by the Franken campaign at the time they were trailing in the count, and the Canvassing Board granted the request without issuing any direction to ensure consistency among the counties in their review. A vast number of these ballots, which happened to generate more votes for Franken, were included in the Canvassing Board total. However, the board also refused to review over 160 ballots requested by the Coleman campaign.

We can see there are obviously some issues to be resolved. The three-judge panel will be appointed. The campaigns will convene with the panel, set forth the ground rules for the election contest trial, and then that will occur.

There are no stipulations for when the proceedings must be completed, and estimations are, at least from folks in Minnesota, that it could take a month, if not more.

As a part of that context, the Coleman campaign has requested the review of hundreds more ballots that may have been wrongly rejected. Because of the size of the pool of ballots to be reviewed and the erroneous recount totals including questionable votes for Franken, Senator COLEMAN has expressed confidence that the numbers will revert back to where they were on election night and his lead will be restored and then he would be declared the winner.

Obviously, this is for the Canvassing Board and the court in Minnesota to resolve. It is not for us to prejudge the result at this time. Unfortunately, the majority leader and his staff have publicly stated they would try to seat Al Franken while the contest is still proceeding, despite the fact there is not a signed certificate, which is required of every Senator. This dates back to 1884. This action, of course, was blocked, and we presume the process will continue in regular order to await the result of the proceedings.

It is true Al Franken attempted to declare himself the winner. Yesterday, the campaign requested the Governor and Secretary of State send him a certificate so he could be seated. But it was, of course, not granted because both officials indicated correctly that would directly violate State law.

So we are left with the matter of a vacancy in Minnesota, with the issue to be resolved by the people in Minnesota, properly under their law, the Canvassing Board, and the three-judge court. For my part, I certainly hope this phase will not fall prey to inconsistencies and problems that have led some experts and newspaper editorials to claim the election process needs to be fundamentally reformed. If it is done in the proper way and due care for the evidence that is presented, then hopefully everyone will be satisfied with the result and willing to abide by that result. It will then come to the Senate, and we will seat the appropriate candidate.

The Republicans ask for nothing more. We are certainly hopeful our former colleague and soon-to-be current colleague, Senator COLEMAN, will resume his seat. But that is for the process in Minnesota to determine, not for that to be determined in some arbitrary way in the Senate.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is reserved for this side of the aisle?

The ACTING PRESIDENT pro tempore. There is 7 minutes 40 seconds.

Mr. LEAHY. I thank the distinguished Presiding Officer, my good friend from Montana.

JUSTICE DEPARTMENT REPORT

Mr. LEAHY. Mr. President, today we received a report from the Department of Justice's Office of the Inspector General and Office of Professional Responsibility about their investigation of allegations of politicized hiring and other improper personnel actions in the Civil Rights Division.

I held hearings on this situation. At the time, there was a Mr. Bradley Schlozman who testified. I stated, at the time, that I did not find his testimony credible.

Today's report confirms some of our worst fears about the Bush administration's political corruption of the Justice Department. Not only did senior Republican appointees violate Federal law by hiring based on politics in the Civil Rights Division, they also lied about it. Indeed, they lied about it under oath when they were called to explain themselves to Congress.

I am particularly disturbed about the findings that a senior Justice Department appointee, a very senior Justice Department appointee, Bradley Schlozman, made false statements under oath when appearing before the Senate Judiciary Committee. Lying to Congress undermines the very core of our constitutional principles and blunts the American people's right to open and transparent Government. It is one thing to have a witness come and say they disagree with the Members of Congress. That is fine. Everybody has a constitutional right to do that. Nobody has a right to lie under oath. Nobody has the right to break the law. And certainly a senior member of the Justice Department should not be able to consider himself above the law.

Not only did Mr. Schlozman lie to me and the Committee, but he then refused to cooperate with the Justice Department's own internal oversight offices' investigation into illegal hiring practices in the Department's Civil Rights Division. The clear determination that he broke the law corrodes our trust in our system of justice and in the Nation's top law enforcement agency. If somebody can break the law in our Nation's top law enforcement agency, the Department of Justice, what does that say to the rest of Americans? His actions, in fact, undermine the very mission of the Department's Civil Rights Division, which is charged with enforcing Federal law and prohibiting discrimination.

