

HUNGARIAN GOLD TRAIN CASE

Mrs. CLINTON. Mr. President, I rise to join my colleagues in supporting the quest for justice in the Hungarian Gold Train case. I have heard from these Holocaust survivors. Their story is painful, and the evidence is overwhelming. Our moral duty is clear.

One of the most troubling aspects of this is that we should not be having this debate at all. The facts of the Gold Train incident are not really in dispute. And for all the effort expended by the Federal Government in court trying to evade these facts, the facts were disclosed to the world by the Federal Government itself.

The reason we know about the Gold Train is because of the Presidential Advisory Commission on Holocaust Assets, PCHA. In the 1990s, our own Government told other nations they should look into their pasts—face the facts—and make redress as appropriate. Seventeen nations established commissions to do that. So did we. This Congress created the PCHA to study the past and reveal the truth. The Commission was fortunate to have Edgar Bronfman, then chairman of the World Jewish Congress, as its head. Stuart Eizenstat, the government's top official dealing with these matters, was a key member. It had a full staff of historians and researchers and a budget of several million dollars.

The Commission found that the record of the United States was a source of pride. Our Nation not only liberated Europe, but after the war, served as a model for how to handle the assets that had been stolen from Europe's Jews—with one glaring exception. In 1999, the Commission issued a report on the Gold Train. After half a century of silence and coverup, the Federal Government stated that the Gold Train was an "egregious failure of the United States to follow its own policy regarding restitution of Holocaust victims' property after World War II." We cannot be proud of this conduct, but we can all be proud that the Government made this admission.

We should all have expected that the next step was to make good on these disclosures and this conclusion. The Government should have compensated these survivors. Instead, the survivors were forced to go to court. The Justice Department is fighting them inch by inch.

One would expect the Justice Department to defend the Government's PCHA report. Instead, the Justice Department has disputed the accuracy of the report and claimed that the Commission withdrew its report. However, as Chairman Edgar Bronfman has made plain, the Progress Report is an "accurate account of the United States' handling and disposition of the 'Gold Train' property." Bronfman also has noted that, "In no way . . . did the PCHA intend to retract or retreat from the findings of the Progress Report." In fact, Mr. Bronfman points out, the report is prominently displayed on the commission's website.

Our Nation has a duty to the past. It has a duty to these people. They are dying every day. The Justice Department should sit down and resolve this matter with these survivors. That is the right thing to do.

INTELLECTUAL PROPERTY PROTECTION ACT

• Mr. MCCAIN. Mr. President, I wish to briefly remark on H.R. 2391 and H.R. 4077, a package of bills referred to as the Intellectual Property Protection Act of 2004. I have objected to the further consideration or passage of these bills by unanimous consent.

From the text of the bills that have been available to date for Senators to review, I believe that one part of this broad legislation, the Family Movie Act, may actually harm consumers while appearing to help them. To be clear, I support the stated goal of the act's authors: immunizing from legal challenges a technology that enables parents to skip offensive material from prerecorded copies of films and television. While I applaud the merits of their stated intent, I fear that the very exemption designed to achieve this laudable goal simultaneously creates an implication that certain basic practices that consumers have enjoyed for years—like fast-forwarding through advertisements—would constitute criminal copyright infringement. I note that Consumers Union and Public Knowledge, as well as a host of others parties interested in protecting consumers, share my concerns.

Americans have been recording TV shows and fast-forwarding through commercials for more than 30 years. Do we really expect to throw people in jail in 2004 for behavior they've been engaged in for more than a quarter century?

I look forward to working with my colleagues in this Chamber to address not only these concerns, but also the uncertain liability created for manufacturers that bring other innovative and pro-family products to market in the face of continual threats of extinction from powerful interests who seek to thwart their entry.

For these reasons, I do not intend to remove my hold on these bills until I am satisfied that consumer interests have been protected in this legislation. •

CONGRATULATIONS TO ASCAP ON 90 YEARS OF SUCCESS

Mr. HATCH. Mr. President, I am delighted to take this opportunity to recognize the 90th Anniversary of ASCAP, the American Society of Composers, Authors and Publishers.

In 1913, nine men braved foul New York weather to attend a small meeting at a restaurant called Luchow's. The meeting had been organized by three of the men; Raymond Hubbell, a composer, George Maxwell, a publisher; and Nathan Burkan, an attorney. They

were brought together by the novel idea of creating a society to ensure writers and publishers received the recognition and revenue their works generated. Enlisting the help of songwriter Victor Herbert, the group found five other writers and publishers to get the word out. A second meeting was scheduled, and in February 1914, over 100 members of the music community officially began the American Society of Composers, Authors and Publishers.

In the time that has passed, ASCAP has represented many of the greatest musical talents in recent history. The society's members have included Louis Armstrong, Cab Calloway, Peggy Lee, Garth Brooks, Jimmy Hendrix, Carly Simon, Bob Marley, Henry Mancini, Billy Joel, Bruce Springsteen and Madonna. Members have won countless awards for their work, including current president Marilyn Bergman, who, in collaboration with her husband, has won three Oscars, two Grammys and four Emmys. Under her outstanding leadership it has grown to 185,000 members, including many of the newest and greatest names in music.

This year, ASCAP celebrates its 90th anniversary in a time of great importance to the music copyright community. With the current debate over file sharing and constantly developing technology, individual artists are virtually powerless to protect their own work from illegal copying. As a songwriter and member of ASCAP myself, I truly understand the joy and pride that comes with the creation of a song, as I also understand the need for artists' rights to their songs to be protected. I have also had a professional connection with the property rights issues the society addresses. As the chairman and a long-time member of the Senate Judiciary Committee, which oversees matters of intellectual property law, I appreciate the dedication the society has shown toward maintaining the integrity and efficiency of copyright laws.

