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## Senate

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

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

Let us pray.

Eternal Savior, our God and our strength, in the shadow of Your hand, we find protection from life's slings and arrows. You keep us from toiling in vain, from spending our strength for nothing. Today, use our lawmakers to make America a light of the nations. May our Senators work with such integrity and dependence on You that freedom may reach to the end of the Earth. Lord, help them to seek first and foremost to know and do Your will and reward them for their service and sacrifices for freedom. Have compassion on us all and guide us to the springs of living water.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER 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.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant bill clerk read the following letter.

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 30, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

### CYBERSECURITY ACT OF 2012— MOTION TO PROCEED

#### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

#### SCHEDULE

Mr. REID. Mr. President, we are on the motion to proceed to S. 3414, which is the cybersecurity bill. This is postcloture. At 4:30 p.m., the Senate will proceed to executive session to vote on the nomination of Robert Bacharach, of Oklahoma, to be a U.S. circuit judge for the Tenth Circuit. This likely will be our last vote on a circuit judge for this Congress. I hope we can be successful. This is a person whom I will talk about a little bit, and he is certainly well qualified. He came out of committee unanimously.

At 5:30 p.m., today, there will be a cloture vote on the Bacharach nomination. If cloture is not invoked on the Bacharach nomination, the Senate will resume legislative session and begin consideration of the cybersecurity bill following the vote.

#### MEASURE PLACED ON THE CALENDAR—H.R. 6082

I am told H.R. 6082 is at the desk and due for a second reading.

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

The assistant bill clerk read as follows:

A bill (H.R. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012-2017) with a congressional plan that will conduct additional oil and nat-

ural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with regard to this bill.

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

#### MIDDLE-CLASS TAX CUT

Mr. REID. Mr. President, I was glad to hear Speaker BOEHNER say last week he will bring the Senate-passed middle-class tax cut to the House floor for a vote. I heard again today he is going to hold to what he said. I think that is very good.

Our struggling Nation is one vote away from avoiding the fiscal cliff for middle-class families. Every Member of the House of Representatives should have an opportunity to show where they stand: with millionaires or the middle class. Members can support the Democrats' plan to cut taxes for 98 percent of Americans while reducing the deficit by almost \$1 trillion or they can support the Republican plan to hand out more tax breaks to millionaires and billionaires, increasing taxes for 25 million American families struggling to put kids through college or even food on the table.

The two approaches demonstrate a glaring difference in priorities. There is another difference between the two plans. The Democrats' proposal is the only one with a chance of becoming law. President Obama said he would sign it tomorrow. What he will not do is sign into law any more wasteful giveaways to the wealthiest 2 percent.

The Senate has defeated the Republican proposal in a bipartisan vote, so it is simply a waste of time for House Republicans to continue to pursue their middle-class tax hike. House Republicans should stop holding the middle class hostage to extract more tax cuts for the richest of the rich. They

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



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should pass our middle-class tax cut now. American families cannot afford to wait until the last moment to find out how their bottom line will look come January 1. People are sitting around their kitchen tables now trying to figure out whether they can afford to buy a home or rent a home, should they send their kids to college or trade school or should they or can they retire? Republicans shouldn't force 114 million families to guess whether they will have \$1,600 less to spend or save next year. They certainly need to do something and do it now, and one simple vote can give them that certainty.

Mr. President, cybersecurity is basically a new word. Today, the Senate also continues to work to address this problem. This is a problem that national security experts call the most urgent threat to our country; that is, weakness in our defense against cybersecurity. Cyber terrorism could cripple the computer networks that control our electrical grid, water supplies, sewers, nuclear plants, energy pipelines, transportation networks, communications equipment, and financial systems, to name a few. GEN Martin Dempsey, chairman of the Joint Chiefs of Staff, said: "A cyber attack could stop this society in its tracks." Cyber espionage does not just threaten our national security, it threatens our economic security as well. Hackers have already attacked one of the most important businesses we have in America today, the Nasdaq stock exchange. Major corporations are under attack every day, spending millions and millions of dollars to protect against cyber attacks. These attacks cost our economy billions of dollars a year and thousands of jobs.

GEN James Clapper, Director of National Intelligence, said Chinese cyber theft of American intellectual property is "the greatest pillaging of wealth in history."

"That's our future disappearing in front of us," added GEN Keith Alexander, Director of the National Security Administration.

In a report released last year, the American Chamber of Commerce said the government and private sector should work together to develop incentives for businesses to voluntarily act to protect our Nation's critical infrastructure. The legislation before this body today does exactly that. It establishes a public-private partnership to make our Nation safer and protect American jobs. I hope the Chamber will join in our efforts to pass this important legislation.

I personally believe this bill could go further to address the critical infrastructure, such as the networks operating our electrical grid, our water supply, and other life-sustaining systems. It is a tremendously important first step.

I applaud Senators LIEBERMAN, COLLINS, FEINSTEIN, and ROCKEFELLER for their work on this legislation. The bill managers are compiling a list of rel-

evant amendments for consideration. I hope we can cooperate to work through the list and pass this legislation this week. We can't afford to fail to address what experts have called the greatest security challenge since the dawn of the nuclear age.

#### BACHARACH NOMINATION

I said I would talk a little bit about Judge Bacharach, and I intend to do that now.

Today, the Senate will vote on whether to end a filibuster of Judge Robert Bacharach, a nominee from Oklahoma to the Tenth Circuit Court of Appeals. By any measure, this man is the type of noncontroversial nominee the Senate would routinely confirm with broad bipartisan support. He was reported out of the Judiciary Committee by voice vote. Everybody said he is a good guy. He has the support of two Republican Senators from his State of Oklahoma. Senator COBURN, the junior Senator from Oklahoma, said Friday that Judge Bacharach is a stellar candidate and ought to get through.

Yet Republicans have signaled they are going to block his nomination. If they hold up this consensus candidate, it will be the first time an appeals court nominee with this bipartisan support has ever been filibustered on the floor.

Why should we ever be surprised? We have already had 85 filibusters, so we can add another one to it. I hope they don't filibuster this good man. I have already said this would be our last circuit court judge. It is too bad that is the case.

If Senator COBURN and Senator INHOFE broadly support this qualified nomination, blatant partisanship will be to blame. Senator COBURN said Judge Bacharach is "an awfully good candidate caught in election-year politics."

Will the Chair announce the business of the day.

#### RESERVATION OF LEADER TIME

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

Mr. REID. Mr. President, I note the absence of a quorum.

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

The assistant bill clerk proceeded to call the roll.

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

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

#### HIGHER EDUCATION

Mr. HARKIN. Mr. President, 2 years ago, not long after I became chairman of the Senate's Health, Education, Labor, and Pensions Committee, I made the decision to undertake an investigation of the for-profit sector of higher education.

My reason for doing so was compelling: Congress had just finished making

huge new investments in the Pell grant program; meanwhile, enrollment in for-profit colleges had increased 225 percent over the previous 10 years compared to 31 percent for the rest of higher education.

So this is what we were looking at, as shown on this chart. The enrollment in the for-profit sector kept going up, and finally, in 2006, it took a huge increase—up from 765,000 in 2001 to 2.5 million, almost, in 2010. So while students at for-profit colleges made up between 10 and 13 percent of all the students, for-profit colleges now were receiving almost 25 percent of all student loans and Pell grants.

Meanwhile, troubling reports began to surface: prospective students being lied to by aggressive recruiters; other recruiters showing up at wounded warrior facilities and homeless shelters; students saddled with a mountain of debt, unable to find jobs.

Two years later, our investigation is complete. The committee has held 6 hearings, issued 30 document requests, compiled data from multiple agencies, interviewed many former students and employees, and compiled a fact-based authoritative public record.

Earlier today, we announced the release of our final report called "For-Profit Higher Education: The Failure to Safeguard the Federal Investment and Ensure Student Success."

This report provides a detailed explanation of how Congress has failed to properly monitor student outcomes in this sector of higher education or to safeguard the enormous investment taxpayers are making.

As this next chart shows, Pell grants going to the for-profit sector have grown from \$2.5 billion to \$8.8 billion, in just 5 years. Again, this is what we are looking at. Just think, that we had to do something; and look at this: \$2.5 billion, up to \$8.8 billion, in 5 years. These are Pell grants. As I said, about 10 percent of the students, 25 percent of all the Pell grants. This was twice as fast as anything else in higher education.

As the chairman of the Appropriations subcommittee that funds Pell grants, we work very hard to make sure Pell grants keep up, that we increase them. So it was distressing and outrageous to learn that a disproportionate share of this Federal investment is going to schools that are raking in big profits but failing to educate our students.

I will now put up another chart.

You have to ask the question: Has the American taxpayer gotten an acceptable return on this huge investment in students attending school in the for-profit sector? The answer is a resounding no.

More than half of the students who enrolled in 2008 and 2009 had withdrawn by 2010. At many of them, as the chart shows, the withdrawal rate was 67 percent, as shown here for Ashford University.

What this means is, for students who signed up at one of these schools and

got a loan, got a Pell grant, 1 year later 50 percent of them were not there. It was as high as 67 percent of students at Bridgepoint, Ashford University, who were not there.

So you say: Well, what happened to the money? Guess what. Bridgepoint got the Pell grant. Bridgepoint got the Stafford loan. The student dropped out, and the student has the debt.