A strong and independent Civil Rights Division has long been crucial to the enforcement of our precious civil rights laws, and experienced and committed career attorneys have always been the heart and soul of that Division. In the past, the people who worked there, no matter how much time you spent with them, you wouldn't know if they were Republicans or Democrats. All you would know is that these folks, who are among the brightest and best lawyers in the country, are dedicated to serving the United States of America and upholding our laws.

Contrary to those traditions, however, which we have had in both Republican and Democratic administrations, this report details troubling revelations of political appointees who marginalize and force out career lawyers because of ideology, and, corrupt the hiring process for career positions. It should come as no surprise that the result, and of course the intent, of this political makeover of the Civil Rights Division has been a dismal—a dismal—civil rights enforcement record.

This report is just one of the final chapters in the regrettable legacy of the Bush administration at main Justice, and it reinforces the need for new leadership.

Now, more than ever, it is necessary to confirm new leadership at the Justice Department, starting with Attorney General-designee Eric Holder.

I compliment the Department's Office of Inspector General. They did not allow politics to stand in their way. They went and investigated this situation.

I do wish the current U.S. Attorney's Office, appointed by this administration, had decided to prosecute someone for these deplorable acts. I think the only way you stop such blatant criminal violations, especially by people who know better, people who are sworn to uphold the law, is that they know they will go to jail for breaking the law. That is what should have been done. They broke the law in the Bush administration, and the Bush administration decided not to prosecute, and I think that raises real questions. Prosecution should be done no matter who breaks the law.

I recall one of the people who testified in that same investigation who said: We swear an oath to President George Bush. I said: No, you swear an oath to uphold the Constitution. Mr. President, that Constitution is the Constitution you are sworn to uphold and I am sworn to uphold. It is a Constitution that reflects all Americans. The Government is not of a person; indeed, whether you support an individual or not, the Government is for all Americans. The Constitution is for all Americans. When somebody deliberately, purposely, sets out to subvert the Constitution of the United States

and then lies about it—lies about it, Mr. President—I find that a heinous crime.

When we see some child who steals a car, they will be prosecuted, as probably they should. But when you have a key member of the Department of Justice who lies under oath, who subverts the Constitution of the United States, that is all the more reason to prosecute that person. What Mr. Schlozman did was reprehensible, it was disgusting, and it was wrong, but it also contradicts the very core of America's principles.

The distinguished Presiding Officer, like me, had the great opportunity to serve as a prosecutor, and I have every reason to believe he did not show fear or favor when he brought a prosecution, as I did not. I did not show fear or favor. Most prosecutors do not. Yet here we have somebody who is part of the Justice Department lie under oath and do it in a way to cover up and subvert the very laws that protect all of us. Our civil rights laws are on the books to protect all of us. It protects all of us—White, Black, brown—no matter what our race, our creed. It protects all of us.

What has marked this country since the time I was a young lawyer in the 1960s has been our adherence to those civil rights laws. We can't go back to a time where they are enforced for some and not for others.

Mr. President, I hope people read—I will not put it in the RECORD because it is available—this investigation of allegations of politicized hirings and other improper political actions in the Civil Rights Division of the Department of Justice. It is chilling. I am going to suggest that every new person coming into the Department of Justice read this investigation. It is a handbook—not of what to do—but a handbook of what not to do.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TARP

Mr. VITTER. Mr. President, yesterday, President Bush announced that he was sending to Congress formal notice regarding use of the second half of TARP, the Troubled Asset Relief Program. As you know, under that legislation, which Congress passed over my objection last year, once $350 billion of the fund—half of the fund—is spent, and the administration wants to begin spending the second half of the fund—the second $350 billion—the President has to formally notify Congress. Under the program, Congress has the opportunity to basically veto moving forward by affirmatively having to pass a resolution of disapproval.

Again, President Bush took that first step of formally notifying Congress yesterday and today.