In the past 90 years, ASCAP has witnessed the transitions from records to 8 tracks to cassettes to compact discs and now to mp3s. It has been through the many trends of music, from big band and swing in 1920s and 1930s, to the wide range of musical styles available today. ASCAP has stood the test of time. I hope my colleagues will join me in recognizing its great contributions to the world of intellectual property law and wishing ASCAP and its members well in the years to come.

THE SCIENCE OF CLIMATE CHANGE

Mr. INHOFE. Mr. President, as chairman of the Committee on Environment and Public Works, I have previously addressed the Senate to discuss the issue of so-called global warming. I have taken a special interest in this issue because the gravity of what is at stake demands it. I have taken a simple, yet profound approach to dealing with environmental issues, working to

ensure that the laws we pass represent sound public policy. Of my three guiding principles for all committee work, the first principle is that Government should rely on the most objective science.

Unfortunately, a commitment to drawing conclusions based on science is not a popular approach. What has most galled my critics is that I do not "spin the science" to make it something it is not. Good science is and should remain the product of well designed and reproducible studies and research.

All too often, however, the studies that are touted by my critics are tainted by political and ideological agendas and cannot be reproduced because the authors will not release the data that supposedly supports their conclusions—all of which raises the eyebrows of credible scientists. Such science has no place in our system of government and should not be used to drive major U.S. policy.

When I led the congressional delegation to Milan last December, I was greeted by posters that quoted me as saying global warming is "the greatest hoax ever perpetrated on the American people." I thanked the green activists for uncharacteristically quoting me correctly. Global warming is the greatest hoax ever perpetrated on the American people. It was true when I said it before, and it remains true today.

Perhaps what has made this hoax so effective is that we hear over and over that the science is settled and that there is consensus that, unless we fundamentally change our way of life by limiting greenhouse gas emissions, we will cause catastrophic global warming. This is simply a false statement.

Mr. President, 4,000 scientists, 70 of whom are Nobel Prize winners, signed the Heidelberg Appeal, which says that no compelling evidence exists to justify controls of anthropogenic greenhouse gas emissions. Over 17,000 scientists signed another document that directly contradicts the false claims of consensus. The Oregon Petition, compiled by Dr. Frederick Seitz, a past president of the National Academy of Sciences and a professor emeritus at Rockefeller University, reads as follows:

There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gasses is causing or will, in the foreseeable future, cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate.

What a powerful, unequivocal statement that is. So powerful, in fact, that ideologues fraudulently sent in made-up names and belittled legitimate scientists on the Petition, such as Dr. Perry Mason, simply because he and a few others shared their names with famous fictional characters. Such immature acts belong on a grade school playground, but are simply shameful in a serious policy debate. Yet we have heard these baseless charges repeatedly. But these distortions only serve to underscore the fragility of the

myth that there is consensus. If there truly is consensus, why would so many renowned scientists sign such statements? If there truly is consensus, why would these environmental activists be so threatened by these documents that they would make fraudulent submissions? In short, if there is such controversy over whether there is consensus, how can there possibly be consensus? The controversy over its existence is itself proof that no consensus exists.

This point was made succinctly by former Carter administration Energy Secretary James Schlesinger, who wrote in the *Washington Post*: "There is an idea among the public that the science is settled. That remains far from the truth." He also wrote that the global warming theory has hardened into orthodoxy that searches out heretics and seeks to punish them.

And that was James Schlesinger, Energy Secretary in a Democrat administration.

Thankfully, despite the efforts to "punish them," credible scientists continue to conduct well-designed, reproducible studies, and I will list some of them here today. Last year, I spoke at length to describe the great number of uncertainties surrounding claims of global warming. I described real science that contradicts the alarmists, who, wracked by fear, see a future plagued by catastrophic flooding, war, terrorism, economic dislocations, droughts, crop failures, mosquito-borne diseases, and harsh weather—all caused by man-made greenhouse gas emissions.

We cannot afford to forget that climate change alarmists' visions have been with us for decades. In 1972, the National Science Board, the governing body of the National Science Foundation, observed:

Judging from the record of the past interglacial ages, the present time of high temperatures should be drawing to an end . . . leading into the next glacial age.

In 1974, *Time* magazine in an article entitled "Another Ice Age?" warned:

However widely the weather varies from place to place and time to time, when meteorologists take an average of temperatures around the globe they find that the atmosphere has been growing gradually cooler for the past three decades. The trend shows no indication of reversing. Climatological Cassandras are becoming increasingly apprehensive, for the weather aberrations they are studying may be the harbinger of another ice age.

These fears became the motivation of a drumbeat from environmentalists that we must fundamentally alter our way of living to avoid a cataclysmic ice age. Of course, these fears proved baseless.

And when this 30-year cooling cycle ceased, these same alarmists again proclaimed we must fundamentally alter our way of living to avoid cataclysmic global warming. From the scientific literature, I believe these fears are equally baseless.

I believe it would be unconscionable to heed the alarmists' cries for eco-

nomic disarmament without subjecting these claims of doom to the scrutiny they deserve. Predictably, those who peddle fear do not want discussions of science. Hiding behind claims of "the science is settled," they conjure ever more creative ways to market the myth.

The most recent example is the movie, "The Day After Tomorrow," in which the laws of physics are repeatedly violated to create fear of an ice age caused by global warming. First it was an ice age. Then it was global warming. Now it is an ice age caused within days because of global warming. Seems they can't make up their minds what they are afraid of—but their solution is always the same, restrict the economy and outsource American jobs overseas.

