have had, we seek to accomplish.

Our foreign policy is a foreign policy designed to improve the Middle East. It is designed to improve the lives of the people in Iraq. It is not an imperialistic attempt to gain wealth or power at their expense. We want them to be successful. In the end, it will be successful for us. It will make us more safe. It will make the world more safe and can begin the end of some of the radicalism we are seeing.

I thank the Presiding Officer and yield the floor.

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

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

#### ORDER OF PROCEDURE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that I be recognized for the time remaining under morning business, and I further ask consent that after my time expires, the Senator from Missouri, Mr. BOND, be recognized for a period of 5 minutes.

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

#### INTELLIGENCE AUTHORIZATION

Mr. ROCKEFELLER. Mr. President, let me take this opportunity to extend my deep appreciation to my good friend, Senator REID, for his very genuine persistence in pursuing this Intelligence authorization bill. He has

worked hard, both as minority leader and as majority leader, to try to make this happen.

I suspect Senator BOND and I will have some fairly strong words to say in agreement about this because I think both of us are very dismayed that despite the very considerable efforts of Vice Chairman BOND and myself—we operate very closely together—to get agreement on this bill, there is still an objection to its consideration, as I understand.

It is almost inconceivable to me we are forced to come to this point of cloture and motions to proceed and all kinds of things on a national security bill. I do not understand that, where that comes from, why the motivation, how that happens.

In any event, we are talking about the authorization bill of the Intelligence Committee for 2007; and this is already the period for the 2008 authorization bill. It is inexcusable. From 1978 through 2004—that is a long time, 1978 to 2004—every year, there was an authorization bill, like every year there is a military authorization, Armed Services authorization bill. It happens in all major committees. The Senate had an unbroken 27-year record of having authorization bills every single year. This year and the last year—and I think the preceding year—we did not.

It is very frustrating to the Senator from Missouri and myself. This should be considered, and is considered, must-pass legislation. It is in the national interest. We are in the middle of a war on terror. Our continued military involvement in Iraq and Afghanistan calls for an analysis of what is going on in the intelligence community, putting it into authorization form so it can go on to be discussed and debated on the floor.

It is a matter of life and death. But we are being blocked again from considering a bill that provides the legislative roadmap for America's intelligence programs. America is not meant to work that way. Similar to the bills I have mentioned, you have to get authorization. It is done routinely. It is very puzzling.

Now, there are 16 separate provisions under our 2007 authorization bill—we are in the period for the 2008 authorization bill—enhancing and clarifying the authority of the Director of National Intelligence. These provisions include improvements to the way we approach and manage human intelligence, which the vice chairman and I feel very strongly about, information sharing, and the ability to manage intelligence community resources. Those are words with a great deal behind them.

I, like many of my colleagues, have been increasingly concerned about the seemingly endless stream of leaks of classified information. This bill includes provisions improving the authority of the Director of National Intelligence, whom we put in charge to look at matters such as these, and the

Director of the CIA to protect intelligence sources and methods and a provision to increase the penalties for unauthorized disclosure of the identity of a covert agent.

The bill also contains numerous provisions intended to improve oversight of the intelligence community. We have not been doing that in the sense that we should, and Vice Chairman Bond and I worked very closely together on this issue. He is a ferocious pursuer of intelligence wherever he can find it, and he usually manages to bring it back with him. Section 408 will establish a statutory inspector general for the intelligence community. The DNI, the Director of National Intelligence, has used his power to create an IG, but the power to do so doesn't mean a requirement to do so. So we would strengthen that position in this legislation and make it more accountable to Congress.

Section 434 of the bill strengthens accountability and oversight of the technical intelligence agencies by providing a very important matter: that the heads of the National Security Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency are to be appointed by the President, as they have been but with the advice and consent of the Senate. That has not been the case. This is an enormous fountain of intelligence, and we think they ought to be responsive to the two Intelligence Committees in the Senate and the House.

My colleagues may be surprised that the head of an agency with as central a role in the intelligence community as the National Security Agency or an agency with the enormous budget of the National Reconnaissance Office is not appointed with Senate confirmation. It is really shocking. Whether it was an oversight or not, I have no idea, but it is wrong. Senator MIKULSKI pointed this out. This bill would correct that.

Section 108, cosponsored in committee last year by Senators LEVIN and HAGEL, seeks to improve the timely flow of information to congressional intelligence committees. In other words, things can't be put off for a year or 2 years, 6 months or whatever. We try to enforce our view that we are an oversight group and we intend to be treated as such and we will not be treated in a lesser way. Similar language was included in the intelligence reform legislation that passed the Senate in 2004 and in S. 4, which passed the Senate last month.

There are requirements for the provision of specific information, including a report on the implementation of the Detainee Treatment Act and a separate report on the operation of clandestine detention facilities. These are not trivial matters, as the Presiding Officer understands, and they cannot be dealt with trivially by this body, and therefore we need this bill.

These provisions are all intended to improve our ability to make decisions