I come to the Senate floor to announce that I am introducing a motion of disapproval, and I encourage my colleagues, Democrats and Republicans, to think very seriously about this matter and to join me in this motion of disapproval. In doing so, I am immediately joined by several colleagues, and I want to thank Senators BUNNING, SESSIONS, DEMINT, BARRASSO, and INHOFE for being original cosponsors with me of the resolution of disapproval.

When we debated this very important matter on this floor several months ago, I expressed serious concerns. I will not go through my comments then or my concerns, but unfortunately, sadly, many of them—virtually all—have been proven true. The history of this program—the Troubled Asset Relief Program—has indeed been very troubled, very concerning, and it raises far more questions and hesitations than it provides answers for our ailing economy. So as we revisit this issue, I cannot support moving forward with this very troubled program, primarily for five reasons.

First among those reasons is the most fundamental test we should bring to the matter: Has the program worked? I think it is very clear it has not worked. The purpose of the program was to ease the credit crisis. The entire focus of the program was to get credit on the streets of the American economy, to provide reasonable credit to consumers and businesses. Yet our economy is still gripped by a real credit crunch. So that fundamental purpose of the program, that fundamental test of the program has simply not been met.

Now, Mr. President, in this new year, and under the new administration, we are going to debate and act on other measures, particularly the stimulus plan, a stimulus plan which will spend upwards of $1 trillion that President-elect Obama has talked about and begun to outline. Certainly, we must act on the economy. Certainly, we are in a very serious recession. Almost certainly, it is the most serious, the worst since World War II, and, certainly, the Federal Government needs to help lead the way, to be a big part of the solution to get us out of this deep financial recession. But as we move to a $1 trillion stimulus program, why are we going to simply continue with a program that hasn't worked, spending another $350 billion? Again, as we mount trillions of dollars of new deficit spending, deficits upon deficits, debt upon debt, surely we should think long and hard about continuing another $350 billion of spending in a very troubled program which has not begun to meet its fundamental goal.

The second reason I would suggest we should not continue down this path is that the entire program, as it was outlined to Congress, as it was explained to us by the Treasury Secretary and others, has never been implemented. It was thrown out the window even before it could begin to be implemented. As all of us remember, just a few months ago, when the Treasury Secretary proposed this idea before Congress, it was indeed supposed to be the Troubled Asset Relief Program under which the Government would buy troubled assets from a spectrum of financial institutions, get those assets off the books of the financial institutions, and make those institutions far healthier and far more able to extend credit to individuals and businesses across America.

That was the beginning, that was the middle, and that was the end of the program. That was what every explanation, every presentation was about as the Treasury Secretary, the Chairman of the Federal Reserve, and others came to Capitol Hill to explain this program over several weeks. It wasn't part of the program, it was the entire program. Yet within a couple of weeks of Congress passing the Troubled Asset Relief Program—again, over my objection—that plan was completely thrown out the window. Congress acts to pass a $700 billion spending program, forging completely new ground in terms of economic policy and the Government's intervention in the market, and within a few weeks of that action, plan A is completely out the window and the Treasury Secretary sets about forming plan B and doing something fundamentally different than was presented to Congress.

I have suggested over the last several weeks, along with my colleagues, that alone should make the administration come back to Congress and get reauthorization for what is a completely new program. That, again, is my second reason we should not continue the TARP and continue going down this path and spending the second $350 billion of this program.

The third reason I would offer is closely related to the second. As I said, within 2 weeks of Congress passing this legislation, the whole program changed. The entire concept of buying troubled assets was out the window, and Treasury had a brandnew plan, which was never presented to Congress and never discussed in any level of detail. So what has happened is, the TARP has become a veritable slush fund for the administration to do whatever it wants with it, to use it in whatever way it wants. After throwing the TARP idea out the window, Treasury came up with a capital purchase program to purchase preferred stock and warrants of certain institutions. It also established a systematically significant failing institution program, allowing Treasury to invest in any financial instrument, including debt, equity, or warrants determined to be troubled assets. Now Treasury says it ''continues to explore other programs, including those focused on insurance, foreclosure