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Senate

The Senate met at 4 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who has watched over our going out and coming in, strengthen our Senators in their labors. Give them the higher vision and the larger perspective, making them aware of their accountability to You and history. Bless and keep them and their loved ones, enabling them to find joy in Your presence.

Help us all to remember that Your ways are true and righteous and will empower us to reach the destination of abundant living. Today, lift the light of Your countenance upon us and give us Your peace.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 2014—MOTION TO PROCEED—Continued

Mr. REID. I move to proceed to Calendar No. 309, S. 1086, the child care development and block grant reauthorization.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1086) to reauthorize and improve the Child Care and Development Block Grant Act of 1990, and for other purposes.

SCHEDULE

Mr. REID. Following leader remarks, there will be a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

At 5 p.m. the Senate will proceed to executive session to consider Executive Calendar No. 563, Carolyn B. McHugh of Utah, to be United States district judge for the 10th Circuit, with the time until 5:30 equally divided and controlled in usual form.

At 5:30 there will be two rollcall votes on the motion to invoke cloture on the McHugh nomination and on the passage of S. 1917, the Victims Protection Act of 2014.

MEASURES PLACED ON THE CALENDAR—H.R. 4118 AND S. 2097

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The PRESIDENT pro tempore. The clerk will read the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 2097) to provide for the extension of certain unemployment benefits, and for other purposes.

A bill (H.R. 4118) to amend the Internal Revenue Code of 1986 to delay the implementation of the penalty for failure to comply with the individual health insurance mandate.

Mr. REID. I would object to any further proceedings with respect to these bills en bloc.

The PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

RESERVATION OF LEADER TIME

Mr. REID. Would the Chair announce the business of the day.

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

MORNING BUSINESS

Under the previous order, the Senate will be in a period of morning business

until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

CLIMATE CHANGE

Mr. SESSIONS. It has been reported that a number of our colleagues in the Democratic majority in the Senate intend to speak on the Senate floor tonight on the question of climate change. Sometimes they will say “global warming,” and I guess that is ceasing to be the No. 1 phrase now.

An article in the USA Today said this “effort is cause for some confusion because these Senators are calling for action in a chamber they control but without any specific legislation to offer up for a vote.”

No legislation—this is, indeed, confusing. Why wouldn't the majority leader bring a bill to the floor of the Senate to expressly approve President Obama's climate agenda or to approve his rigorous regulations that constrict Americans with it.

Why not? The answer is it wouldn't pass. The American people do not support this and neither does Congress. A lot of his Democratic colleagues, I would suggest, don't want to vote on it. It raises a lot of questions about what the deal is and what we need to do as a Nation to handle pollution, carbon dioxide, climate change, and how we need to deal with it and how we should think about it. There was an article in today's Washington Times by Mr. William C. Triplett II that points out the following:

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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In mid-February, billionaire and major Democratic National Committee donor Tom Steyer held a dinner at his palatial San Francisco home for 70 of his closest friends. Former Vice President Al Gore was the headliner, and in attendance were Democratic Senators Harry Reid. . .

The Democratic Senate leader and four other Senators were present.

He has pledged to give \$50 million to a campaign to defeat, mainly, Republicans because they don't agree with his global warming agenda.

Mr. Triplett says:

What has everyone's attention is this number: \$100 million. Mr. Steyer has announced that he intends to put \$50 million of his own money into Democrats' races in 2014 and has challenged his fellow deep-pocket liberals to match it with an additional \$50 million of their own. His issue is "climate change."

We have to talk after this conference. We will have a lot of talk tonight about this question.

With regard to Congress, I will try to be as brief as I can. In 1970 Congress passed the Clean Air Act before global warming had ever been discussed. In fact, there was some discussion of global cooling in 1970. It passed.

Carbon dioxide is an odorless, tasteless gas that plants take in and breathe out oxygen; and people breathe in oxygen again and let out carbon dioxide. It is a naturally forming, odorless, tasteless, nonharmful gas.