The student has the debt, and the student has nothing to show for it: no appreciable skill, no diploma, nothing. In fact, they are worse off than when they started because now they have a huge debt hanging around their neck. I just want to say that in this report, what we will find is overwhelming documentation of exorbitant tuition, unsavory recruiting practices, abysmal student outcomes, taxpayer dollars spent excessively on marketing and pocketed as profits, and regulatory evasion—regulatory evasion and manipulation.

I will have more to say about that later. Again, these practices are not the exception, they are the norm. They are systemic throughout the industry. There are, of course, individual exceptions. Again, there are real differences among the various for-profit colleges. That is why we took profiles of 30 different companies. We took 15 that were publicly owned, investor owned, and we took 15 that are more private. We took some from the biggest to the smallest so we would have a broad picture of what was happening in this industry.

Now, again, compared to the industry overall, some for-profit colleges are doing a better job for their students. I would mention Strayer, Walden, National American University, and American Public University—all private, for-profit schools doing a much better job for their students.

There are also for-profit colleges that have had serious shortcomings. But they are beginning to make some changes. They are now open to new thinking about how to improve student outcomes. I would include in this list Kaplan, DeVry, and Apollo, which is basically the University of Phoenix. The bottom line is that a large share of the \$32 billion that taxpayers invested in these schools in 2010 was wasted. We cannot allow this to continue.

Why? Because 73 percent of undergraduate students in this country are nontraditional students. For example, they are holding down jobs, they are older, perhaps they have family responsibilities, come from maybe low-income communities, and they may be the first in their family to attend college. Our Nation's existing network of public and not-for-profit colleges and community colleges cannot meet the demand for higher education or meet President Obama's goal of producing more college graduates without increasing the number of Americans who spend at least some time in higher education. We need for-profit schools to offer these students more than a path to enrollment. We need them to offer

students a path to success and graduation.

We uncovered two overall problems with the status quo in for-profit higher education. One, billions of taxpayer dollars are being diverted from the educational activities they were intended to finance; and, two, taxpayer dollars are being used to do real lasting harm to the students these colleges enroll.

Again, think about it. In just the 1 year we examined, more than half a million students enrolled in for-profit colleges and then quit. Almost every one of those dropouts left school worse off than when they began, with no tangible economic benefit, but saddled with debt that cannot be discharged in bankruptcy, far less able now to continue their higher education in the future because they will have defaulted on those loans. They will not be able to get Federal loans, and they will not get any more Pell grants.

So we have to ask why is this happening? One of the reasons is that the tuition at for-profit colleges is grossly out of line with the cost of comparable programs at public and nonprofit institutions and fail to reflect the often dubious value of a degree from a for-profit. As this chart shows, this is average, from a public college in yellow, and the purple is for-profit colleges.

For an average certificate program, public schools, \$4,249—this is tuition. At a for-profit, \$19,806; for an average associate degree, 2 years, \$8,000 in public schools; that would be our community colleges and others, \$34,988—almost \$35,000 at a for-profit school. For a bachelor's degree, \$52,000 in public schools; \$62,000 in the for-profit schools. It costs 20 percent more for an online degree from Ashford University than a degree from the University of Michigan.

Now, since these schools do not have bricks and mortar, they do not have to pay heating bills and cooling bills and upkeep of dorms and all of that kind of stuff, one would think they could offer these courses much cheaper than what they are doing. That is not the case. They are much more expensive.

So why doesn't this lower overhead translate into lower tuition? We will put up the next chart. The answer is the efficiencies of online education are not passed on to students. Instead, those lower costs of delivery go straight to profits, marketing, and executive salaries. Tuition is set primarily based on maximizing revenue from Federal taxpayer dollars and on what executives think the market will bear.

That is sort of what this chart shows. This red line is the average available Federal aid to a student. This would be Stafford loans and Pell grants. This is average, \$13,205. When we examined all of the private schools—this is just a representative sample—they are all just above that line. In fact, we have internal documents from many of these schools, from their executives, saying

they are going to set their tuition in order to make sure they can maximize access to those Federal dollars.

Now, there are exceptions. I wanted to put one in there. American Public Institute, as I said earlier, they are way down here. They made a profit, they are profitable, and they provide a good service. They are not pegging their tuition costs at just what they can maximize. So there are examples out there, but the vast majority set it just at what the market will bear and how they can maximize their Federal dollars.

How much are these Federal dollars? About 83 percent. So I think another feature of the for-profit schools is their almost total reliance on taxpayer money. They say they are for-profit, but it is not like a for-profit for a private business that is competing in selling cars or washing machines or refrigerators or maybe some other kind of a service where one can pick and choose. About 83 percent—this is military, 3.8 percent, and 79.3 percent is Federal student aid dollars; 83 percent comes directly from the taxpayers of this country.

So if for-profit colleges charge exorbitant tuition and often provide an inferior education while experiencing sky-high dropout rates, how are they able to recruit a steady stream of new students? The answer is that for-profit colleges are what I would call a marketing machine. They spend 42.1 percent of their revenues on marketing, recruiting, and profit. Yet they only spend 17 percent of revenues on actual instruction.

By comparison, the University of North Carolina System spends less than 2 percent of its budget on marketing—2 percent. What we see is 42 percent—42 percent on marketing and profits; 17 percent on student instruction. This is interesting: 40.7 percent all other spending. I would point out herein are executive salaries, executive compensation, bonuses paid to recruiters, and on and on and on. Only 17 percent for instruction.

Most colleges, when they talk about marketing, it is down around 2 or 3 percent. I will bet the University of Virginia is probably down there. I do not know. We may have that documentation. I know the University of Iowa System is down around that 2- to 3-percent total for marketing. You have seen their ads, different things for public universities, nonprofit universities, but nothing close to 42 percent.

This is what leads to what we call the "churn." Students come in, they get recruited, they get their Pell grants, they get their loans, the school gets the money, a year later the student drops out, and so the marketers go out and bring in more students. So we get this tremendous churn in the student body at these for-profit schools. Perhaps most critical, these institutions fail to provide adequate student support services, as I said. This is a critical finding of our report.

Despite knowingly enrolling some of the most at-risk students in our country, many of these schools do not provide these students with the services common sense tells us they need to succeed. How many times have we heard from the for-profit industry: Yes, we are different because we are enrolling students who do not go to our normal colleges, do not go to the University of Iowa, to the University of Virginia. These are nontraditional students. Many of them are poor. That is true, but that is who they are recruiting.

Why are they recruiting them? To get the most Pell grants and the most Stafford student loans. That is what the college gets.

Now, if they are doing that, then they need to provide mentoring, tutoring, some kind of alumni network, job partnerships, and genuine career counseling. Two of the largest for-profit companies provide no career counseling or placement to students whatsoever. Yet these are the very students who need the most help when they go to college. Students from upper income families who go to good schools, they do not need that. English language learners, Latinos, African-American students, those we intuitively know need more education. Maybe they have lost a job and now they realize: I have to do something. I have to get a better education. These marketers go after them. This is what our report found.

If you look at the enrollment in these schools, as I said, it has gone up. The enrollment has gone up. Look at the recruiters. From 2007 to 2010, we went from a little over 20,000 to 35,202 recruiters at 24 of these companies.

Down here, the red line, these are the career services. These are the people who counsel and mentor and tutor and help with career guidance. It has not gone up a bit. Huge increase in students, big increase in recruiters, and almost no increase at all in career counselors. This is a failure, an abject failure.

This report is the first comprehensive fact-based analysis of this industry. Earlier today I saw that the association for for-profit institutions called this a flawed process. As near as I can understand their critique, the process was flawed because it was about them, but that is what congressional oversight is about.

This was not an overnight thing. This is what we produced: four huge volumes, data-driven documentation, documentation on what is happening in this industry. This is the summary. This holds most of what we found. These three will have all of the backup documentation that is needed to support the findings we have.

We have before us a factual record that we have never had before. The Department of Education did not have it. No one has had it before. This can guide us as we move toward reauthorization of the Higher Education Act next year. Again, during the reauthor-

ization we will also be looking at traditional higher education.

We have already held two hearings on college affordability. There is no question that we need to find a way to improve outcomes not just at for-profit colleges but also at low-cost community colleges. That said, the fact is there are problems that are unique—unique to the for-profit sector that will require some unique solutions.

We have seen some progress on this front, as I said. I have met with some of them. They have expressed a determination to reform and to do right by their students. In addition, the Department of Education took steps that are beginning to have real impacts.

In April, President Obama issued an Executive order that will help to ensure our veterans are not the subject of deceptive and misleading recruiting, and that will help soldiers and veterans to make better decisions about where to use their GI bill dollars.

Last month, Kentucky Attorney General Jack Conway led a 20-State attorney general settlement with QuinStreet, one of the companies engaged in some of the most egregiously misleading recruiting efforts targeted at veterans. But these are not enough. As I said, there is an important role for for-profit colleges in our increasingly knowledge-based economy.

A solid record of student success is in the national interest. The challenge is to require the companies to be as focused on student success as they are on financial success.

Now, there are four things we need to do.

