

have supported me, and I am going to keep pushing this until we have a deep reservoir of common sense that says it is crazy for us to say, if you close your plant in our country and ship your jobs overseas to China, Bangladesh, Sri Lanka, and Indonesia, we will give you a tax break for doing so. That makes no sense at all.

Third, I have a bill I have introduced ending benefits of abusive foreign cross-border leasing transaction. The most pernicious of all of the things going on is American companies buying foreign assets belonging to foreign governments. Let me give an example. Wachovia Bank, formerly First Union, one of the big banks, entered into a sale in-lease out transaction to purchase a sewer in Bochum, Germany. Why would an American bank want to buy a sewer—not a sewer in America, a German city sewer system? Because they want to take ownership and be able to get large depreciation on property that otherwise would not be depreciated because it is owned by a government. So they lease the sewer back to the city which will continue to use the sewer system as if they still own it, but that financial transaction turns out to be about a \$175 million tax savings to an American bank. Of all of the unbelievably pernicious tax cuts that exist, this is it. The Finance Committee has taken some action. Good for them. They need to take more action. I testified a couple of weeks ago. I say shut it off, even retroactively. There is no sense supporting something that was fundamentally wrong. No one can justify this nonsense.

I am going to offer these three and several other provisions to anything we have on the floor of the Senate that calls for emergency funding. The emergency funding request in itself needs to be inspected carefully. Is there a change of course in Iraq? If not, why not? Is this support of the troops, or is it to support contractors?

A young woman named Bunnatinne Greenhouse had the courage to give her job up because she was willing to stand up and say: This is the most blatant contract abuse I have witnessed as an employee of the Federal Government. She was the highest ranking civilian official in the U.S. Army Corps of Engineers. They are the ones who monitor and approve the contracts. She stood up to the old boys network and said: What you are doing is wrong. It is the most blatant abuse. She is talking about contracts that were worth billions of dollars, many of them awarded sole source to Halliburton; Kellogg, Brown & Root; and other companies. She blew the whistle. She paid for it with her job. She was an outstanding public official. She had the courage that was necessary to speak out.

We need to have similar courage. We need to say to the President: This \$196 billion is not about demonstrating whether one supports the troops. All of us support the troops. A substantial portion of this money is also going to

go to contractors for which there has been no oversight. There is the greatest waste and fraud and abuse in the history of this country in recent years under this administration's contracting out virtually everything, much of it sole-source, very large, no-bid contracts. This Congress needs to weigh in on these issues.

With respect to the value system, the President says we can't afford to cover 3.8 more children who don't have health insurance with a bill that we fully pay for. He says: We can't do that. That is not important. I am not willing to sign that. I will veto it. I will stop it.

Then he goes to Arkansas and says: I am a fiscal conservative. I want to shape everybody up.

Then the next day he sends us a \$196 billion request. Give me some emergency money, \$16 billion a month, \$4 billion a week, none of it paid for, piled on top of the debt.

That is not a fiscal conservative where I come from. That is not what they call those kinds of actions. All of us want this country to succeed. All of us want this country to do well. We need to put this country on track. Yes, we need fiscal responsibility, absolutely. We also need a foreign policy that makes sense. We need to change course in Iraq. We need to describe our values at home through the legislation we pass that represents the best of what America can do. Yes, that includes providing health insurance for children who don't have it, so that young girls such as Ta'Shon have a chance at life.

There is so much debate these days that is thoughtless rather than thoughtful at a time when we so desperately need thoughtful discussion about so many important issues that deal with America's future. My hope is that in the coming weeks, we can engage in some very thoughtful discussion about public policy and how to advance this country's interests. All of us want the same thing. We want this country to succeed, to provide expanded opportunity for people. But we face enormous challenges. Those challenges will not be met and resolved by the kind of sloganeering we hear too often these days and by chaining ourselves to certain public policies that we already know do not work. We must force change.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I have some comments I want to make about the FISA legislation. But before doing so, I commend my colleague from North Dakota. I have joined with him on so many occasions in the past. Once again, his eloquence and passion about these issues is evident this morning. We have worked together. We have sponsored legislation on a number of matters. I will join him in the efforts he raised today. He has described a situation that most Americans find horrific.