It was contended that this gas was causing global warming. It made some sense to me. CO₂ apparently is some sort of a global warming gas and creates a blanket effect and could increase the temperatures. Who knows—that was the argument and it seemed to make some sense.

However, JOHN DINGELL, a Democrat from Michigan who was there at the time of the Clean Air Act and was one of its authors said: "I think the Supreme Court came up with a very much erroneous decision on whether the Clean Air Act covers greenhouse gases. . . ."

So what happened was the Supreme Court, in a 5 to 4 vote—after it was contended through the International Panel on Climate Change that CO₂ could be causing climate change—ruled this was a pollutant, as are particulates like NO_x and SO_x—sulfur dioxide, and, therefore, under the 1970 law, which never mentioned CO₂, the Environmental Protection Agency was required to regulate it. That gave these unelected bureaucrats—people in that agency—the power to regulate an individual American's barbecue grill, their lawnmower, and every major business in America the amount of CO₂ they emit from their businesses and their plants. It is a remarkable development from a pure constitutional question. If the issue were brought up today it would not pass. There are not sufficient votes, apparently, to overturn it, but there would never have been enough votes to pass legislation to do what the Supreme Court said.

We are not looking at cost and benefits when we deal with this issue. We

are talking about billions of dollars in cost and what kinds of benefits we get for that. Even if we were to reduce our CO₂ emissions in the United States by 80 percent by the year 2050, in line with what the President says our goal should be, there would be virtually no reductions in predicted global temperatures if you take the models the experts utilize, even 90 years from today around the year 2100.

So it is not improper for us to raise questions about this, and as to how much power we should be giving to the Environmental Protection Agency, and how much cost can be pushed down onto the American people to pay for this agenda when there are some interesting facts that keep coming out.

In January of 2014, in the Scientific American magazine, which has been a staunch supporter of global warming legislation, it contained an article entitled "The Long Slow Rise of Solar and Wind," which explains some of the reasons for the "slow pace of energy transition." The article explains, "each widespread transition from one dominant fuel to another has taken 50 to 60 years," and "there is no technical or financial reason to believe [renewables] will rise any quicker."

It just takes time to transition. Even if we can make this happen, we can't make it as fast as a lot of people would like it to see it. The article says:

From 1990 to 2012 the world's energy from fossil fuels barely changed, down from 88 percent to 87 percent.

So we remained on the same path, even though we have been working on this for many years. The article concludes that "energy transitions take a long time." They just do.

Then we have the problem of exaggeration to the point where exaggeration is really not a fair word to describe it, in my opinion. It becomes more than an exaggeration but a deliberate misrepresentation.

On November 14, 2012, President Obama said, "The temperature around the globe is increasing faster than was predicted even 10 years ago." Increasing faster than even 10 years ago it was predicted to increase. So I wrote former EPA director, Administrator Lisa Jackson, in December of 2012 asking her to provide the best available data that EPA had and that they would rely upon to support the President's statement. I asked her to send us the data to support that claim.

A few months later, in February of 2013, Gina McCarthy, then Assistant Administrator of the EPA, wrote me a response but she did not provide any of the requested data relating to the average global temperature and the so-called increases.

Then in April, 3 months later, after she was nominated to be head of EPA, I asked Ms. McCarthy again and she said she would provide additional followup information to support the President's statement that global temperatures are increasing faster than what was predicted. On April 30 she re-

sponded in writing to me—I am on the EPW Committee—but not with any requested analysis or the chart I asked for that would show official predictions versus actual global temperatures. She simply stated:

EPA has not produced its own analysis, but we expect a definitive comparison in the forthcoming [IPCC] Fifth Assessment Report.

Then on May 29, 2013, President Obama did it again. He claimed:

[We] also know that the climate is warming faster than anybody anticipated 5 or 10 years ago. . . .

This is the President. I challenged the statement at the committee before his top environmental official, Administrator McCarthy. She could not produce any information to back this up. And he repeats it again. This is very disturbing to me.

So on June 24, 2013, I was joined by all EPW Republicans in a letter to Ms. McCarthy to ask that she provide data supporting the President's claims, but she didn't provide any data.