First, we need to know how every student enrolled in college is doing, not just first-time, full-time students. This is a flaw in our system. The Department of Education only tracks first-time, full-time students. Most of the students who go to our for-profit schools are not first-time, full-time students, they are part-time students. So what we need to do is that for any student who gets a Pell grant and/or Stafford loan, we need to know how that student is doing and how they do later on.

Second, we need to be very clear that the Federal education money has to be spent on education, not advertising, recruiting, or lobbying. That is just common sense. I challenge anyone to stand up here and say: No, they should use taxpayer dollars to lobby, to advertise, or to pay a recruiter. No. We have to be very clear—they can spend it on education but not on advertising, recruiting or lobbying.

Third, we need to make sure these schools are providing at least a basic level of student services that would give the at-risk students they enroll a fair shot at completing. If there is one thing that distinguishes good for-profit schools from the bad ones, this is it: a genuine commitment to providing a network of student support—mentoring, tutoring, employer partnerships, genuine career counseling—not

just in the beginning but all the way through the program. The good schools that are doing that are turning out quality products.

Fourth, we have to think seriously about outcome-based thresholds, particularly for colleges that get a very high proportion of their revenue from taxpayers. And we need to build on the gainful employment rule to ensure that students are not being loaded up with debt they cannot repay.

I am confident the record we are laying out today will make some of these reforms inevitable as we move forward. I wish to also thank some of my colleagues and to note that work has already begun on legislation.

Senator HAGAN is sponsoring a bill to ban the use of Federal financial aid dollars for marketing.

Senators MURRAY and WEBB are sponsoring comprehensive legislation to better protect servicemembers and veterans using the post-9/11 GI bill.

Senator LAUTENBERG is sponsoring a bill to provide every veteran who receives education aid from the Department of Veterans Affairs with counseling to help make the right choices and to create a system to track veterans' complaints of waste, fraud, and abuse by these for-profit schools.

Senators CARPER and DURBIN are sponsoring bills to address the absurdity of not counting all Federal money in the restriction on how much money these schools can receive.

One of the things we picked up on as we started this investigation was the tremendous focus these for-profits were now making on veterans, especially Iraq and Afghanistan veterans, and Active-Duty personnel. The reason for that is because we have a 90-10 rule that says for-profit schools can only get 90 percent of their money from the Federal Government. The other 10 percent has to come from someplace else—private sources. But that doesn't count military. If a for-profit school bumps up on the 90-10 level, it cannot go out and recruit any more people, but if it recruits one military person, it can get nine more nonmilitary. So that pays for them to go after the military. Well, Senators CARPER and DURBIN have a bill in to stop that.

Senator DURBIN is also a leader on the issue of private student loans and bankruptcy, as well as a great partner in helping to draw attention to the experiences of students who have attended these schools.

I also thank other members of the HELP Committee who have been active participants at hearings, including Senators FRANKEN, MERKLEY, and BLUMENTHAL.

I have also received a great deal of support and encouragement along the way from organizations dedicated to ensuring that students have a genuine path to success in higher education. In particular, I thank the Council for Opportunity in Education, the Education Trust, the Leadership Council on Civil Rights, the Institute for College Access

and Success, Campus Progress, and the National Association for College Admissions Counseling. All of them have been involved in helping us over the last couple of years to get the data we needed.

On behalf of servicemembers and veterans, we have had tremendous assistance from the Iraq and Afghanistan Veterans Association, the Veterans of Foreign Wars, the Military Officers Association of America, Blue Star Families, the Vietnam Veterans Association, Student Veterans of America, the American Legion, VetJobs, VetsFirst, Paralyzed Veterans of America, the National Association for Black Veterans, the National Guard Association, the Air Force Sergeants Association, the Association of the United States Navy, Wounded Warriors, and Veterans for Common Sense. All of them have been involved. We have gone to them, and they have been so forthcoming and helpful, helping our staff and me to understand what is happening.

I also thank the witnesses at our hearings, several of whom have been subjected to unwarranted and undeserved criticism. In particular, I thank Steve Eisman, who provided the committee with unique expertise and insights about the industry in a way that helped policymakers understand that these companies were much more than just colleges. As everyone in this body knows, people with a financial stake in an industry testify before Congress every day and, like Mr. Eisman, provide some of the most insightful and accurate information we receive.

I also thank former Westwood employee Joshua Pruyn, who provided a real-world view of working as a for-profit recruiter. He was willing to come forward for the sole purpose of shedding light on this industry, and the criticism he has sustained speaks poorly of those who claim to believe in the valuable role whistleblowers play.

I thank my staff, who have pursued this investigation tirelessly and tenaciously.

I thank my oversight team and my HELP Committee, who spearheaded the investigation, analyzed the numbers, calculated all of the outcomes, interviewed students and employees, reviewed thousands of pages of documents, and prepared this final report. That oversight team was led by Beth Stein. She was assisted throughout six hearings, three previous reports, many spreadsheets, charts, and megabytes of documents by Elizabeth Baylor and Ryan McCord. More recently, they were joined by Kia Hamadanchy and Bryan Boroughs, who have dedicated many long hours to the research, writing, and publication of this report.

I also owe a tremendous thanks to several staffers who are no longer with the committee but played a critical role in this investigation: Beth Little, Luke Swarthout, and Robin Juliano.

I also thank my former and current HELP Committee staff directors, Dan Smith and Pam Smith, who have ably

guided this sometimes challenging effort.

Our communications staffers have patiently explained the 90-10 rule, the cohort default rate, and the fact that we don't actually know how veterans attending for-profit schools are doing to hundreds of reporters throughout the country. I thank Justine Sessions, Kate Frischmann, and Liz Donovan.

I also thank my education policy staffers who joined this effort more recently but who will be carrying us forward in our legislative reform efforts: Mildred Otero, Spiros Protosaltis, and Libby Masiuk, as well as Carrie Wofford, who has played a tremendous role in outreach to groups across the country and has been a particular advocate on behalf of veterans impacted by the practices of the for-profit colleges.

I also thank our tremendous group of law clerks, who dedicated many hours to the less glamorous tasks of getting this put together: Abre Connor, Joel Murray, Lauren Scott, David Krem, Ashley Waddell, Lindsey Daughtry, Zach Mason, Sophie Kasimow, and Brittany Clement.

A special thank-you goes to the law clerks who helped write and prepare the report: Lucy Stein, Nicholas Wunder, Shauna Agean, Keagan Buchanan, and Douglas Dorando, and also Andrea Jarcho, who has juggled multiple roles and worn multiple hats.

For their assistance along the way, I also thank Paul Edenfield, Madeline Daniels, Alyssa Davis, and also Dan Goldberg for his always-sound analysis and advice.

Finally, I thank Denise Lowrey and Carolyn Bolden, on the committee staff, who spent many hours making the report as error-free as humanly possible.

Today we bring the HELP Committee investigation of for-profit colleges to a close, but the record we have laid out leaves much to be done, and I look forward to continuing to work with my Senate colleagues to help for-profit colleges realize their potential as a genuinely transformative force in higher education.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

#### GLOBAL WARMING

Mr. SANDERS. Mr. President, the Senator from Oklahoma, JIM INHOFE, is a friend of mine. While we have strong philosophical and political differences, we have had a very positive personal relationship since I entered the Senate 5½ years ago. I like Senator INHOFE, and on occasion, despite our political differences, we have been able to work together as members of the Environment and Public Works Committee, on which we both sit. I especially applaud the Senator for his strong efforts on the recently passed Transportation bill in which he led the effort in getting his fellow Republicans to move forward on the vitally important issue of rebuilding our crumbling infrastructure—in this case, roads and bridges.

Unfortunately, Senator INHOFE has some very radical views regarding global warming. I believe he is dead wrong and dangerously wrong on this issue. Not only is he wrong, but because he is the leading Republican on the Environment Committee, his views hold great influence over other Republicans in the Senate, in the House, and across the country. Because many Republicans follow Senator INHOFE's lead, it means we are making very little progress in Congress in combating what most of the scientific community sees is a global environmental crisis.

I am on the floor today to ask Senator INHOFE to rethink his views on this enormously important issue and to ask my Republican colleagues to do the same. I am asking them to join the overwhelming majority of scientists who have studied and written about this issue in understanding that, one, global warming is real; two, global warming is significantly caused by human activity; three, global warming is already causing massive and costly destruction to the United States and around the world, and it will only get worse in years to come.

I am also asking Senator INHOFE and my Republican colleagues to understand that the United States, with all of our knowledge, all of our expertise, and all of our technology, can and must lead the rest of the world, which must follow our effort in cutting back on carbon emissions and reverse global warming, and to understand that when we do this—when we transform our energy system away from fossil fuels and enter into energy efficiency and sustainable energy—when we do that over a period of years, we can create millions of good-paying jobs.

What I want to do this afternoon is nothing more than to simply quote some of the statements and assertions Senator INHOFE has made and to express to you why he is dead wrong and dangerously wrong on this vitally important issue.

Mr. President, on July 11—just 2½ weeks ago—Senator INHOFE spoke on this floor reiterating his longstanding views on global warming. What he said during that speech is pretty much what he has been saying for years. I read that speech, and I want to use this opportunity to comment on it. Specifically, I want to discuss a number of observations in which Senator INHOFE is completely wrong.

