

mercury. If he can have an endangerment finding saying that CO₂ can be considered to be a pollutant, we can regulate it and do it through regulation.

I personally asked in a public hearing, live on TV, Lisa Jackson, Administrator of the EPA, I said: If you do an endangerment finding—which they have now done, but this is before then—is it accurate to say that is based on the science of the EIPC?

She said yes.

Now we have an endangerment finding based on science totally discredited, on the IPCC. I have no doubt in my mind that once March gets here and lawsuits start getting filed, the courts are going to look at this and say: Wait a minute. An endangerment finding that is going to totally change the United States of America is based on science that has been refuted in the last few months.

This is very serious. It is something that could be very expensive for America. I invite all my colleagues here, Democrats and Republicans, to look and see what Climategate is all about, what Amazongate is all about, what Glaciergate is all about. Cooked science has come up with the conclusion we are now experiencing global warming, and it is due to anthropogenic gases.

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

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

The assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

The Senator from Iowa is recognized. Mr. HARKIN. I thank the Chair.

(The remarks of Mr. HARKIN pertaining to the submission of S. Res. 416 are located in today's RECORD under "Submitted Resolutions.")

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank my colleagues on the other side of the aisle. I believe there is a UC that the assistant majority leader wishes to make.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I have spoken to the Senators from Missouri and Alabama, and I ask unanimous consent that following the remarks of the Senator from Missouri I be recognized for 10 minutes, and then following that, Senator SESSIONS be recognized for 10 minutes.

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

The Senator from Missouri.

TERROR FIGHTING POLICY

Mr. BOND. Madam President, I thank the Chair and all of my friends for giving me this opportunity to speak.

For Americans, the world changed on September 11, 2001. We learned—at the cost of thousands of innocent lives—that treating terrorism as a law enforcement matter won't keep Americans safe.

My real concern is that this administration doesn't understand that every day now is like September 12. We cannot afford to revert back to a 9/11 mentality. Instead, we need to treat the terrorists as what they are—not common criminals but enemy combatants in a war.

I rise today to speak about my concerns with current terror-fighting policies of this administration and the vital importance of congressional oversight. Protecting this Nation from terrorist attack is our highest duty in government. In our great democracy, congressional oversight plays a critical role in ensuring that our government protects our citizens from terror attacks. Unfortunately, some in the White House don't agree.

Just this morning, a White House spokesperson on MSNBC charged that "politicians in Congress" should keep their opinions to themselves when it comes to one of our most vital national security interests—counterterrorism. I note in the previous administration, my colleagues on the other side of the aisle were quite free to speak about their views on the policies. Mr. Brennan, the Homeland Security adviser, wrote an editorial in USA TODAY critical of congressional criticism of the administration's counterterrorism policies and called them fear-mongering that serve the goals of al-Qaida.

I welcome comments of substance from the administration and from the other side on the criticism and the points I make, but you are not going to be able to silence the legislative branch. To do so is unworthy of the democracy we defend. One might believe that some were trying to shift attention away from the decisions that were made in recent years.

The bottom line is that my real beef is not with the White House spokespeople—although it is disappointing when the National Security Adviser claims that I have not told the truth about what he said—but with the dangerous policies of the administration. Clearly, my complaints are not directed at the men and women of the intelligence community—which was an insinuation by the White House spokesperson—because I believe the men and women of the intelligence community are doing their very best job under at best difficult circumstances. What I am concerned about is major broader policies over which they have no control have been changed in a way to make their job more difficult, and we should not be making their job more difficult.

One of the dangerous cases of "ready, fire, aim" and national security poli-

cies was the President's pledge to close the terrorist detention facility at Guantanamo Bay without any backup plans for the deadly terrorists housed there or how to handle them or how to treat them. There has been a temporary suspension of transfers of Gitmo detainees to Yemen and Saudi Arabia, but we understand the larger effort to transfer and release other dangerous Gitmo detainees continues.

Let me be clear. The previous administration released terrorists and sent them back to their homeland, some for rehabilitation, and 20 percent of them—1 out of 5—have returned to the battlefield and a couple of them apparently were coaching and training the "Underpants Bomber." That was a big mistake. Stop making the mistakes. We can learn from the mistakes we have made in the past. If we send more back, they will be attempting to kill more Americans. We shouldn't compromise our security here at home and the lives of our soldiers overseas to carry out a campaign promise. If a campaign promise doesn't square with national security, I humbly suggest that national security should prevail.

There is another case, the administration's decision to end or to bypass military commissions for detainees who are ready to plead guilty, as Khalid Sheikh Mohammed was, to move him to New York City for the show trial. I will address that later. But the administration continues to prepare to try senior al-Qaida detainees in U.S. article III criminal courts rather than the military commissions that Congress designed for these difficult and complicated cases, to be used in a courtroom that we constructed at Gitmo.

History has shown that civil criminal trials of terrorists unnecessarily hemorrhage sensitive classified information. The East Africa Embassy bombing trials made Osama bin Laden aware of cell phone intercepts, and surprisingly al-Qaida and Osama bin Laden started using different methods of communications. The trial of the first World Trade Center bomber Ramzi Yousef tipped off terrorists to another communications link that provided enormously valuable information. Well, their use of that link that we were able to compromise was shut down because they learned about it. Similarly, the trial of the "Blind Sheik" Omar Abdel Rahman provided intelligence to Osama bin Laden. The trial of Zacarias Moussaoui resulted in the inadvertent disclosure of sensitive material. That is why former Attorney General Michael Mukasey, who tried some of these cases, said you cannot prevent a defense attorney from getting classified, highly confidential information in the course of an article III criminal trial. We know for a fact these civilian trials have aided the terrorists by giving them information on our Intelligence Committee.

The military commission system—and we passed a measure to regulate