Why? There is no such data. The climate is not warming faster than was predicted by the experts several or even 5 to 10 years ago. Nothing close. Let us look at this chart. On this chart the red line is a projection compiled of 102 predictive computer models. These models are used by experts at various universities and think tanks around the globe in trying predict what is going to happen. They believe with CO₂ and other global warming gases the temperatures will increase and we have to take extraordinary steps, they say, to avoid this because it can be damaging to us.

This is what the average of those models predicted, going up substantially from almost a degree by 2020. That is 1 degree, in 20-some-odd years. That is noticeable. That is an impact, if it were to happen.

However, these two lines are actual temperature measurements starting in 1980 and through the current date, right here. And the temperatures haven't gone up. It has been an extraordinary thing. The computer models have been wrong virtually every year and experts are admitting, even the IPCC admits this is a problem for them. They do not know why the temperature hasn't been increasing. CO₂ has been going up. Why isn't the temperature increasing, such as they predicted?

Yet the President continues to say the temperature around the globe is increasing faster than was predicted even 10 years ago. It is hardly increasing at all in the last 17 years.

So we have to have some truth, and I hope, if our colleagues talk about this issue, they will ask EPA Administrator McCarthy what information she has that would justify such a statement. And I hope they do not make that same statement. Actually, I said to her it would be nice if she would tell the President to quit saying it. I will say he hasn't said it since last year.

Again, the facts, as I show them here, show a flat temperature. And those facts are pretty much undisputed.

Now we have all these allegations that say: Well, extreme weather. The problems from CO₂ and greenhouse gases are causing extreme weather. We all heard that when Hurricane Sandy hit the northeast. We don't normally have one in the northeast, but it hit the northeast, and it was fairly strong. It was not an exceedingly powerful hurricane, but it did a lot of damage for people who have been living on the water and weren't prepared for it. It did a lot of damage.

Al Gore, former Vice President, recently asserted "all weather events are now affected by global warming pollution." Senator BARBARA BOXER, chairman of our committee—the EPW Committee—said Superstorm Sandy is "evidence of climate change mounting around us."

In January of this year, before the Senate EPW Committee, the administration's top wildlife official Dan Ashe declared there were "more frequent and severe storms, flooding, droughts and wildfires." This is the top person in the wildlife department. He said we have "more frequent and severe storms, flooding, droughts and wildfires." And he, therefore, supported President Obama's climate action plan. So I wrote him and asked him to provide any data he had personally evaluated that would support his claim. He testified before a U.S. Senate committee. I asked him if he had any data to back it up. And, of course, he didn't.

Dr. Holdren, the top science adviser in the country, also declared the President will talk about "the connection between the increasing frequency and intensity of droughts and climate change when he speaks tomorrow. He has actually repeatedly talked about the connection between climate change and extreme weather."

Well, what do we know about that? We have had experts before our committee to discuss that very subject. Dr. Roger Pielke, who is a climate impacts expert, agrees with the view that global warming is partly caused by human emissions. He testified in the EPW Committee last year. He talked to us. He talked about this very issue—extreme weather—and here is what he said:

It is misleading, and just plain incorrect, to claim that disasters associated with hurricanes, tornadoes, floods, or droughts have increased on climate timescales either in the United States or globally.

He said it is not true. It is misleading. It is false. Dr. Roy Spencer of the University of Alabama at Huntsville also testified before our committee last year saying:

There is little or no observational evidence that severe weather of any type has worsened over the last 30, 50 or 100 years.

The American Enterprise Institute looked at the data on this question and this is what they found:

In brief, tornado, hurricane and cyclone activity are at historically low levels, wildfires

are in a long-term decline except in government forests, there is no trend in sea-levels related to increases in greenhouse gas concentrations, the record of the Arctic ice cover is ambiguous, there is no drought trend since 1895, and the same is true for flooding over the past 85 to 127 years.

When I asked Dr. Holdren—the President's science adviser—about this, he responded: "The first few people you quoted are not representative of the mainstream scientific opinion on this point."

