

consent that I be recognized for up to 25 minutes as in morning business.

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

#### INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE

Mr. INHOFE. Mr. President, today I want to highlight several recent media reports uncovering very serious errors and possible fraud by the United Nations Intergovernmental Panel on Climate Change.

First of all, let me define what we are talking about here, because it has been around for a long time but a lot of people have forgotten. Way back in 1988, the United Nations formed the IPCC—the Intergovernmental Panel on Climate Change. The whole idea was to try to determine whether manmade gases—anthropogenic gases, CO<sub>2</sub>, and methane—caused global warming, and if in fact global warming is taking place.

It is hard on a day such as today, and the last few days, to be talking about global warming. I often say: Where is it when you need it? But nonetheless, you need to know three things about the IPCC: No. 1, the Obama administration calls it the gold standard of climate change science; No. 2, some say its reports on climate change represent the so-called consensus of scientific opinion about global warming; and No. 3, the IPCC and Al Gore were awarded the Nobel prize in 2007 for “their efforts to build up and disseminate greater knowledge about manmade climate change.”

Put simply, what this means is that in elite circles the IPCC is a big deal. So when ABC News, The Economist, Time magazine, and the Times of London, among many others, report that the IPCC’s research contains embarrassing flaws and that the IPCC chairman and scientists knew of the flaws but published them anyway—well, you have the makings of a major scientific scandal.

In fact, when Climategate first came out and it was discovered that they had been cooking the science at the IPCC, the UK Telegraph said: This is very likely the greatest scientific scandal of our generation.

So where to begin? Well, how about with the IPCC’s claim that the Himalayan glaciers would melt by 2035. It is not true. That is right; it is simply false. Yet it was put into the IPCC’s fourth assessment report. These assessment reports come out every year, and that is what the media normally get. They are not scientific reports, they are assessments that are made for policymakers. Here is what we know:

According to the Sunday Times, the claim about the Himalayas was based on—keep in mind we are talking about their statement that by 2035 the glaciers would melt—that claim was based on a 1999 story in a news magazine which in turn was based on a short

telephone interview with someone named Syed Hasnain, who is a very little-known Indian scientist.

Next, in 2005, the activist group World Wildlife Fund cited the story in one of its climate change reports. Yet despite the fact that the World Wildlife Fund report was not scientifically peer reviewed, it was still referenced by the IPCC. It was still in their report.

Third, according to the Times:

The Himalayan glaciers are so thick and at such high altitude that most glaciologists believe it would take several hundred years to melt at the present rate. Some are actually growing and many show little sign of change.

Lastly, when finally published, the Sunday Times wrote:

The IPCC report did give its source as the World Wildlife Fund study but went further, suggesting the likelihood of the glaciers melting was “very high.”

The IPCC, by the way, defines this as having a probability of greater than 90 percent.

So there you have that. But there is more. According to the Times:

The chairman [Rajendra Pachauri] of the leading climate change watchdog was informed that claims about melting Himalayan glaciers were false before the Copenhagen summit.

We all remember that Copenhagen summit in the middle of December. I was there for 2 hours; many were there for 2 weeks. Now to continue to quote from the Times article:

... [he] was told that the Intergovernmental Panel on Climate Change assessment that the glaciers would disappear by 2035 was wrong, but he waited 2 months to correct it. He failed to act despite learning that the claim had been refuted by several leading glaciologists.

So why was the Himalayan error included? We now know from the very IPCC scientist who edited the report’s section on Asia that it was done for political purposes. It was inserted to induce China, India, and other countries—this was at Copenhagen—to take action on global warming. According to the UK’s Sunday Mail, Murari Lal, the scientist in charge of the IPCC’s chapter on Asia, said this:

We thought that if we can highlight it, it will impact policymakers and politicians and encourage them to take some concrete action.

In other words, that is the motive she did it for. In other words, the Sunday Mail wrote that Lal “admitted the glacier alarmism was indeed purely to put political pressure on world leaders.”

This is what we have suspected and has been documented in the recent Climategate scandal. But there is still more. The glaciologist, Dr. Hasnain, who originally made the alarmist 2035 claim, works for Dr. Pachauri at his think tank in India. According to ABC News:

The glaciologist now works at the Energy and Resources Institute in New Delhi, whose director is none other than Rajendra Pachauri. Could this explain why Pachauri suppressed the error in the Himalayan passage of the IPCC report for so long?

Specifically, after the meeting in Copenhagen. So what has the IPCC done to correct this fiasco? I went into the IPCC report to see if a correction had been made. Well, the 2035 claim is still there. It is still there now. It has been denied, but it is still there. There is a note attached that says the following:

It has, however, recently come to our attention that a paragraph in the 938-page Working Group II contribution to the underlying assessment refers to poorly substantiated estimates of rate of recession and date for the disappearance of Himalayan glaciers. In drafting the paragraph in question, the clear and well-established standards of evidence, required by the IPCC procedures, were not applied properly.