First and foremost, Senator INHOFE tells us in his speech that global warming science is wrong. First and foremost, Senator INHOFE tells us in his speech that global warming science is wrong. Mr. INHOFE states, on page S4860 of the CONGRESSIONAL RECORD from July 11—and I will do my best to quote him as accurately as I possibly can—the following about global warming:

In 2003 . . . I started hearing from a lot of the real scientists that it was a hoax.

And Senator INHOFE continued, again from July 11, 2012:

It is the greatest hoax ever perpetrated on the American people.

Let me repeat again what Senator INHOFE said just a few weeks ago on the floor of the U.S. Senate.

[Global warming] . . . is the greatest hoax ever perpetrated on the American people.

In fact, the title of Senator INHOFE's new book—which he was kind enough to give me a copy of—is “The Greatest Hoax.” That is the title of his book.

Well, let's examine that assertion on the part of Senator INHOFE. The United States Global Change Research Program, which was supported and expanded by President George W. Bush, a conservative Republican, and which includes scientists at NASA, EPA, the Department of Defense, the Department of Agriculture, the Department of Energy, the State Department, the Department of Health, the Departments of Transportation, Commerce, and Interior, have said:

Global warming is unequivocal and primarily human-induced.

Senator INHOFE has said global warming is a hoax, but the Global Change Research Program, which brings together many departments of the U.S. Government, says:

Global warming is unequivocal and primarily human-induced.

Our National Academy of Sciences joined with academies in Brazil, Canada, China, France, Germany, India, Italy, Japan, Mexico, Russia, South Africa, and the United Kingdom. They all came together and said:

The need for urgent action to address climate change is now indisputable.

It is now indisputable. Senator INHOFE says global warming is a hoax; academies of science all over the world state the need for urgent action to address climate change is now indisputable.

Eighteen scientific professional societies, including the American Geophysical Union, the American Chemical Society, and others say:

Climate change is occurring and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver.

That is a quote from 18 scientific professional societies. Senator INHOFE says global warming is a hoax, but 18 scientific professional societies say climate change is occurring and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver.

Even noted climate skeptic Richard Muller, who, interestingly enough, Senator INHOFE has cited in his own speeches over the years, wrote in the Wall Street Journal last year that his latest research proved “global warming is real.” More to the point, in an op-ed published 2 days ago, Richard Muller, who in the past was cited by Senator INHOFE as a global warming skeptic, wrote an op-ed in the New York Times entitled “The Conversion of a Climate Change Skeptic.”

Mr. President, I ask unanimous consent to have printed in the RECORD the op-ed I have just referred to.

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

(See exhibit 1.)

Mr. SANDERS. Mr. President, this is how Richard A. Muller—again, the scientist who was often quoted by Senator INHOFE—began his op-ed 2 days ago in the New York Times. This is the quote from Richard A. Muller.

Call me a converted skeptic. Three years ago, I identified problems in previous climate studies that, in my mind, threw doubt on the very existence of global warming. Last year, following an intensive research effort involving a dozen scientists, I concluded that global warming was real and that the prior estimates of the rate of warming were correct. I'm now going a step further: Humans are almost entirely the cause.

And Dr. Muller continues:

My total turnaround, in such a short time, is the result of careful and objective analysis by the Berkeley Earth Surface Temperature project, which I founded with my daughter Elizabeth. Our results show that the average temperature of the earth's land has risen by 2½ degrees Fahrenheit over the past 250 years, including an increase of 1½ degrees over the most recent 50 years. Moreover, it appears likely that essentially all of this increase results from the human emission of greenhouse gases.

That was Dr. Richard Muller from an op-ed in the New York Times on July 28, 2012.

I am not going to tell you that every single serious scientist in the world agrees with Dr. Muller or agrees with me or agrees with the vast majority of scientists that global warming is real and primarily caused by human activity. But I will say that, according to the National Academy of Sciences, approximately 98 percent of active climate scientists who published peer-reviewed papers agree with the assertion that global warming is occurring and human activity is a significant driver of it—not 100 percent but 98 percent.

When we talk about scientists publishing with peer review, what we are saying is their papers and research were reviewed and examined by other expert scientists in their field. That is the great thing about science and peer review. The process invites criticism and invites other scientists to prove your idea is wrong. When we say 98 percent of active climate scientists agree about global warming, we are talking about scientists whose work has been examined critically and found to be well-documented and correct by their peers in the field.

This is an important point to be made. There may well be scientists out there who may have different views. But by and large they have not written peer-reviewed literature which has been examined by other experts in that field. So the bottom line here—and the important bottom line—is when Senator JIM INHOFE says global warming is a hoax, he is dead wrong according to the overwhelming majority of scientists who have studied this issue.

I hope very much—and I mean this sincerely, because this is an enormously important issue—that Senator

INHOFE will rethink his position, and those Republicans who have followed Senator INHOFE's lead will also rethink their position.

In July of 2010, in an interview with ABC News, Senator INHOFE said:

We're in a cycle now that all the scientists agree is going into a cooling period.

Let me repeat that, because I don't want anyone to think I made a mistake about what I said. July 2010, ABC News, quoting Senator INHOFE.

We're in a cycle now that all the scientists agree is going into a cooling period.

On July 11, on the floor of the Senate, Senator INHOFE stated in his remarks—and this is found on page S4860 of the CONGRESSIONAL RECORD. I want everyone to make sure I am not misquoting Senator INHOFE. I would not do that. From page S4860 of July 11, the CONGRESSIONAL RECORD:

. . . we went into a warming period that went up to the turn of the century. Now it is actually going down into a cooling period again . . .

That was Senator INHOFE, July 11, 2012. In other words, as I understand it, Senator INHOFE is saying that since the year 2001 we are in a cooling period. Unfortunately, Senator INHOFE's assertion that we have entered a cooling period could not be more incorrect.

Let's look at what the scientific data shows us. The last decade was not one where our temperature got cooler. It was, in fact, the very opposite. According to NASA, the last decade was in fact the warmest on record, using temperature records that date to the late 1800s. NASA's data shows that 9 of the 10 warmest years on record occurred since 2000, when Senator INHOFE says we went into a “cooling period.” So NASA says the last decade was the warmest on record, but Senator INHOFE says we have gone into a cooling period.

But it is not just NASA making this finding. The National Oceanic and Atmospheric Administration—NOAA—issued a report from 300 scientists in 48 countries that confirms the last decade was the warmest on record—the warmest on record at a time when Senator INHOFE tells us we are going into a cooling period.

The World Meteorological Organization also confirms that the last decade was the warmest on record, and they found the 13 warmest years on record have all occurred since 1997.

So the American people and my Republican friends are going to have to make a decision: Is JIM INHOFE right that we are entering into a cooling period or is NASA and the National Oceanic and Atmospheric Administration correct in saying that the last decade was, in fact, the warmest on record?

As my fellow Vermonter, Bill McKibben, recently pointed out, globally we have seen 327 consecutive months where the temperature exceeded the global average for the 20th century. Senator INHOFE tells us the world is getting cooler, but science shows us we have just experienced the warmest



decade on record. Somebody is right and somebody is wrong, and I do not believe Senator INHOFE is right.

Senator INHOFE stated on July 11, 2012, page S. 4862 of the CONGRESSIONAL RECORD:

One thing we did find out when we got a report from several universities, including MIT, was that the cost of this, if we were to pass any of the bills, would have been between \$300 billion and \$400 billion a year.

This is not the first time Senator INHOFE has asserted that the cost of cutting greenhouse gas emissions is \$300 billion to \$400 billion a year. In an interview with Fox News on February 11, 2000, Senator INHOFE was asked by the Fox anchor about the cost of global warming legislation, and he responded:

It would cost between \$300 billion and \$400 billion a year.

Senator INHOFE gets his estimates by looking at worst-case scenarios from an out-of-date report that looked at legislation from 2007. The truth is, however, more recent research proves we can take strong action to cut emissions while at the same time growing our economy and saving Americans substantial sums of money on their energy bills.

For example, a 2009 study from McKinsey consulting firm found that the United States can meet our 2020 targets for greenhouse gas emission reductions just through cost-effective energy efficiency efforts, with a net savings for American consumers of \$700 billion. A 2010 report from the American Council for an Energy Efficient Economy found that by doing things nationally, many States—including the State of Vermont, my own State—are doing on energy efficiency already, we could achieve substantial benefits. The study found by investing aggressively in energy efficiency in our buildings, in our schools, in our factories, and in our transportation systems we would create over 370,000 net new jobs by 2020, boost our rate of economic growth and GDP, and save households significant sums of money on their energy bills—all while vastly exceeding our 2020 target of cutting greenhouse gas emissions 17 percent from 2005 levels.

In this scenario, we could cut emissions over 30 percent by 2020 as we create jobs and as millions of people save money on their energy bills. To my mind, creating jobs, cutting greenhouse gas emissions, and saving money on people's fuel bills is a win-win-win situation.

In addition to the clear benefits from taking action, I want to point out to Senator INHOFE the costs and risks if we do not take action, if we do nothing. The alternative is we step back, we don't do anything, and what happens?