Of course, the movie was widely panned, not simply as a "bad" movie, but a "stupid" movie. Even some environmentalists had to admit there was no science to support the movie. For instance, Dan Schrag, a paleoclimatologist, said:

My first reaction was, "Oh my God, this is a disaster because it is such a distortion of science."

What disturbed me was not the movie, which after all is simply the vision of a German film producer with a dislike for Americans who says, "My secret dream is that this film moves politicians to act." No, what disturbed me was he may get his wish. Former Vice President Gore teamed up with the activist group, MoveOn.org, to use the movie as an opportunity to market their alarmist views and economy-capping solutions. This is exactly what is wrong with how alarmists discuss this issue. Rather than joining me and those like me in a commitment to using the best, nonpoliticized science—whatever it finds—politically motivated groups, such as MoveOn.org, pander to our worst fears to drive their political agenda.

I would rather discuss what real science is showing. I said last July that:

After studying the issue over the last several years, I believe that the balance of the evidence offers strong proof that natural variability is the overwhelming factor influencing climate.

After continuing to study the science over the last year, that belief has been strengthened. I submit, furthermore, that the scientific debate is shifting away from those who subscribe to global warming alarmism.

IPPC incorrectly attributes ground station temperature rise to climate change instead of local activity. One of the areas that has caused global warming advocates the most heartburn has been the inconvenient, yet inescapable, fact that records from satellites using highly reliable microwave sounding units show little warming, on a globally averaged basis, in comparison to ground station records. This important discrepancy on its face would suggest the ground-based data is contaminated.

It is now widely recognized that ground-based measurements are affected by such things as the "heat island" effect, large-scale land-use changes and problems with maintaining ground-stations.

The Intergovernmental Panel on Climate Change, or IPCC, report published in 2001 is claimed to be the most authoritative source for claims that temperatures are rising due to climate change. The IPCC has become increasingly alarmist in its three successive reports. In its summary referring to globally averaged temperature data, it says only that "These numbers take into account various adjustments, including heat island effects." The discussion within the body of the report to this important issue, which must be thoroughly explained if ground-based data is to be considered of more importance than highly reliable satellite data, is disappointingly brief and uninformative as well. Moreover, it leaves the impression that everything except for temperature changes due to climate has been factored out.

Thus, the entire validity of the conclusions from ground-station temperature data rests on the claim that these temperature bias effects in the data from such things as growing cities, construction, agricultural practices and other economic activities which potentially could impact temperature measurements have been completely subtracted out from the conclusions. But this may not be true.

A new study by Drs. Ross McKittrick and Patrick Michaels that was presented in an article published in the May 25 issue of "Climate Research," throws these assurances of the IPCC into serious doubt.

The study examined temperature records for 218 individual stations located in 93 countries since 1979, when satellite data first began being collected. The study then compared these to the IPCC grid cells containing these 218 stations.

The study concluded that the differences between the satellite data and the ground station data were almost completely explained by local economic and social factors, and data quality control. Moreover, it found that:

outside the dry/cold regions the measured temperature change is primarily explained by economic and social variables.

In short, the IPCC's claims of increasing temperatures based on ground-based data appear to be greatly overstated. As the article puts it, non-climate-related variables "add up to a significant net warming bias at the global level."

This finding is of tremendous importance, seriously eroding the foundation for the house of cards upon which the global warming hysteria is built. Moreover, the study is well-designed and reproducible.

Mann's hockey stick is flawed and irreproducible. That study's design and reproducibility stands in stark con-

trast to another study heavily relied upon by global warming advocates—the famous, or perhaps I should say, infamous hockey stick chart published by Dr. Michael Mann. The conclusions of this study have become a rallying cry for alarmists who would have us believe this is final proof that 20th century temperatures have spiked up dramatically. These results are routinely used in presentations to corporate officers to demonstrate that they had better restructure their companies' operations and annual reports.

But Mann's conclusions have come under intense criticism recently, as other researchers have challenged both the methodology he used and the reliability of the results.

A team of scientists led by Dr. Willie Soon and Dr. Sally Baliunas, who are astrophysicists from the Harvard-Smithsonian Center, surveyed 240 articles concerning local and regional-scale climate reconstructions over the last 1,000 years. The proxy record they examined was far more extensive than that used by Mann. While Mann's analysis relied mostly on tree-ring data from the Northern Hemisphere, the researchers offer a detailed look at climate changes that occurred in different regions around the world over the last 1000 years using over 20 different proxies.

As a result of this extensive survey, Drs. Soon and Baliunas concluded that: the 20th century does not contain the warmest anomaly of the past millennium in most proxy records, which have been sampled world-wide. Past researchers implied that unusual 20th century warming means a global human impact. However, the proxies show that the 20th century is not unusually warm or extreme.

Other studies that are devastating to Mann's conclusion focus not on its inconsistency with the results of work of a multitude of other researchers, but on his extremely questionable and improper methods. In an attempt last year to perform an audit of Mann's unique conclusions, Drs. McIntyre and McKittrick found that Mann's work was irreproducible without resorting to the use of flawed data sets, inappropriate data manipulation, or ill-advised statistical procedures. To quote the researchers, "the dataset used to make [the Mann reconstruction] contained collation errors, unjustified truncation or extrapolation of source data, obsolete data, incorrect [methodological] calculations, geographical mislocations and other serious defects."

When the researchers corrected for these data and methodological flaws, they conclude that temperatures in the early 1400s rivaled those of today, indicating that human influences have not taken the climate to unprecedented territory.

Dr. Esper, a paleoclimate researcher, and his colleagues published a paper that suggests that the tree-ring histories heavily relied upon by Mann in his temperature reconstructions were

manipulated in such a way as to have most of the long term variability removed, making the 20th century temperatures appear much more unusual than they in fact were. Esper and his colleagues produced temperature reconstructions for the past 1,000 years using a more scientifically defensible approach to handling tree-ring records that preserves long-term variability.