I had to read this twice to understand what it said. The IPCC says the glacier alarmism came about because of poorly substantiated estimates. Well, that is one way of putting it. To me, from what we know now, the leadership of the IPCC lied about the Himalayas. They knew it was false, but for political purposes they kept it in.

I could go on and on, but let me cite a few more examples. The UK Telegraph recently uncovered more problems. This is the entity that said that is probably the greatest scientific scandal of our generation. The IPCC’s report from 2007 found observed reductions in mountain ice in the Andes, Alps, and Africa—all caused, of course, by global warming. In an article entitled “UN Climate Change Panel Based Claims On Student Dissertation and Magazine Article,” the Telegraph reported the following:

One of the sources quoted was a feature article published in a popular magazine for climbers which was based on anecdotal evidence from mountaineers about the changes they were witnessing on the mountainsides around them. The other was a dissertation written by a geography student, studying for the equivalent of a master’s degree at the University of Berne in Switzerland that quoted interviews with mountain guides in the Alps.

So that is the source they had. The article further reveals:

The IPCC report made use of 16 nonpeer reviewed WWF reports. One claim, which stated that coral reefs near mangrove forests contained up to 25 times more fish numbers than those without mangroves nearby, quoted a feature article on the WWF website. In fact, the data contained within the WWF article originated from a paper published in 2004 in the respected Journal Nature. In another example a WWF paper on forest fires was used to illustrate the impact of reduced rainfall in the Amazon rainforest, but the data was from another Nature paper published in 1999.

On top of this, we find that the IPCC was exaggerating claims about the Amazon. The report said that 40 percent of the Amazon rain forest was endangered by global warming. But again, as we have seen, this was taken from a study by the WWF—the World Wildlife Federation—and one that had nothing to do with global warming. Even worse, it was written by a green activist.

That is the statement they made—40 percent of the Amazon rain forest was

in danger. So again, we have the gold standard of climate research and a body that was awarded the Nobel prize of 2007. How can the world's pre-eminent climate body fall victim to such inaccuracy and, it must be said, outright fraud? I am sure for many in this body this information is shocking, but for me I am not at all surprised.

Five years ago, I sent a letter to Dr. Pachauri specifically raising the many weaknesses in the IPCC's peer-review process, but Dr. Pachauri dismissed my concerns. Here is how Reuters reported his response:

In the one-page letter, [Pachauri] denies the IPCC has an alarmist bias and says "I have a deep commitment to the integrity and objectivity of the IPCC process." Pachauri's main argument is that the IPCC comprises both scientists and more than 130 governments who approve IPCC reports line by line. That helps ensure fairness, he says.

Here is Dr. Pachauri defending it.

Given the significance of the reports, Dr. Pachauri should come clean and respond directly to the numerous charges made against himself and the IPCC. And given that Dr. Pachauri has testified before Congress, including the Senate Committee on Environment and Public Works, we should hear directly from him as soon as possible as to how he can salvage the IPCC's vanishing credibility.

How did we get to this point? I have been documenting deceit of this kind for several years now. But I must say that a great turning point occurred just a few months ago, when thousands of e-mails from the University of East Anglia's climatic research unit, or CRU, were leaked to the media. The CRU is one of the world's most prestigious climate research centers. The e-mails appear to show some of the world's preeminent climate scientists manipulating data, violating information disclosure laws by deleting e-mails, and blocking publication of research contrary to their own. They published only the research that would verify their positions in terms of global warming, in other words.

This revelation sparked several investigations, including one by the UK's Information Commissioner's Office. The office recently concluded that the CRU broke the UK's Freedom of Information Act. However, as the Times of London reported:

The Information Commissioner's Office decided that UEA failed in its duties under the Act but said that it could not prosecute those involved because the complaint was made too late . . . The ICO is now seeking to change the law to allow prosecutions if a complaint is made more than six months after a breach.

It is a little late but none the less a good change to make. The Times further reports on the details, noting:

In one e-mail, Professor Jones [former director of the CRU who has now stepped down because of the scandal] asked a colleague to delete e-mails relating to the 2007 report by the Intergovernmental Panel on Climate Change. He also told a colleague that he had persuaded the university authorities to ignore information requests under the act from people linked to a Web site run by climate sceptics.

Climate skeptics, so you understand the terminology that is used here, those are people like me who have looked at this and realize the science is cooked. I think most people agree with that now.