Already, the extreme weather we have seen is impacting our Nation's infrastructure. An interesting article appeared just a few days ago, July 25, 2012, in the New York Times. It said the Nation's infrastructure is being taxed to worrisome degrees by heat, drought, and vicious storms. The arti-

cle noted that on a single day in July, an airplane got stuck in asphalt that softened due to 100-degree temperatures, and a subway train derailed after heat caused a track to bend. It also cited highways that are heating up and expanding beyond their design limits, causing cracks and jarring bumps in the road. The article mentioned how powerplants are having difficulty using their regular cooling sources during operation because the water is now excessively warm.

A power company executive with 38 years of experience was quoted as saying:

We've got the storm of the century every year now, after power was knocked out for 4.3 million people in 10 States after the June derecho storm that raced from the Midwest to the East Coast at near hurricane-force winds.

Interestingly, not generally noted as being terribly progressive, the insurance industry has noted their costs for property damage from increasingly extreme weather have already increased in the United States from \$3 billion a year in the 1980s to \$20 billion a year today. According to Mark Way, an official with Swiss Re, a large reinsurance company:

A warming climate will only add to this trend of increasing losses, which is why action is needed now.

A landmark study prepared for the British Government by Nicholas Stern, former chief economist of the World Bank, found that doing nothing to reverse global warming could eventually shrink the global economy by 20 percent. The Chairman of the National Intelligence Council under President George W. Bush testified to Congress that intelligence assessments indicated that global warming could worsen existing problems, such as poverty, social tensions, environmental degradation, ineffectual leadership, and weak political institutions. Climate change could threaten domestic stability in some States, potentially contributing to conflict, particularly over access to increasingly scarce water resources.

Unlike Senator INHOFE, most Americans are seeing the evidence of global warming with their own eyes. I want to take some time to talk about what we are seeing.

The Associated Press reported on July 3, 2012:

But since at least 1988, climate scientists have warned that climate change would bring, in general, increased heat waves, more droughts, more sudden downpours, more widespread wildfires and worsening storms. In the United States, those extremes are happening here and now.

So far this year, more than 2.1 million acres have burned in wildfires, more than 113 million people in the U.S. were in areas under extreme heat advisories last Friday, two-thirds of the country is experiencing drought, and earlier in June, deluges flooded Minnesota and Florida.

We saw extreme weather last year as well. In 2011, we had a record-breaking 14 weather disasters in the United States that each caused over \$1 billion

in damage. One of those was Hurricane Irene, which caused devastating flooding and loss of life in the State of Vermont and other States in the Northeast and Mid-Atlantic. According to FEMA:

Considered together, the federally declared disasters of 2011 presented crises all but unprecedented in their frequency and scope. The 99 major disasters, 29 declared emergencies, and 114 requests for fire management assistance touched 48 out of 50 states.

In other words, 48 States had a federally declared disaster last year.

Global average surface temperature has already increased 1.3 degrees Fahrenheit since 1900, according to NOAA. The last 12 months is the warmest 12-month period on record in the United States. Since January 1, 2012, cities and regions in the United States have set 40,000 records for warm temperatures, compared to just 6,000 for cold temperatures, according to NOAA. In the 20th century we set warm and cold temperature records at roughly a 1-to-1 ratio. In the 21st century, that has changed 2 to 1 in favor of heat records, and this year it has jumped to 7 to 1.

As the planet warms, we are seeing more extreme heat wave events. Heat waves killed tens of thousands in Europe in 2003 and Russia in 2010, and a heat wave in Texas and Oklahoma caused severe drought and wildfires in 2011. Global warming made these heat waves significantly more likely, according to the latest science.

Leading climatologist James Hansen and several of his colleagues published a report that said:

Extreme heat waves such as that in Texas and Oklahoma in 2011, and Moscow in 2010, were caused by global warming, because their likelihood was negligible prior to the recent rapid global warming.

Another study from German researchers published in the U.S. National Academy of Sciences found an 80-percent likelihood that the Russian heat wave in 2010 was attributable to global warming. And a study from NOAA found the heat wave and drought in Texas in 2011 was 20 times more likely to occur today than 50 years ago due to the warming of the planet.

As I mentioned, this country is currently experiencing a devastating drought. The U.S. Department of Agriculture has designated disaster areas due to drought in 1,369 counties in 31 States this year. The price of corn has increased 50 percent in the last 3 months, and soybean prices are up 25 percent since June. This is because 78 percent of the corn crop and 77 percent of soybean production is in drought-affected areas.

This is not the first time we have seen devastating droughts spike food prices in recent years. Severe drought in Russia in 2010 led that country to ban exports of grain, which contributed to a near doubling in wheat prices over a 2-month period in that year. The worst drought in China in 60 years occurred last year in 2011, affecting 12 million acres of wheat and contributing—along with floods in Australia

and the drought in Russia—to record food prices.

Some commentators cited the record food prices caused by these extreme weather events as contributing to unrest. When food prices go up, there is often instability in countries around the world—including the Middle East and Africa.

Sea levels have already risen 7 inches globally, according to EPA. We have seen during the last three summers record low levels of Arctic Sea ice, and we know from NASA satellites that Antarctica is losing 24 cubic miles of ice every year. In Glacier National Park in this country we had 150 glaciers when it was formed in 1910, but today only 25 remain. Some studies predict a sea level rise of 5 feet or more by the end of this century. But even if sea levels rose 3 feet, cities such as Miami, New Orleans, Charleston, SC, Oakland, CA, and others could find themselves partially underwater.

The average annual acreage consumed by wildfires in the United States more than doubled during the last decade compared with the previous four decades. Last year in Texas wildfires destroyed 2,700 homes. This year in Colorado—the most destructive wildfire in that State's history—destroyed 350 homes. Wildfires in Colorado this year caused tens of thousands to evacuate their homes. In New Mexico, we saw the largest wildfire in that State's history this year burn more than 170,000 acres that broke the previous record which was set just last year when a fire burned more than 150,000 acres.

Mr. President, last year floods along the Mississippi River caused \$2 billion worth of damage. Floods in North Dakota displaced 11,000 people from their homes. Record floods in Australia in 2011 caused its State of Queensland to conduct the largest evacuation in its history. Floods in Pakistan in 2010 killed 2,000 people and left one-fifth of that nuclear-armed nation under water for weeks. That is the kind of potentially destabilizing extreme weather events the folks at the Department of Defense and the CIA worry about. Unfortunately, I could go on and on. The bad news is if we do nothing, the science is clear that temperatures will continue to increase, sea levels will continue to rise, and extreme weather will become more frequent and more devastating. The good news is—and it is very good news—that we now have the technology, the knowledge, and the know-how to cut emissions today through energy efficiency and through moving toward such sustainable and renewable technologies as solar, wind, geothermal, and biomass.

It is time for Congress to get serious about global warming and to work to transform our energy system to sustainable energy, and that starts by beginning to understand that global warming is real and that if we do not address it now, it will only get worse and bring more danger to this country and to our planet.

Mr. INHOFE. Will the Senator yield for a unanimous consent request?

Mr. SANDERS. Yes.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks of my friend from Vermont, I be recognized as in morning business for such time as I will consume.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I am glad to see my friend from Oklahoma here on the floor. I want to conclude by reading a review of Senator INHOFE's book, which is called "The Greatest Hoax," by a gentleman named J.C. Moore. This review by J.C. Moore was published in the Tulsa World which is, I suspect, the largest newspaper in the State of Oklahoma. J.C. Moore is a native Oklahoman—the same State Senator INHOFE represents—and a Ph.D. who taught chemistry and physics and is a member of the American Geophysical Union.

This is what Mr. Moore wrote: "Inhofe claims he is winning in his fight to debunk global warming." After discussing the scientific consensus among climate scientists and major scientific institutions all over the world, Moore writes:

Inhofe's greatest adversary is nature itself, as research shows the climate is changing in response to human activities. The amount of carbon dioxide in the atmosphere is increasing, the temperature of the Earth is rising, the oceans are becoming more acidic, glaciers and polar ice caps are melting, sea levels are rising, the probability of severe weather events is increasing, and weather-related natural disasters are becoming more frequent and more costly. It is time we examine more closely who is actually winning by ignoring science.

As I understand it, that is from a review of Senator INHOFE's book, "The Greatest Hoax," by a gentleman named J.C. Moore in the Tulsa World.

There is much more to be said on this issue because here on the floor of the Senate we are saying virtually nothing. I might say that we look pretty dumb to the rest of the world by ignoring what many scientists believe is the major environmental crisis of our time which, if we don't get a handle on, will have profound impacts on the well-being of this country and countries throughout this world.

So I say to my friend Senator INHOFE—and he is my friend—I hope very much the Senator will rethink his position. I hope those Republicans who are following the Senator's lead will rethink their position because nothing less than the future of our planet is at stake.

#### EXHIBIT 1

[From the New York Times, July 28, 2012]

#### THE CONVERSION OF A CLIMATE-CHANGE SKEPTIC

(By Richard A. Muller)

Call me a converted skeptic. Three years ago I identified problems in previous climate studies that, in my mind, threw doubt on the very existence of global warming. Last year,

following an intensive research effort involving a dozen scientists, I concluded that global warming was real and that the prior estimates of the rate of warming were correct. I'm now going a step further: Humans are almost entirely the cause.

My total turnaround, in such a short time, is the result of careful and objective analysis by the Berkeley Earth Surface Temperature project, which I founded with my daughter Elizabeth. Our results show that the average temperature of the earth's land has risen by two and a half degrees Fahrenheit over the past 250 years, including an increase of one and a half degrees over the most recent 50 years. Moreover, it appears likely that essentially all of this increase results from the human emission of greenhouse gases.