That was a baseless accusation, as he had no data to dispute their information. Hurricanes, tornadoes, droughts, and floods are measured every year. We have objective data.

Dr. Pielke went back and examined the hurricanes—with category 5 being the strongest, down to 1 being the least—and categorized them 50-plus years, and we are not having more or bigger hurricanes, we are not having more floods, we are not having more tornadoes. We had an outbreak of very severe tornadoes a few years ago in Alabama, but the data would indicate clearly that nationwide we are not having more. We have always had tornadoes, and this one did a lot of damage and got a lot of coverage, but it was not a trend. I was sort of surprised to see this idea.

There are a lot of things I think we can do which would move us in the right direction where we could have compromise, and maybe nuclear energy would be one which we have support on both sides of the aisle for and would be good for the environment and good for energy and keep costs at a reasonable level without any pollution. So there are a lot of things we can do.

As we discuss the hundreds of billions of dollars in costs which are being imposed on our economy as a result of some of the ideas to deal with climate change and extreme weather, I asked my colleagues: Would you please check the data; is it truly so that we are having more hurricanes, tornadoes, droughts, or floods? Dr. Pielke says no. Let's see somebody dispute those numbers. They haven't been disputed.

Is it true the temperature is increasing faster than was predicted even 5 years or 10 years ago? The IPCC data doesn't show it and neither does any other objective data. So I asked the EPA Administrator to submit some data to show me if that is true: Do you have any? If so, won't you ask the President to quit saying that? Shouldn't the President lead us and tell the truth about the situation?

I don't suppose we know enough now to answer this question conclusively either way, but I would say there has been a lot of exaggeration and a lot of hype. The American people are feeling the crunch already in their electric and gasoline bills, and manufacturing costs are going up as a result of these efforts to stop storms, which seem to be down, to stop a rise in temperature which doesn't seem to be rising right now. We will have to evaluate overall what the right thing to do is as a nation, but I

think it is time for us to be a bit more cautious, to be less alarmist, and to focus more on the science of the situation.

I yield the floor.
The PRESIDING OFFICER. The Senator from Michigan.

SEXUAL ASSAULT

Mr. LEVIN. Madam President, the Senate takes another step forward in combating sexual assault in the military. Thanks to the leadership of Senators MCCASKILL, AYOTTE, FISCHER, and others, we can improve legislation which adds important new protections for victims of sexual assault and strengthens our ability to investigate and prosecute these crimes.

This legislation we will be voting on bolsters and improves upon the provisions to combat sexual assault which were included in the National Defense Authorization Act for Fiscal Year 2014. Among the reforms included in that bill and are now law were provisions which make it a crime to retaliate against a servicemember for reporting a sexual assault; that require every servicemember who reports a sexual assault to get a special victims' advocate who works for them, not for the command or for the court; and also this recently enacted law requires a higher level review of decisions not to prosecute an allegation of sexual assault.

The reforms in the bill we will be voting on shortly are significant additions to that recently enacted law. First, this bill will be making an important change in how we prosecute sexual assault crimes by amending the Military Rules of Evidence to eliminate what is known as the good soldier defense, which has allowed servicemembers to argue that their good military performance is evidence of their innocence when charged with a crime. The military culture has been too slow to grasp the painful truth that even a successful professional can also be a sexual predator. This important reform in the bill we are considering will help to alter that culture.

The bill also strengthens oversight of commanders' decisions on prosecution. Under reforms we passed last year, any decision by a commander not to prosecute a sexual assault case is reviewed by the next highest authority in the chain of command. When that decision contradicts a recommendation to prosecute from the commander's senior legal adviser, that review is done by the service Secretary, the highest civilian authority in each military service. The bill we are now going to consider would require the same review if a commander's decision not to prosecute conflicts with the recommendation of the senior prosecutor who would try the case.

The bill also strengthens victims' input into prosecution decisions. The reforms we passed last year require that every victim of a military sexual assault be provided with a special victims' counsel—an attorney who works