The study concludes that the past 1,000 years have been characterized by periods of warm and cold, and that as far back as about 1,000 years ago, temperatures were as warm or warmer than in the late 20th century.

Of course, these studies show that the "shaft" of the hockey stick created by Mann is wrong. And it is intuitively true that the shaft is wrong. We have known for years about the Medieval Warm Period from 800 to 1400 A.D. We have known for years about what has been called the Little Ice Age from 1600 to 1850 A.D. And the new studies I've just described confirm these well-established naturally occurring climatic events.

In other words, in creating his so-called hockey stick, Mann deliberately eliminated the first blade of the hockey stick. By eliminating the blade he left the false conclusion that the 20th century temperatures are unprecedented. They are not. The fact is that the real temperatures spike far higher during the period he portrays as a straight shaft than current temperatures—despite that his extraordinarily flawed results indicate we are living in the hottest period in the last 1,000 years.

Ironically, the often-criticized IPCC report itself contradicts Mann's findings. As I described earlier, a new reproducible study indicates the IPCC's estimates of temperature rise themselves appear to mistakenly attribute socioeconomic and data quality factors that affect temperature readings to climate change. Yet even so, the IPCC shows a far smaller temperature increase than Mann. The IPCC shows an increase of 0.6 degrees Celsius over the last 100 years, but the "blade" of the Mann hockey stick shows an increase of 0.95 Celsius—more than a 50 percent larger increase.

Moreover, the so-called hockey stick "blade" does not appear to be explained by the statistical techniques Mann claims he used. In a recent letter published in *Geophysical Research Letters*, Drs. Soon, Baliunas, and Legates closely examined the "blade" and found that it could not be reproduced using either the technique Mann says he used, or other common statistical techniques. Once again, this key requirement of reproducibility seems missing from the flagship study of those crying that the sky is falling.

Most recently, Dr. Chapman and his colleagues commented on a comparison of borehole temperature measurements with Dr. Mann's proxy records and questioned Dr. Mann's analysis techniques, concluding they are "just bad

science" and that Dr. Mann had undertaken a "selective and inappropriate presentation" of results.

Thus, as Dr. Legates concluded in testimony before the Environment and Public Works Committee, this so-called flagship study:

certainly does not conform to the requirements of open access and reproducibility, required by the Data Quality Act, nor does it meet even minimal quality standards.

Dr. Legates went on to say in respect to the many problems inherent in Mann's study:

This leads me to reject Dr. Mann's . . . conclusions . . . that anthropogenic factors provide the overwhelming influence on global and hemispheric temperatures in the last 1800 years and that the 1990s are the warmest decade, and 1998 the warmest year, of the last 1800 years.

Some may try to defend the Mann conclusions, and believe his work is unimpeachable. But a recent article published in the July 1st, 2004 issue of *Nature* magazine repudiates that belief. In a brief "corrigendum," Mann makes a clear admission that the disclosure of data and other methods supporting the hockey stick was materially inaccurate. This corrigendum was ordered by the Editorial Board after two other scientists, Dr. McIntyre and Dr. McKittrick filed a "Materials Complaint." According to these scientists, the on-line supplemental information accompanying Mann's correction notice essentially concedes for the first time that key steps in the computations behind his conclusions were left out of and conflict with the description of methods in the original paper.

Despite this, Mann continues to assert that these errors do not affect his results, saying: None of these errors affect our previously published results.

But as McIntyre and McKittrick point out:

if this were true, then a simple constructive proof could have been provided, showing before and after calculations. This is conspicuously missing . . . We have done the calculations and can assert categorically that the claim is false. We have made a journal submission to this effect and will explain the matter fully when that paper is published.

While this sad spectacle clearly is not yet over, three things are clear. Mann's hockey stick has never been reproduced, efforts to do so showed that the study was replete with errors and miscalculations, and despite his continuing faith in his hockey stick conclusions, Mann has yet to offer any proof whatsoever that they are correct. And yet the alarmists continue to claim we should unilaterally disarm America's economy based on Mann's unbelievable—literally unbelievable—results.

Another controversial claim is that sea level is rising, and that this is due to climate change. It has been claimed for years that sea level was rising rapidly, yet again fueling the call for action. Based on modeling, the IPCC estimates that sea level will rise 1.8 millimeters annually, or about one-fourteenth of an inch.

In a study published this year in *Global and Planetary Change*, Dr. Nils-Axel Morner of Sweden found that sea level rise hysteria was overblown. In his study, which relied not only on old observational records, but satellite altimetry as well, he concluded that: there is a total absence of any recent "acceleration in sea level rise" as often claimed by IPCC and related groups.

Morner's findings go to the heart of the debate—the reliance by global warming advocates on faulty models that conflict with observational records instead of observational records themselves. According to Morner, the:

IPCC made an estimate of all variables and their possible contribution to sea level rise. They arrived at a mean value of 0.9 millimeters per year. This value is in harmony with the records of the present and near-past . . . Still—and this is remarkable, [says Morner,]—IPCC compared their own value with a model value of 1.8 millimeters per year and discarded their own estimate as unrealistic.

Morner has blunt words for the IPCC approach, saying that he "discard[s] the model output of IPCC as untenable, not to say impossible."

Using satellite altimetry and other observational data, Morner finds that the late 20th century lacks any sign of acceleration of sea rise, including the last decade. He concludes that, based on long-term observational data as well as the newest technology, sea level in a century can be expected to be within the range of a 10 centimeter sea level decline to a 20 centimeter sea level rise, which translates to about a four inch sea level decline to an eight inch sea level increase.