These findings are stronger than those of the Intergovernmental Panel on Climate Change, the United Nations group that defines the scientific and diplomatic consensus on global warming. In its 2007 report, the I.P.C.C. concluded only that most of the warming of the prior 50 years could be attributed to humans. It was possible, according to the I.P.C.C. consensus statement, that the warming before 1956 could be because of changes in solar activity, and that even a substantial part of the more recent warming could be natural.

Our Berkeley Earth approach used sophisticated statistical methods developed largely by our lead scientist, Robert Rohde, which allowed us to determine earth land temperature much further back in time. We carefully studied issues raised by skeptics: biases from urban heating (we duplicated our results using rural data alone), from data selection (prior groups selected fewer than 20 percent of the available temperature stations; we used virtually 100 percent), from poor station quality (we separately analyzed good stations and poor ones) and from human intervention and data adjustment (our work is completely automated and hands-off). In our papers we demonstrate that none of these potentially troublesome effects unduly biased our conclusions.

The historic temperature pattern we observed has abrupt dips that match the emissions of known explosive volcanic eruptions; the particulates from such events reflect sunlight, make for beautiful sunsets and cool the earth's surface for a few years. There are small, rapid variations attributable to El Niño and other ocean currents such as the Gulf Stream; because of such oscillations, the "flattening" of the recent temperature rise that some people claim is not, in our view, statistically significant. What has caused the gradual but systematic rise of two and a half degrees? We tried fitting the shape to simple math functions (exponentials, polynomials), to solar activity and even to rising functions like world population. By far the best match was to the record of atmospheric carbon dioxide, measured from atmospheric samples and air trapped in polar ice.

Just as important, our record is long enough that we could search for the fingerprint of solar variability, based on the historical record of sunspots. That fingerprint is absent. Although the I.P.C.C. allowed for the possibility that variations in sunlight could have ended the "Little Ice Age," a period of cooling from the 14th century to about 1850, our data argues strongly that the temperature rise of the past 250 years cannot be attributed to solar changes. This conclusion is, in retrospect, not too surprising; we've learned from satellite measurements that solar activity changes the brightness of the sun very little.

How definite is the attribution to humans? The carbon dioxide curve gives a better match than anything else we've tried. Its



magnitude is consistent with the calculated greenhouse effect—extra warming from trapped heat radiation. These facts don't prove causality and they shouldn't end skepticism, but they raise the bar: to be considered seriously, an alternative explanation must match the data at least as well as carbon dioxide does. Adding methane, a second greenhouse gas, to our analysis doesn't change the results. Moreover, our analysis does not depend on large, complex global climate models, the huge computer programs that are notorious for their hidden assumptions and adjustable parameters. Our result is based simply on the close agreement between the shape of the observed temperature rise and the known greenhouse gas increase.

It's a scientist's duty to be properly skeptical. I still find that much, if not most, of what is attributed to climate change is speculative, exaggerated or just plain wrong. I've analyzed some of the most alarmist claims, and my skepticism about them hasn't changed.

Hurricane Katrina cannot be attributed to global warming. The number of hurricanes hitting the United States has been going down, not up; likewise for intense tornadoes. Polar bears aren't dying from receding ice, and the Himalayan glaciers aren't going to melt by 2035. And it's possible that we are currently no warmer than we were a thousand years ago, during the "Medieval Warm Period" or "Medieval Optimum," an interval of warm conditions known from historical records and indirect evidence like tree rings. And the recent warm spell in the United States happens to be more than offset by cooling elsewhere in the world, so its link to "global" warming is weaker than tenuous.

The careful analysis by our team is laid out in five scientific papers now online at BerkeleyEarth.org. That site also shows our chart of temperature from 1753 to the present, with its clear fingerprint of volcanoes and carbon dioxide, but containing no component that matches solar activity. Four of our papers have undergone extensive scrutiny by the scientific community, and the newest, a paper with the analysis of the human component, is now posted, along with the data and computer programs used. Such transparency is the heart of the scientific method; if you find our conclusions implausible, tell us of any errors of data or analysis.

What about the future? As carbon dioxide emissions increase, the temperature should continue to rise. I expect the rate of warming to proceed at a steady pace, about one and a half degrees over land in the next 50 years, less if the oceans are included. But if China continues its rapid economic growth (it has averaged 10 percent per year over the last 20 years) and its vast use of coal (it typically adds one new gigawatt per month), then that same warming could take place in less than 20 years.

Science is that narrow realm of knowledge that, in principle, is universally accepted. I embarked on this analysis to answer questions that, to my mind, had not been answered. I hope that the Berkeley Earth analysis will help settle the scientific debate regarding global warming and its human causes. Then comes the difficult part: agreeing across the political and diplomatic spectrum about what can and should be done.

With that, I am happy to yield the floor for my friend, Senator INHOFE of Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, something my friend from Vermont said a minute ago would surprise a lot

of people, and that is we are friends. It is kind of strange. People don't understand being violently opposed to each other in this body and yet also being very close friends. My friend from Vermont has a different philosophy than I do. That is the nice thing about both the House and the Senate. We have people with different philosophies who believe in different things. Somewhere in the midst of this, the truth ultimately does come out most of the time. I think we would probably agree with that.

One thing I like about my friend from Vermont is he really believes and is willing to stand up and fight for something he believes. I am not going to suggest there are hypocrites in this body. I wouldn't say that at all. When we look around the political scene, we see people who somehow might ingratiate a block of people who are wanting support. Maybe it is for the next election, maybe it is for a cause. That is not the case with my friend from Vermont. He believes in his heart everything he says.

Sometimes I talk to young people who come in as interns. I tell them there are varied philosophies in the Senate and in the House. We have extreme liberals who believe our country should have a greater involvement in the decisions we make. We have conservatives, like I am, who believe we have too much government in our lives as it is. It is a basic difference. But I say to them, even though I am on the conservative side, I would rather someone be a far outspoken liberal extremist than be in the mushy middle and not stand for anything. My friend from Vermont is not in the mushy middle. He stands for something.

It was not too long ago that another friend in his office, his press secretary—we are very close friends—said something, and I don't want to misquote him. He said, My boss would like to have a copy of your book. I said, Not only will I give him a copy, but I will autograph it for him, but with one commitment, and that is he has to read it. He kept that commitment; I can tell by the things he said.

Let me go over a few things that were said, and I think it is interesting. This Dr. Richard Muller—I can't recall too much about him, but I do know he was listed among scientists who were skeptics. For the benefit of people who may not know the terminology, I refer to an alarmist as someone who thinks there is great alarm because something is happening and the end of the world is coming because of global warming. Skeptics are those like myself who don't believe that. He apparently has changed from being a skeptic to an alarmist. I would only say this, and that is my Web site, epw.senate.gov, shows from probably over 12 years ago a list of scientists who are calling me, making statements, and saying that the IPCC—that is the United Nations, and that is what we are talking about. The United Nations came out with a

preconceived notion that they wanted to believe a preconceived conclusion. When they did this, the scientists who were included in the process were scientists who agreed with them.

So when I questioned it by standing on the floor—I don't remember the date of this. My friend from Vermont may remember that. I made statements about two or three scientists who had called me. After that, the phone was ringing off the hook. Keep in mind there are a lot of scientists out there. We listed on the Web site up to over 1,000 scientists who declared they were skeptics about this whole thing. So I can take some gratitude about the fact that the only scientist who was on the skeptic list who has changed to an alarmist is 1 out of 1,000.

My friend was talking about the National Academy of Sciences. I think it is kind of interesting because let's remember it was the National Academy of Sciences that came out with a report in 1975 warning of a coming ice age. Keep in mind we are all going to die whether it is global warming or another ice age. That is the National Academy of Sciences, the same group. According to a lot of people, they have turned themselves into an advocacy group.

I will quote MIT's Dr. Richard Lindzen, who was a former U.N. IPCC reviewer. He was talking about Ralph Cicerone, who is the president of the NAS. He said:

Cicerone of NAS is saying that regardless of evidence the answer is predetermined, if gov't wants carbon control, that is the answer—

That is what the NAS will provide. If you control carbon, you control life.

So we have had a lot of differing and varying interpretations of availing science over the years. I can recall one of my first introductions to this. Of course, this came way back during the Kyoto Convention. Some people have forgotten that Kyoto was a convention that was going to get everyone to get together under the leadership of the United Nations and we were all going to reduce our carbon, and so they had this big meeting down there. I will always remember it. This is the famous Al Gore meeting that was called the Earth Summit of 1992. So they came out with this and said this is going to happen. The United Nations said it is, and so they thought everything was fine. Everyone believed it.

It was shortly after that I remember hearing someone talk about it. We can go back and look at this. This is not something I am just saying. There were statements that were made in the 30-year period—let's take the 30-year period from 1895 to 1925. That is 30 years. During that time everyone feared that another ice age was coming. They talked about another ice age, and that the world was coming to an end. They provided all of this documentation during that 30-year period that that is what was happening.

Well, from 1925 to 1945, that 20-year period was a global warming. In fact,

the first time we heard of global warming was in that 20-year period from 1925 to 1945. So the world was going to come to an end again, and it was going to be during that period of time due to global warming.