As to the point he makes on the issue of supporting our troops, I find it offensive that anyone would suggest, because we disagree with the policy, we are somehow putting our soldiers, sailors, marines, and airmen at risk. I strongly suggest, as does my colleague from North Dakota, that our continuing policy in Iraq has made us less safe, less secure, more vulnerable, more isolated in the world and, in fact, the very soldiers, sailors, airmen, and marines we admire are in greater jeopardy because of a continuation of this policy. I will be joining with him and others as we try to bring this to a halt, not in 2009 or 2013 but hopefully this year. I commend him for his comments.

#### REAUTHORIZATION OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. DODD. Mr. President, for 6 years the President has demonstrated time and again that he doesn't respect the role of Congress, nor does he respect the rule of law. It is the latter point that I want to address this morning because it is the rule of law which draws us all together, regardless of politics, ideology, or party. It is the rule of law, not of men, which we swear to uphold when we take the oath of office in this Chamber, as Members do in the other Chamber, and certainly as the President does on January 20 every 4 years.

For 6 years this President has used scare tactics to prevent the Congress from reining in his abuse of authority. A case in point is the current direction in which this body appears to be headed as we prepare to reform and extend the Foreign Intelligence Surveillance Act.

Many of the unprecedented rollbacks to the rule of law by this administration have been made in the name of national security.

The Bush administration has relentlessly focused our Nation's resources and manpower on a war of choice in Iraq. That ill-conceived war has broken our military, squandered our resources, and emboldened our enemies.

The President's wholesale disregard of the rule of law has compounded the damage done in Iraq, made our Nation less secure, and as a direct consequence of these acts, we are far less secure, far more vulnerable, and certainly far more isolated in the world today.

Consider the scandal at Abu Ghraib, where Iraqi prisoners were subjected to inhumane, humiliating acts by U.S. personnel charged with guarding them.

Consider Guantanamo Bay. Rather than helping to protect the Nation by aggressively prosecuting prisoners at Guantanamo Bay, these individuals have instead become the symbol of our weakened moral standing in the world. Who would have ever imagined it?

Consider the secret prisons run by the Central Intelligence Agency and the practice of extraordinary rendition that allows them to evade U.S. law regarding torture.

Consider the shameful actions of our outgoing Attorney General who politicized prosecutions in the U.S. Attorney's Office, who was more committed to serving the President who appointed him than laws he was sworn to uphold as Attorney General.

Consider the Military Commissions Act, a law that allows evidence obtained through torture to be admitted into evidence.

It denies individuals the right to counsel.

It denies them the right to invoke the Geneva Conventions.

And it denies them the single most important and effective safeguard of liberty man has ever known, the right of habeas corpus, permitting prisoners to be brought before a court to determine whether their detainment is lawful.

Warrantless wiretapping, torture, the list goes on.

Each of these policies share two things in common.

First, they have severely weakened our ability to prosecute the global war on terrorism, if for no other reason than they have made it harder, if not impossible, to build the kind of international support and cooperation we absolutely need to succeed in our efforts against stateless terrorism.

And second, each has only been possible because the U.S. Congress has not been able to stop the President in his unprecedented expansion of executive power, although, I might add, some in this body have certainly tried.

Whether these policies were explicitly authorized is beside the point. In every instance, Congress has been unable to hold this administration to account for violating the rule of law and our Constitution. In each instance, Republicans in the Congress have prevented this body from telling this administration that a state of war is not a blank check.

And those are not my words. Those are the words of Supreme Court Justice Sandra Day O'Connor, nominated by President Ronald Reagan.

And today, it appears that we are prepared to consider the proposed renewal of the Foreign Intelligence Surveillance Act, a law that whatever form it eventually takes will almost certainly permit the Bush administration to broadly eavesdrop on American citizens.

Legislation, as currently drafted, that would grant retroactive immunity to telecommunications companies that helped this administration violate the civil liberties of Americans and the law of this Nation.