Yet, remarkably, we still hear fears that the world will become flooded due to global warming. Such claims are, to be blunt, completely out of touch with most comprehensive science. As Sweden's Morner puts it, "there is no fear of massive future flooding as claimed in most global warming scenarios."

Something else I am told is that there has been an increase in the number and intensity of severe weather events. Typically these doomsayers point to the droughts in the Southwest or point to more violent hurricanes to prove that global warming is occurring.

In response to the current 5-year drought in the southwest, the *New York Times* proclaimed on May 10 that "Drought may be normal, but there may be nothing normal about this drought." Of course, the paper inserted a weasel word to avoid actually describing how it was abnormal.

This is one of those claims that makes me want to utter the old insult, "You are so wrong, I don't know where to begin." If an increased number of severe droughts is to prove global warming, it would have to be true that the number and severity of these droughts are, in fact, increasing. But nothing could be farther from the truth.

Drought is a serious and damaging climate-related hazard. But this fact

should not obscure the fact that carbon dioxide is not the cause of this recurring disaster that plagued even the Ancient Egyptians. The two worst droughts to hit this country in the last century occurred in the 1930s—known as the Great Dustbowl—and the 1950s. But they were neither the longest droughts to afflict this country, nor the most severe.

According to an article published in the December 1998 *Bulletin of the American Meteorological Society*, Dr. Connie Woodhouse and Dr. Jonathan Overpeck conducted tree-ring reconstructions in the Southwest that suggest the lengths and severity of droughts of the 1930s and 50s have been equaled or, in some regions, surpassed by droughts in the past several centuries.

They further concluded that it is clear that major multi-year Great Plains droughts have occurred naturally once or twice a century over the last 400 years. And there is evidence that during the 13th and 16th centuries, there were two megadroughts that exceeded the severity, length and spatial extent of 20th century droughts.

Of course, this study was published before the onset of the most recent 5-year drought in the Southwest. More recent studies published just last year, however, confirm its findings. In a 2003 article in *Geophysical Research Letters*, Dr. Stephen Gray and his colleagues stated that:

like the 1950s drought, the late 16th century megadrought was followed by a wet period, and both events were associated with intense La Nina episodes typical of southwestern U.S. and Great Plains droughts.

In an article in the July 2003 issue of the *American Meteorological Society*, Dr. Falko Fye and his colleagues found that:

There appear to have been at least 12 droughts since 1500AD that were analogous to the 1950s drought in terms of location, intensity, and duration. . . . [and] the 16th century megadrought lasted some 18 years and the tree-ring data indicate it was the most severe sustained drought to impact North America in the past 500 to perhaps 1000 years.

What is also worth noting is that the global temperature record doesn't provide any useful information concerning drought conditions.

In the wake of this year's successive hurricanes hitting Southeast and Gulf States, some have even had the gall to claim it is due to global warming. Credible meteorologists have been quick to dismiss such claims. As Hugh Willoughby, senior scientist at the International Hurricane Research Center of Florida International University stated in the plain language we non-scientists can understand:

This isn't a global-warming sort of thing. . . . It's a natural cycle.

Benjamin Preston, senior research fellow at the Pew Center on Global Climate Change—a green activist organization that promotes the global warming theory echoed his sentiments, saying about the link between hurricanes and global warming:

The general consensus is that it's unlikely. . . . We can actually explain an active hurricane season using natural variability.

If even the Pew Center has said that, it seems pretty obvious that the activists and writers who have been quick to implicate global warming should be dismissed as the opportunists they are. Weather simply changes. In the words of Professor Perry Samson, associate chair of the Department of the Atmospheric, Oceanic, and Space Sciences at the University of Michigan:

Abnormal weather is normal.

When it comes to the argument that hurricanes are getting worse, it is typical to hear statistics about increasing costs due to hurricane damage. Of course, we can expect monetary damage from hurricanes to increase in the future, "not as a result of anthropogenic climate change, but from natural climate cycles, and . . . increasingly expensive properties along the coast."

These are not my words, but of a top U.S. Government scientist named Dr. Christopher Landsea.

Science simply doesn't support the claims that there is a link between hurricanes and global warming. A team led by the National Oceanic and Atmospheric Administration's Dr. Landsea concluded that the relationship of global temperatures to the number of intense landfalling hurricanes is either not present, or is very weak. In fact, if we examine hurricane records for which we have good data going back to the 1800s, there is much evidence supporting the conclusion that we have had more hurricane activity historically than in the last few decades, so an increase the last several years should perhaps be expected as part of natural variability. The overall number of hurricanes and the number of the strongest hurricanes fluctuated greatly during the last century, with a great number in the 1940s. In fact, through the last decade, the intensity of these storms has declined somewhat.

Hopefully, we can finally put to rest the unsubstantiated claim that global warming is leading to more severe and unpredictable weather. What is certain is that the drought record in the Southwest over the last 1,000 years and the hurricane record flatly refutes that claim.

Global warming advocates will often recite statistics that glaciers are in retreat. For instance, it is said that the number of glaciers in Glacier National Park has dwindled from 150 more than a century ago to about 35 today and that the part of the Arctic Ocean that remains frozen year-round has been shrinking.

But what do these examples really say about global warming? Scientists know very little about glacial activity, but what they do know suggests there are as many expanding glaciers as there are shrinking ones—this even happens with two glaciers within a few miles of each other—and that there is no universal trend either way. There are more than 160,000 glaciers on the

planet. Scientists have good, long-term mass balance measurements on a comparative handful of them. So how can someone assert that glaciers are shrinking?