Then came the 30-year period from 1945 to 1975. During that time they said it is a cold spell, and that is when all of these companies came in—the Senator from Vermont is right. I have given probably 30 talks well in excess of an hour each talking about these things. During that time, I remember holding up the cover of Time magazine where they talked about how another ice age was coming. Then I held up a cover of the Time magazine 20 years later, and they said, no, it is global warming. They had the last polar bear stepping on the last cube of ice, and saying we are going to die.

We went through a period of 1945 to 1975 where they declared it a period of another ice age. Then 1975 to the turn of the century—so that was another 30-year period of time—when it was global warming. So we have gone back and forth.

Here is the interesting thing about that. The assertion is always made that we are having catastrophic global warming because of manmade gases, CO<sub>2</sub>, anthropogenic gases, and methane. Yet the greatest surge of CO<sub>2</sub> came right after World War II starting in 1945, and that precipitated not a warming period but a cooling period. So when you look at these things, sometimes—by the way, the only disagreement I would have with my friend from Vermont is that he has quoted me as saying some things.

Actually, unlike Al Gore and some of these other people, I recognize I am not an expert. I am not a scientist, but I read what the scientists say. I get my phone calls, I look at it, and I try to apply logic to it and come to my conclusions. So that is what has been happening over the last—oh, it has been now 12 years, I guess, since all this started.

I wish to mention a couple of other things that were said. For example, on the idea of the science—here it is, right here. As far as scientists are concerned, I can remember quoting from the Harvard-Smithsonian study. The study examined results of more than 240 peer-reviewed—“peer-reviewed” is the term used by my friend from Vermont—the Harvard-Smithsonian study examined the results of more than 240 peer-reviewed papers published by thousands of researchers over the past four decades. The study covers a multitude of geophysical and biological climate indicators. They came to the conclusion that “climate change is not real. The science is not accurate.”

Then we have another quote from a former President of the National Academy of Sciences. He is Dr. Fred Seitz. He said:

There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing or

will in the foreseeable future cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate.

Again, he is a former President of the National Academy of Sciences.

Then we had a study from not long ago done by George Mason University. This is one my friend from Vermont may not have seen. It was called to my attention, and I missed it somehow in the media. It was a survey of 430 weather forecasters by the university, and it found that only 19 percent of the weather forecasters believed that the climate is changing and if so, that it is due to manmade gases—only 19 percent. That means 81 percent of them think it is not.

Dr. Robert Laughlin is a Nobel Prize winner and a Stanford University physicist. He said—this is kind of good. I enjoyed this one. He said:

Please remain calm: The earth will heal itself. Climate is beyond our power to control. The earth doesn't care about governments or their legislation. Climate change is a matter of geologic time, something that the earth routinely does on its own without asking anyone's permission or explaining itself.

It is happening. I think it is kind of arrogant for people to think we can change this. I am recalling one of the statements made by my good friend that we have all of these—we must provide the leadership.

We have watched these great big annual parties the United Nations has in these exotic places around the world. I can remember going to a few of them. I remember one of them in Milan, Italy. It would have been 2003. I went there. They had “wanted” posters on all the telephone polls with my picture and quoted me when I first came out with the hoax statement. These big parties are kind of interesting. I have only gone to three of them, but they have people invited from all over the world. The only price to pay to come to this is to believe that catastrophic warming is taking place and that it is the fault of bad old man and anthropogenic gases.

Anyway, the last one was an interesting one—not the last one, the most enjoyable one in Copenhagen. At that time—I am going from memory, but I believe President Obama had been there, Secretary Clinton had been there, NANCY PELOSI had been there, and several others. There were five different people—I can't remember the other two—and they were there to assure the other countries—keep in mind, 192 countries—they assured them that we were going to pass some type of cap-and-trade legislation. So I went. Right before I went over, I announced myself as a self-described—I don't mean it in an arrogant way—as a self-proclaimed, one-man truth squad. I went over to tell them the truth, that it wasn't going to happen.

But right before it happened—talk about poetic justice, I say to my friend from Vermont—right before that happened was a hearing we had with the director of the EPA, Lisa Jackson,

whom I love dearly. She is one of my three favorite liberals whom I often talk about, and she came out and said—I looked at her and I said: I am going to Copenhagen tomorrow. I have a feeling that when I leave to go to Copenhagen, you are going to have a declaration that will declare that it is a hazard and all this and give the bureaucracy justification to do through regulation what they could not do and have not been successful in doing through legislation.

I saw a smile on her face.

I said: In the event you make that finding, it has to be based on science. What science do you think it will be based on?

She said: Well, primarily the IPCC—the Intergovernmental Panel on Climate Change.

It is a branch of the United Nations. It was all started by the United Nations.

By the way, I would not mention my book; however, I checked before I came down, and if somebody else mentions my book, which is “The Greatest Hoax,” then it is all right for me to mention it. I see my friend from Vermont nodding in agreement. So I want people to read the longest chapter, which is the chapter on the United Nations. It goes back and tells what the motives were for this. It goes back to 1972. We were in the midst of an ice age at that time, if my colleague remembers. It talks about the meeting that was going to be held at the Earth Summit in 1992, what the motivation was, and then it goes forward from there.

Here is what is interesting. I was going to mention this in a hearing we will both be attending tomorrow. They had the Earth Summit Plus 20 just a month ago in Rio de Janeiro, the same place it was held 20 years before that when George Bush was President of the United States. He went down there even though he didn't really agree with the stuff that was going on. In this case, President Obama didn't even go down. In fact, it has been conspicuous.

I was glad to see my friend from Vermont coming to the floor and talking about an issue that hasn't been talked about now for years. I am glad it is coming up again. I am glad people realize the cost it is going to be to the American people. By the way, the \$300 billion to \$400 billion originated from a study that was done by scientists—I am sorry—by economists from the Wharton School, and they came up with that figure. Later on, MIT and several universities said: Well, that is the \$300 billion to \$400 billion, what it will cost. So that has been pretty much agreed to. Yet I am sure there is a dissenting view. But this is the first time I have heard on the floor of this Senate a denial of that assertion that was made. Everyone knows what it will cost.

I remember the McCain-Lieberman bill when Senator LIEBERMAN said: Yes, it will cost billions of dollars. There is

no question about it. Cap and trade will cost billions of dollars. The question is, What do we gain from it?

Well, that is a pretty good question.

Getting back to Lisa Jackson, I asked the question—this was in a live hearing. I think the Senator from Vermont may have been there; I don't know for sure. It was live on TV.

I said: The assertion has been made that global warming is—that if we pass something, we are going to be able to stop this horrible thing that is going on right now. Let me ask you for the record, live on TV, in a committee hearing, if we were to pass the cap-and-trade bill—I think it was the Markey bill at that time; I am not sure. Cap and trade is cap and trade—pretty much the same. If we were to pass that, would that lower worldwide emissions of CO<sub>2</sub>?

She said: No, it wouldn't.

Wait a minute. This is the Obama-appointed director of the Environmental Protection Agency who said: No, it wouldn't, because the problem isn't here. The problem is in other countries.

I don't remember what countries she named—probably China, India, Mexico. It could be other countries; I am not sure. But nonetheless, she said: No, it really wouldn't do that.

So what we are talking about is this tax on the American people of \$300 billion to \$400 billion. I remember—and I think the Senator from Vermont remembers this also—way back in 1993, during the first of the Clinton-Gore administration, they had the Clinton-Gore tax increase of 1993. That was an increase of marginal rates, the death tax, capital gains, and I believe it was the largest tax increase in three decades at that time. That was a \$32 billion tax increase. This would be a tax increase ten times that rate.

I know there are people—their heads swim when they hear these numbers. It doesn't mean anything to them. I will tell my colleagues what I do. In Oklahoma, I get the number of families who file a tax return, and then I do the math every time somebody comes up. In the case of that increase, of the \$300 billion to \$400 billion, we are talking about a \$3,000 tax increase for each family in my State of Oklahoma that files a tax return. So, fine, if they want to do that, they can try to do it, but let's not say something good will come from it when the director of the EPA herself said no, it is not going to reduce emissions.

The other thing too that my friend from Vermont mentioned was the heat. Yes, it is hot. In fact, it was kind of funny—during the remarks of my friend from Vermont, my wife called me from Oklahoma and said: Do you think I should call in and say today it is 109 degrees?

I said: No, it wouldn't be a good idea. Let me say it.

So it is true. Now and then we have some very hot summers, and in the case of my State of Oklahoma, it is hot

almost every summer. We have had a lot of heat. However, the people who try to say there is proof that global warming is taking place are the same ones who—back when we had the most severe winter 2 years ago, when my kids built the famous igloo, that was one of the most severe winters. In fact, all the airports were closed at that time. It was kind of funny. I have 20 kids and grandkids. One family is headed up by Jimmy and Molly Rapert. She is a professor at the University of Arkansas. She has a little girl we helped find in Ethiopia many years ago. Zagita Marie was just a few days old when we found her and not in very good shape. We nursed her back to health. Molly and her husband, who have three boys, decided they wanted a girl, and they adopted her. She is now 12 years old. She reads at college level. Every year I have the Africa dinner in February, and she has been the keynote speaker at that.