As we know, Climategate is just the beginning. Time magazine reported—let's keep in mind, this is Time magazine; the same magazine about a year ago that had a picture of the last polar bear standing on the last ice cube saying: It is coming and you ought to be real worried about it.

As we now know, Climategate was just the beginning.

Time magazine reported that 'Glacierngate' is a "black eye for the IPCC and for the climate-science community as a whole." In the article posted online from Thursday, January 21, 2010, Himalayan Melting: How a Climate Panel Got It Wrong, Time reports:

The mistake is a black eye for the IPCC and for the climate-science community as a whole. Climate scientists are still dealing with the Climategate controversy, which involved hacked e-mails from a major British climatology center that cast doubt on the solidity of evidence for global warming.

The Economist newspaper, which had accepted the IPCC climate "consensus," essentially claimed that it had been duped by the IPCC. Here's the Economist:

The idea that the Himalaya could lose its glaciers by 2035—glaciers which feed rivers across South and East Asia—is a dramatic and apocalyptic one. After the Intergovernmental Panel on Climate Change (IPCC) said such an outcome was very likely in the assessment of the state of climate science that it made in 2007, onlookers (including this newspaper) repeated the claim with alarm. In fact, there is no reason to believe it to be true. This is good news (within limits) for Indian farmers—and bad news for the IPCC.

The Economist finds that, "This mixture of sloppiness, lack of communication, and high-handedness gives the IPCC's critics a lot to work with."

Seth Borenstein with the Associated Press, a reporter whose objectivity I have questioned at various times, asked the IPCC to respond to Glacierngate. Borenstein reported in his January 20, 2010, article, UN Climate Report Riddled with Errors on Glaciers:

"The credibility of the IPCC depends on the thoroughness with which its procedures are adhered to," Yvo de Boer, head of the UN Framework Convention on Climate Change, told The Associated Press in an e-mail. "The procedures have been violated in this case. That must not be allowed to happen again because the credibility of climate change policy can only be based on credible science."

Borenstein also quotes Roger Pielke, Jr.'s concerns with the significance of the errors, writing, "However, Colorado University environmental science and policy professor Roger Pielke, Jr. said the errors point to a 'systematic breakdown in IPCC procedures,' and that means there could be more mistakes."

Further troubling is the revelation of several instances in which the IPCC relies on nonpeer reviewed work, mainly

from leftwing pressure groups. As the Wall Street Journal reports in an article from January 18, "Climate-Change Claim on Glaciers Under Fire":

The citation of an environmental advocacy group as a source within the IPCC report appears to be a rare, but not unique, occurrence. That same chapter on Asian climate impacts also cited work from the World Resources Institute, which describes itself as an 'environmental think tank.' Most of the thousands of citations supporting the rest of the voluminous IPCC report were from scientific journals.

Let me add also that Professor Bob Watson—first, Bob Watson was the predecessor to Pachauri. He said:

It is concerning that these mistakes have appeared in the IPCC report . . . Dr. Pachauri must take full responsibility for that.

I think it is interesting to those of us who have been stuck in Washington for the last 3 days because of the weather—it is a record; we have not had anything like this, the snowfall and temperatures, in the recorded history of Washington DC—that they are now talking about starting a new agency under NOAA. That is the National Oceanographic and Atmospheric Administration. That is all we need is one more bureaucracy to talk about global warming.

I might add, today there is supposed to be an EPW hearing on global warming, but it was canceled by the blizzard. A lot of things have been happening recently, and I think it is very important that people understand how serious this matter is.

I have to add one thing, since I think I have 6 minutes left, about my daughter Molly. My wife and I have been married 50 years. We have 20 kids and grandkids, I say to my friend in the chair. Six of those were up here because of a little adopted Ethiopian girl. My granddaughter and her brothers were making a igloo. They were stuck here with nothing else to do. If you want to see it, it is down at Third and Independence. Someone took the sign off, but the sign said: "Al Gore's New Home." I thought I would throw that out.

One last thing, in winding this up, about how serious this is. It became evident that the votes to pass the very expensive cap-and-trade bill, the largest tax increase in the history of America, somewhere between \$300 and \$400 billion a year—it would cost every tax-paying family in my State of Oklahoma some \$3,000 a year—the fact is, the votes are not there, not even close. They may be up to 20 votes, but it takes 60 to pass it. We know that.

When this happened, President Obama said: Fine. If Congress is not going to pass this bill, I can do it administratively through an endangerment finding of the Clean Air Act.

The Clean Air Act was passed many years ago. The Clean Air Act talks about pollutants such as SO<sub>x</sub>, NO<sub>x</sub>, and

mercury. If he can have an endangerment finding saying that CO<sub>2</sub> 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 Sheikh" 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