Dr. Roger Braithwaite last year looked at mass balance trends in 246 glaciers worldwide from 1946 to 1995. He found that "there are several regions with highly negative mass balances in agreement with a public perception of 'the glaciers are melting,' but there are also regions with positive balances." This holds true even within continents. In Europe, "Alpine glaciers are generally shrinking, Scandinavian glaciers are growing, and glaciers in the Caucasus are close to equilibrium for 1980–95." Globally, adding all the results together, "there is no obvious common or global trend of increasing glacier melt in recent years."

Indeed, the observed variability of Arctic sea ice thickness, which shows that the sea ice mass can change by up to 16 percent within one year, contrasts with the concept of a slowly dwindling ice pack, produced by global warming.

But if global warming is not the cause, what is? In 2002, work done by Dr. Greg Holloway and Dr. Tessa Sou, showed that the decadal-scale wind pattern changes were responsible for rearranging the ice, giving some regions thinner and others thicker amount of ice. Research by Dr. Ignatius Rigor in 2002 confirmed this, finding much of the so-called Arctic ice thinning is caused by decadal variations in wind patterns over the Arctic.

Alarmists also speak eloquently about Kilimanjaro, and like to show two pictures—one from the early 1990s with a modest snow cap on it, and another from 2000 showing the snow caps had shrunk.

Of course, those are just two pictures. Let me tell you about three. Yes, Kilimanjaro's snows were smaller in the late 90s than the 80s, but they were bigger in the 80s than in the 70s. In fact, the snows of Kilimanjaro in 1997 appear to resemble the snows of Kilimanjaro in 1976.

This makes a simple point. If you are given only partial facts, you can easily be misled into thinking you see something when in fact you are seeing a very different thing indeed. The pictures you have been shown are simply transient snows and are meaningless. To quote an April white paper from the Center for Science and Public Policy entitled *The Consensus on Kilimanjaro is Wrong*, "though a photograph may be worth a thousand sound bytes, those words and photos do not go together."

Of course, the real question is what does the issue of melting glaciers on Kilimanjaro have to do with man-induced global warming? Not much. On November 26, the New York Times had some interesting insights into Kilimanjaro and global warming. Here's what the Times had to say:

The glaciers on Kilimanjaro have been in retreat for at least a century, shrinking by

80 percent between 1912 and 2000. Although it is tempting to blame global warming, the most likely culprit is deforestation.

As explained in *Nature's Science* update, with forest present, the natural updraft from the slopes carried moist air to the summit and helped reinforce and sustain the ice cap. Without those forests, the updrafts are dry and fail to replenish the ravages of the sun on the summit ice cap. And since the equatorial sun is extremely hot, deforestation also means the updrafts are warmer than they were when Kilimanjaro's forests were abundant.

Conjuring up fears of global warming because of Kilimanjaro's glaciers—to my mind—represents exactly the kind of misuse of science that leads to increased misunderstanding instead of understanding. If the problem is deforestation and there is public will to fix the problem, fix it. Don't try to mislead people into thinking the problem is something else simply because that fits your agenda.

This is a point I have made repeatedly. I believe it is extremely important for the future of this country that the facts and the science get a fair hearing. Without proper knowledge and understanding, alarmists will scare the country into enacting its ultimate goal: making energy suppression, in the form of harmful mandatory restrictions on carbon dioxide and other greenhouse emissions, the official policy of the United States.

While the science underlying hysterical claims of catastrophic global warming is thin, the analyses showing the costs of capping our economy are not. Perhaps the most well known study examining the Kyoto Protocol came from Wharton Econometric Forecasting Associates, or WEFA. According to WEFA economists, Kyoto would cost 2.4 million American jobs and reduce GDP by 3.2 percent, or about \$300 billion annually, an amount greater than the total annual expenditure on primary and secondary education.

It is hard to imagine such huge amounts, so I will put the findings in context. Because of Kyoto, American consumers would pay 11 percent more for food, 14 percent more for medicine, and 7 percent more for housing. Electricity prices would nearly double and gasoline prices would go up an additional 65 cents per gallon.

New studies that have come out since my last speech on global warming examining the consequences of unilaterally putting a cap on the economy through carbon restrictions are also revealing. Using perhaps the most sophisticated model to assess the issue—what is known as a dynamic model that incorporates future changes in behavior—the renowned economic forecasting firm of Charles River Associates has concluded that under the McCain-Lieberman bill, S. 139, economic growth would slow.

The Nation would lose up to a quarter million jobs by 2010, increasing to

up to 610,000 jobs by 2020. Energy-intensive industries would be the hardest sector hit. Natural gas prices would increase by up to 82 percent, driving thousands of companies overseas, as we have already seen happen to fertilizer manufacturers, who cannot afford to make their product at even today's natural gas prices. Production from these energy-intensive industries alone would decline annually by up to \$160 billion.

The bill would hit specific state economies harder. For instance, Ohio and West Virginia, both with economies that rely on coal production, would see their industries decimated, with production decreasing by as much as 73 percent.

Average households in the United States would incur a financial cost up to \$1,300 in the year 2010, with the annual cost rising up to \$2,300 by 2020. Families' direct costs in the form of higher electricity and gasoline prices would increase dramatically. Within 6 years, residential electricity prices would rise by up to 30 percent, dramatically increasing families' monthly electricity bills. By 2020, those prices would rise by up to 43 percent due to carbon restrictions.

Regardless of which study one looks at, gasoline price increases will be substantial. According to the Energy Information Administration, gas prices will increase by 27 percent, or 40 cents. The more sophisticated Charles River Associates assessment puts the cost even higher, with gasoline prices increasing by up to 50 cents.

Of course, for many wealthier people, these may seem like trivial costs. Rich people don't think about their electric bills or the cost of gasoline at the pump. But average Americans do. And the elderly living on fixed income, and the poor, pay attention to these costs even more. What is worse, these costs are regressive, which means that poor people will bear a bigger burden because they spend a larger share of their income on energy, such as gasoline and electricity. When the costs go up, they must give up something else important to them.