While it may be true that the proposed legislation is an improvement over existing law, it remains fundamentally flawed because it fails to protect the privacy rights of Americans or hold the Executive or the private sector accountable if they choose to ignore the law.

That is why I will not stand on the floor of the Senate and be silent about the direction we are about to take.

It is time to say: No more. No more trampling on our Constitution.

No more excusing those who violate the rule of law. These are fundamental, basic, eternal principles. They have been around, some of them, for as long as the Magna Carta.

They are enduring.

What they are not is temporary. And what we do not do in a time where our country is at risk is abandon them.

My father served as executive trial counsel at the Nuremberg trials of Nazi war criminals in 1945 and 1946.

What America accomplished at those historic trials was not a foregone conclusion. It took courage. When Joseph Stalin and even a leader as great and noble as Winston Churchill wanted to simply execute the Nazi leaders, we didn't back down in this country from our belief that these men, as terrible as they were—some of the worst violators in the court of history of mankind—ought to have a trial. We did not give in to vengeance.

As then, the issue before us today is the same.

Does America stand for all that is still right with our world or do we retreat in fear?

Do we stand for justice that secures America or do we act out of vengeance that weakens us?

I am well aware this issue is seen as political. I believe Democrats were elected to help strengthen our Nation, elected to help restore our standing in the world.

I believe we were elected to ensure that this Nation adheres to the rule of law and to stop the administration's assault on our Constitution.

But the rule of law is not the province of any one political party. It is the province of each and every one of us as American citizens, on our watch and our generation, to make sure we are safer because of its inviolable provisions.

Mr. President, I know this bill has not been reported out of the Judiciary Committee yet.

But I am here today because if I have learned anything in my 26 years in this body, particularly over the last 7 years, it is that if you wait until the end to voice your concerns, you will have waited too long. That is why I have written the majority leader informing him that I will object to any effort to bring the legislation to the Senate floor for consideration.

I hope my colleague, chairman of the Judiciary Committee, Senator LEAHY is able to remove this language from the FISA bill. PAT LEAHY is as strong a defender of the Constitution as any Member of this body.

But if he is unable to do so, I am prepared to filibuster this bill.

President Bush is right about one thing: The debate is about security but not in the way he imagines it.

He believes we have to give up certain rights to be safe.

I believe the choice between moral authority and security is a false choice.

I believe it is precisely when you stand up and protect your rights that you become stronger, not weaker, as a nation.

The damage that was done to our country on 9/11 was stunning. It changed the world forever.

But when you start diminishing our rights as a people, you compound that tragedy. You cannot protect America in the long run if you fail to protect our Constitution. It is that simple.

History will likely judge this President harshly for his war of choice and for fighting it with a disregard for our most cherished principles.

But history is about tomorrow. We must act today and stand up for the Constitution and the rule of law.

Mr. President, this is the moment. At long last, let us rise up to it.

I urge my colleagues to join me in this effort.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, I ask unanimous consent to be recognized as in morning business for such time as I shall consume.

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

The Senator from Oklahoma.

#### GLOBAL WARMING

Mr. INHOFE. Mr. President, a phrase has been used recently called "the tipping point." The American people will very soon be asked to support a type of global warming cap-and-trade bill, legislation that has already had a hearing in the Environment and Public Works Committee. There are a couple other bills in the background.

These bills come at a time when the science is overwhelmingly taking away the basis for alarm. I am going to use terms this morning. The alarmists are the ones who are mostly out in California, the far-left extremists, the Hollywood elitists, and others who feel this is a great alarm, the world is coming to an end—the same ones who said that another ice age was coming back in the middle 1970s. So we need to know what terms we are using.

An abundance of new peer-reviewed studies, analyses, and data-error discoveries in the past several months have prompted scientists to declare that fear of catastrophic manmade global warming—I am using their terms now, the scientists' terms—"bites the dust" and the scientific underpinnings for alarm are "falling apart."

I have addressed this subject on this floor about a dozen times since 2003.