Anyway, 2 years ago in February, she had given her keynote speech and they were getting ready to leave and go back home, but they couldn't get out because all the airports were closed. What do you do with a family of six? You go out and build an igloo. This wasn't just an igloo the kids built; it slept four people, right next to the Library of Congress, and on top of it they had a little sign saying "Al Gore's New Home."

Anyway, they were talking about that single weather event at that time—or some were; not me; I know better than to do that—saying global warming can't take place because we have had the most severe winters. Anyway, a lot of people have tried to use—and I don't blame them for doing it—the idea that, oh, it is really hot out there; therefore, this must be global warming.

I would suggest that—oh, yeah, the one weather event. Roger Pielke, Jr., professor of environmental studies at the University of Colorado, said:

Over the long run, there is no evidence that disasters are getting worse because of climate change.

Judith Curry, chair of the Georgia Institute of Technology School of Earth and Atmospheric Sciences, said:

I have been completely unconvinced by any of the arguments that attribute a single extreme weather event or a cluster of extreme weather events or statistics of extreme weather events to an anthropogenic forcing.

Myles Allen, the head of the Climate Dynamics Group at the University of Oxford's Atmospheric, Oceanic and Planetary Physics Department, said:

When Al Gore said that scientists now have clear proof that climate change is directly responsible for the extreme and devastating floods, storms and droughts, my heart sank.

The other day, I was on the "Rachel Maddow Show." I watch Rachel Maddow. She is one of my three favorite—let me just declare today that I have four favorite liberals, and the Senator from Vermont is one of them.

He just graduated to that today, I say to my friend from Vermont.

Anyway, I have been on her show before—and I always like doing it because they are on the other side of these issues—but her own guy, called Bill Nye the Science Guy, agrees, one, it is wrong to try to attribute climate to a weather event. There is a big difference between weather and climate. So we have an awful lot of people who are talking about that.

My good friend from Vermont talked about the global cooling predictions. Let me correct him in saying that I did not say that. I said that quoting scientists. I try to do that because I do not want anyone to think I know that much about science because I do not.

A prominent Russian scientist, Dr. Abdussamatov, said:

We should fear a deep temperature drop—not catastrophic global warming. . . .

It follows that [global] warming had a natural origin, the contribution of CO<sub>2</sub> to it was insignificant. . . .

This second thing: "UN Fears (More) Global Cooling Commeth!" This is the IPCC. This is the United Nations, the same people who, in my opinion—I do say this—are trying to profit from this issue. When I say that, let me clarify that because when the United Nations comes up with something that is not in the best interests of this country—I have often said we ought to correct this. I have written letters, signed by Members of this Senate, and before that by Members of the House when I was in the House, saying: You guys are going to have to come to the meeting and talk about this because it is going to be a serious problem.

When you talk about all these things that are going on, it is something that is not actually taking place.

So they said—and I am quoting now. This would be palaeoclimate scientist Dr. Bob Carter from James Cook University in Australia, who has testified before the U.S. Senate Committee on EPW. I was there at that testimony. He noted on June 18, 2007: The accepted global average temperature statistics used by the Intergovernmental Panel on Climate Change show that no ground-based warming has occurred since 1998. Oddly, this is 8-year long temperature stability that occurred, despite an increase over the same period of 15 parts per million of atmospheric CO<sub>2</sub>.

So, again, these are scientists. I know there are scientists with varying views, but there sure are a lot of them here.

Just months before the Copenhagen matter took place—by the way, I kind of enjoyed that trip to Copenhagen because when I got over there—this, again, was the meeting where they invite all the people who believe in global warming and make all these countries—192 countries—believe if they will go along with this, they will get great rewards for doing something about global warming. So, anyway, I enjoyed that very much because I was

able to go over and show the people what the truth was in this country.

But Andrew Revkin, just before Copenhagen, on September 23, 2009, in the New York Times, acknowledged:

The world leaders who met at the United Nations to discuss climate change . . . are faced with an intricate challenge: building momentum for an international climate treaty at a time when global temperatures have been relatively stable for a decade and may even drop for the next few years.

I look at some of the things—incidentally, I kind of wish I had known my good friend from Vermont was going to be talking about this because I would have been delighted to join in and get a little bit better prepared. But I would say this as to the cost: When you talk about where this cost comes from, the \$300 to \$400 billion, the Kyoto Protocol and cap-and-trade cost—this is from the Wharton Econometrics Forecasting Associates I mentioned just a minute ago—Kyoto would cost 2.4 million U.S. jobs and reduce GDP by 3.2 percent or about \$300 billion annually, an amount greater than the total expenditure on primary and secondary education.

Oh, yes, let's talk about polar bears. I am not sure my friend mentioned the polar bears, so I will skip that part. Anyway, let me just say this: It has become something that has been somewhat of a religion to talk about what is happening and the world is coming to an end. I would just suggest they are not winning that battle.

In March 2010, in a Gallup poll, Americans ranked global warming dead last—8 out of 8—on environmental issues. That was not true 10 years ago. Ten years ago, it was No. 1, and everyone thought that. The more people sit back and look at it and study it, they decide: Well, maybe it is not true after all.

In March 2010, a Rasmussen poll: 72 percent of American voters do not believe global warming is a very serious problem. In a Rasmussen poll at the same time as to the Democrat base: Only 35 percent now think climate change is manmade.

The global warmist Robert Socolow laments:

We are losing the argument with the general public, big time . . . I think the climate change activists, myself included, have lost the American middle.

In a way, I am kind of pleased it is coming back up and surfacing now. I thank my good friend, and he is my good friend. People do not understand—they really do not understand—what the Senate is all about. The House was not that way when I was in the House. But in the Senate, you can love someone and disagree with them philosophically and come out and talk about it.

I have no doubt in my mind that my friend from Vermont is sincere in what he believes. I believe he would say he knows I am sincere with what I believe. That is what makes this a great body.

But I will just say this: It is popular to say the world is coming to an end.

When we look historically, I could go back and talk about what has happened over the years—over the centuries really—and going through these periods of time, and it is always that the world is coming to an end.

Well, I am here to announce—and I feel very good being able to do it with 20 kids and grandkids; I am happy to tell them all right now—the world is not coming to an end, and global warming—we are going through a cycle. We have gone through these cycles before, and every time we go through—in part of my book I talk about the hysterical things people are saying.

Back during that period of time, I mentioned between 1895 and 1930 about how the world was coming to an end, and the same thing from 1930 to the end of the war. Then, of course, getting into the little ice age, all these things that were taking place, the little ice age from 1945—not the ice age but this cooling period—the cooling period that started in 1945 and lasted for 30 years was the time in our history where we had the greatest increase in carbon in the air, the greatest use of that. So it is inconsistent with what reality was.

So I would say to my good friend, I have no doubt in my mind that the Senator from Vermont is sincere in what he says. While he and I are ranked at the extreme sides of the philosophical pendulum, I would say I know he is sincere. But I will also say this is a tough world we are in right now. When we look at the problems we have in this country and the problems we are having in the world and the cost that it has, I am very thankful those who are trying to pass the cap and trade, all the way from the Kyoto Treaty—which was never brought to the Senate, never brought because they knew they were not going to be able to pass it—up until the time when that ended in about 2009, I would say a lot of activists were out there, but I think people have now realized: Just look at the patterns. It gets colder, it gets warmer, it gets colder, it gets warmer. God is still up there. And I think that will continue in the future.

I thank the Chair and yield the remainder of my time.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Vermont.

Mr. SANDERS. Mr. President, I have talked for a long time on this issue, so I do not want to make a great speech and continue speaking at great length. I do want to say a few things.

First of all, I want to thank Senator INHOFE for his kind words. Let me respond in the same way. He and I philosophically and politically come from very different places. I have never doubted for one moment the honesty or the sincerity of the Senator from Oklahoma. He is saying what he believes. He has the courage to get up here and say it, and I appreciate that. So we are good friends, and I hope we will continue to be good friends.

I think, frankly, it does this Senate, and it does this country, good when

people hear varied differences of opinion on an issue that I consider to be of enormous consequence. So what I would say to my friend is, I hope, in fact, this is the beginning of a resurgence of discussion about this issue, and I look forward to engaging in the discussion with my friend from Oklahoma.

With that, Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF ROBERT E. BACHARACH TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate equally divided and controlled in the usual form.

Mr. LEAHY. Today's debate and vote on the partisan filibuster of the Oklahoma judicial nominee, who has had the support of the Republican Senators from Oklahoma since President Obama nominated him 6 months ago, is another example of how extreme Senate Republicans have gone in their efforts to obstruct judicial confirmations. If they succeed in their partisan filibuster, it will be another first for them. Never before has the Senate filibustered and refused to vote on a judicial nominee with such strong bipartisan support, who was voted out of the Judiciary Committee with virtually unanimous support.

Their partisan efforts to shut down Senate confirmations of qualified judicial nominees who have bipartisan support do not help the American people. This is a shortsighted policy at a time when the judicial vacancy rate remains more than twice what it was at this point in the first term of President Bush. Judicial vacancies during the last few years have been at historically high levels. Nearly one out of every 11 Federal judgeships is currently vacant. Their shutting down confirmations for consensus and qualified circuit court nominees is not helping the overburdened Federal courts to which Americans turn for justice.