And what do we buy for costs?

As even James Hansen, the NASA scientist who popularized the global warming theory, admits, it would take massive reductions in carbon emissions to have any appreciable impact on climate change. And, of course, his views are based on the assumption it even exists. Calculating what affect implementing the Kyoto Protocol would have, Martin Parry and other researchers concluded in *Nature* that Kyoto would only reduce global surface temperatures by 0.06 Celsius by 2050. Coming to a nearly identical conclusion, U.S. Global Change Research Program researcher Tom Wigley estimated in *Geophysical Research Letters* that implementing the Kyoto Protocol would reduce global surface temperatures by 0.07 Celsius by 2050. The temperature differences within this room exceed such a minuscule amount.

Despite these studies which increasingly suggest that precipitous action to combat global warming is unjustified, alarmists often trot out a concept known as the precautionary principle—which is that it is better to be safe than sorry. But they misunderstand or at least, misapply this concept. From all I have learned about the subject of global warming, I believe that the safest course is to reject the hypothetical claims of those who fear planetary doom is around the corner and are willing to doom the economy to avert it. The science of global warming is uncertain, the costs of capping our economy with carbon restriction are high, and even if the doomsayers were correct, it would do little to nothing to reduce the temperature increases.

But there is more to the story. Taking precipitous action will actually do more harm than good.

A 2003 study by Indur Goklany of the Department of Interior examined this question in some depth. In the study, which did not challenge the validity of global warming's existence and its consequences in its assumptions, Goklany examined the benefits and opportunity costs of taking action to mitigate global warming. In essence, the study examined whether humanity would be better off if we tried to avert or otherwise mitigate global warming or whether humanity would better off adapting to it.

What the study concluded was remarkable. Even if global warming were real, money spent to combat global warming would do comparatively little—as a percentage of the problem to reduce the afflictions of hunger, malaria, and water shortages versus if no action were taken at all. Yet it went farther—it then examined the benefits of diverting the money spent on global warming and using the monies to directly fight these afflictions through such activities as agricultural research and development and investments in treatment and prevention in combating malaria. The final results? Fewer people would go hungry, fewer would suffer from malaria, and fewer would lack access to adequate supplies of water if we simply adapted rather than attempted to combat global warming. And at far less cost, meaning those resources can be invested productively.

So rationing our energy supply would make the world not safe, but sorry. And that is assuming global warming is happening. How much sorrier will we be if it isn't?

British Prime Minister Tony Blair's goal of serious investment in public health and infrastructure for energy and water, and delivering real progress on African development is in conflict with his aims on global warming. His Science Advisor, Sir David King, has stated that choices won't have to be made as to how to spend resources. But that flies in the face of basic economics. If resources are spent in one way, they are not available to be spent another. In short, even a wealthy future

world will have constraints on the resources it can devote to disease and other problems. How much more will those constraints be in a poorer world.

The point is clear. Back in the earlier part of the last century, when Asia was far poorer than it is today, deaths from climate events were far higher than now, when the region is wealthier. And let's look at the hurricanes from this hurricane season. Unfortunately, 100 Americans died during four naturally occurring hurricanes to hit land. But compare the fate of this wealthy country to that of Haiti, where in that small, terribly poor country 2,000 people died and 300,000 become homeless from a single hurricane—Hurricane Jeanne.

It is not simply common sense, its backed up by data. Capping carbon will cap the economy. There is an incredibly strong relationship between a country's GDP growth rate and its carbon dioxide growth rate. Because carbon is synonymous with economic activity. While we can and should increase our energy efficiency because its good business, we must realize that we are tied to carbon.

Fossil fuel is the energy base of this country. And while some may claim we can simply and easily move to a non-carbon based society, they are not being honest. We have an enormous infrastructure reliant on fossil energy that will be with us for many, many decades to come. And for those few alternatives that could replace older units such as building wind-farms off Nantucket or building new dams or new nuclear plants, green activists bring efforts to a grinding halt. As the chart shows, technology will not quickly restructure our energy infrastructure.

Unfortunately, despite the many studies, facts and figures I have shared with you today demonstrating that the science does not support catastrophic global warming claims, well-designed, reproducible studies are not the driving force behind today's climate science debate. Rather, ideology is.

This point was made by Dr. Richard Lindzen in regards to his contributions to the preparation of the United Nations IPCC report. Lindzen stated:

I personally witnessed coauthors forced to assert their 'green' credentials in defense of their statements.

But Lindzen's words are tame compared to those spoken earlier this year in Russia. At a press conference on global warming and the Kyoto Protocol, Russian Presidential Economic Advisor Andrei Illarionov made some comments about ideology that are nothing short of remarkable. Let me share with you what he says is driving the global warming debate. Illarionov stated:

There have been examples in our fairly recent history of how a considerable portion of Europe was flooded with the brown Nazi ideology, the red Commie ideology that caused severe casualties and consequences for Europe and the entire world. Now there is a big

likelihood that a considerable part of Europe has been flooded with another type, another color of ideology—[and he is speaking of global warming here—again, another type, another color of ideology]—but with very similar implications for European societies and human societies the world over.

He also said that imposition of the Kyoto Protocol “would deal a powerful blow on the whole humanity similar to the one humanity experienced when Nazism and communism flourished.”

And that was the chief economic advisor to Russian President Putin. The world has certainly turned on its head that we Americans must look to Russians for speaking out strongly against irrational authoritarian ideologies. Putin’s economic advisor’s words are underscored by the conclusion of the Russian Academy of Science which this last May concluded that there is a high degree of uncertainty that global warming is caused by anthropogenic factors, that the Kyoto Protocol does not have a scientific basis and it would not be effective in achieving the IPCC’s aims.

And while the Russia legislature may well indeed ratify the Kyoto Protocol, Illarionov has stated that it would occur for political considerations, not scientific or economic. Last May, it was reported that the European Union had promised to help Russia enter the World Trade Organization and would smooth over WTO requirements in exchange for signing the Kyoto Protocol. Additionally, there is speculation within Russia that the Kyoto Protocol will fail of its own weight since only two European countries will meet their carbon emission targets. So, clearly, Russia is playing politics with the issue for its purposes just as others have for their own.

That much of this debate is about world governance and not science is not news. At the Hague in November 2002, French President Jacques Chirac stated that Kyoto represents “the first component of an authentic global governance.”

Those are his words, not my characterization of his words.

To summarize my remarks today, it makes no sense to take action on climate change when the costs are so profound and the benefits are non-existent.

Last year, I spent two hours addressing the Senate about the state of science regarding the global warming debate. And today, I have spent another two hours providing the latest, most up-to-date information on the science about global warming—or more to the point—the lack of credible science supporting it.

I have been told many times that the science is irrelevant—that we have moved beyond the science, and that we must now concentrate on what to do to stop global warming from happening. I, for one, would hope that we never abandon the science. Those who are afraid of the newest and best science are usually the same people who are afraid that the more the public actu-

ally knows, the more it will interfere with their grand geopolitical plans to ration America’s energy.

I believe we should be held accountable for the actions we take, and not bet the American economy on something unless it is firmly rooted in science, and our actions can have some beneficial effect. Global warming ideology has no place in policy debates regarding scientific issues. Credible, reproducible studies should be our gold standard—our minimum standard. By that standard, carbon restrictions fail the test.

Unfortunately, we are in a political season and some legislators believe that they can score political points with this issue. Last year, when Senator JOHN KERRY was focusing on the liberal base in his primary, he criticized President George Bush on his campaign website for rejecting the global warming treaty, stating:

Dropping out of international implementation of the Kyoto Protocol was foolhardy then, and it is even more obviously foolhardy today.

But now that JOHN KERRY is trying to be more mainstream he has removed that statement from his website and replaced it with the following:

John Kerry and John Edwards believe that the Kyoto Protocol is not the answer. The near-term emission reductions it would require of the United States are infeasible, while the long-term obligations imposed on all nations are too little to solve the problem.

Yet in the September 30 presidential debate, he criticized President Bush when he said:

You don’t help yourself with other nations when you turn away from the global warming treaty, for instance, or when you refuse to deal at length with the United Nations.

I am trying to figure out what he means by those statements.

And unless he is simply doing another of his all-too-familiar flip-flops, I can only conclude that while he does not believe the Kyoto Protocol is the answer, he would support it anyway. If I lived in the Midwest, I would find his shifting stances worrisome.

I have laid out my case today for why capping our economy with carbon restrictions is wrong-headed and rash. And I believe that the future health of our great Nation and the world is too important to have an issue as vital as this one relegated to the status of a political football. My hope is that the legislators who have moved beyond the science will, once again, develop a healthy respect for what it has to say in guiding our actions.

ARIZONA WATER SETTLEMENTS ACT

Mr. KYL. Mr. President, the water users and providers of Arizona have waited a long time for this day. The Arizona Water Settlements Act, S. 437, is the product of 15 years of negotiation, litigation, and more negotiation. Virtually every major water user and

provider in central Arizona has devoted itself to the passage of this bill. In fact, S. 437 would codify the largest water claims settlement in the history of Arizona. The three titles in this bill represent the tremendous efforts of literally hundreds of people in Arizona and here in Washington over a period of 15 years. Looking ahead, this bill could ultimately be nearly as important to Arizona’s future as was the authorization of the Central Arizona Project, CAP, itself.

Since Arizona began receiving CAP water from the Colorado River, litigation has divided water users over how the CAP water should be allocated and exactly how much Arizona was required to repay the Federal Government. This bill will, among other things, codify the settlement reached between the United States and the Central Arizona Water Conservation District over the State’s repayment obligation for costs incurred by the United States in constructing the Central Arizona Project. It will also resolve, once and for all, the allocation of all remaining CAP water. This final allocation will provide the stability necessary for State water authorities to plan for Arizona’s future water needs. In addition, approximately 200,000 acre-feet of CAP water will be made available to settle various Indian water claims in the State. The bill would also authorize the use of the Lower Colorado River Basin Development Fund, which is funded solely from revenues paid by Arizona entities, to construct irrigation works necessary for tribes with congressionally approved water settlements to use CAP water.

Title II of this bill settles the water rights claims of the Gila River Indian Community. It allocates nearly 100,000 acre-feet of CAP water to the community, and provides funds to subsidize the costs of delivering CAP water and to construct the facilities necessary to allow the community to fully utilize the water allocated to it in this settlement. Title III provides for long-needed amendments to the 1982 Southern Arizona Water Settlement Act for the Tohono O’odham Nation, which has never been fully implemented. Title IV creates a placeholder for a future settlement on the Gila River for the San Carlos Apache Tribe and reiterates the fact that titles I, II, and III do not affect the water rights claims of the San Carlos Apache Tribe or the claims of the United States on their behalf.

For the San Carlos Apache Tribe and other Indian communities in Arizona that have not yet settled their water rights claims, this bill offers hope for the future. This bill creates a fund for future Indian water settlements in Arizona. In addition, through this legislation, 67,300 acre-feet of CAP water will be set aside for future Indian water rights settlements. The water needs of each Indian tribe in Arizona are particular to that individual tribe. Likewise, the contours of each Indian water rights settlement must be tailored to