

the World Wildlife Fund was established in the United States, he became its first President.

This week the World Wildlife Fund U.S. CEO Carter Roberts described Russell Train as “a true national treasure and an inspiration to all of us who embrace conservation as their life’s work.”

Mr. Roberts went on to say:

Undoubtedly, Russ would prefer that we not spend a lot of time mourning his passing. He would want us to redouble our efforts to save the animals and places we care about, to solve the problems of climate change and resource scarcity, and to build leadership capacity in those countries where it is needed most.

So it is with his legacy in mind that I come to the Senate floor today, as I try to do every week, to discuss climate change, the science behind it, and the reality of the changes we are already seeing. This week I will focus on how the carbon pollution that is causing these climate changes is also affecting our oceans and causing an equally threatening problem—ocean acidification.

Sea water absorbs carbon dioxide; and when it does, chemical reactions occur that change the concentration of carbonate and hydrogen ions in a process that lowers the pH of sea water, commonly referred to as ocean acidification.

Since the Industrial Revolution, we have burned carbon-rich fuels in measurable and ever-increasing amounts, now up to 7 to 8 gigatons each year. We have raised the average parts per million of CO<sub>2</sub> in our atmosphere from 280 parts to 390. By the way, the range for carbon dioxide in our atmosphere for the last, say, 8,000 centuries has been 170–300 parts per million. So we are well outside of that range. Indeed, in the Arctic, measurements have already reached 400 parts per million.

The oceans of the Earth have absorbed more than 550 billion tons of carbon dioxide from the atmosphere. That is approximately 30 percent of all of our carbon dioxide emissions. The good news is that absorbing all this carbon has significantly reduced the greenhouse gas levels in our atmosphere. The bad news is that because of all this carbon absorption, the ocean pH has changed globally, representing a nearly 30-percent increase in the acidity of the ocean. By the end of the century, ocean pH is predicted to change further, leading to a 160-percent increase in acidity.

This is where we are so far. This is what is projected. This rate of change in ocean acidity is already thought to be faster than anytime in the past 50 million years. A paper published in *Science* this year concluded that the current rate of CO<sub>2</sub> emissions could drive chemical changes in the ocean unparalleled in at least the last 300 million years.

The authors of that *Science* study in March warned that we may be “entering an unknown territory of marine

ecosystem change.” As the pH of sea water drops, so does the saturation of calcium carbonate, a compound critical to marine life for the construction of their shells and skeletons. Some organisms absorb calcium and carbonate directly right out of the water, others out of the food they ingest, but changes in the concentrations of these chemicals mean the building blocks become less available to make the shells of species such as oysters, crabs, lobsters, corals and the plankton that comprise the very base of the food web.

As oceans get more acidic, it gets harder and harder for these important species to thrive, and it puts at risk the economies that depend on these species.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I appreciate very much my friend from Rhode Island yielding, and I appreciate his focusing attention on something we do not focus on nearly enough—and that is a gross understatement—and that is our oceans. I admire the work he has done in so many different areas. We thought we had a path forward to do some good for oceans. It did not work out the way Senator WHITEHOUSE and I wanted. We will come back again because we have to do something about oceans. We study everything else but not our oceans, and most everything else depends on what happens in the ocean.

Mr. WHITEHOUSE. I thank the leader.

#### UNANIMOUS CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. REID. Madam President, we currently have 17 district judges on the calendar, 14 reported by voice vote. For the people within the sound of my voice, what that means is they are not controversial. Twelve will fill judicial emergencies. These are places around the country where we have judges who are tremendously overworked on these important cases.

We have heard this kind of joke: What are you trying to do, make a Federal case out of it? What that means is the Federal system is so good that people look at it as being the best there is as far as judicial activity.

I am disappointed to say my Republican friends on the other side have informed me they will not agree on votes on any of these nominees. Republicans can offer no reason for blocking these bipartisan consensus district court nominees. I understand why they didn’t want us to do circuit courts—I understand that. I may disagree, but I understand that because Democrats have set boundaries in the past, as when we would no longer accept circuit court judges. But this is district court judges.

Historically, the Senate has considered district court nominees as late as October in Presidential election years. In the past five Presidential election years, Democrats have never blocked a

district court nominee from receiving a vote on the Senate floor, never. But our Republican colleagues are setting new standards for obstruction, not only in all the legislation but in judges.

For the 28 district court nominees we have considered this year, I filed cloture 19 times. In other words, we have had to break a Republican filibuster on 67 percent of the district judges we have considered and confirmed. President Obama’s district court nominees have been forced to wait 300 percent more than President Bush’s nominees; three times more. Only two people whom the President nominated this year have been confirmed. The kind of qualified consensus nominees who in years past would have been confirmed in a matter of minutes are now taking weeks and months, languishing with no action. These votes should be routine.

There should not be a fight that delays action on important job measures. In September 2008, right before the last Presidential election, Democrats confirmed 10 of President Bush’s district court nominees in 1 day. More than half of the Nation’s population, 160 million Americans, live in the part of the country where there has been a judicial emergency declared. That means more than half the people in this country seek justice from courts and judges that are strained to the breaking point under a backlog so intense an emergency has been declared.

The chairman of the Judiciary Committee, of course, knows I am here. He wants to be on the Senate floor, but the time did not work. He has done a remarkably good job getting the judges out. With 1 out of every 10 Federal judgeships standing vacant, Americans can no longer wait on fair and speedy trials, and that is what they have to do. They cannot rely on them.

Republicans should work with Democrats to confirm consensus district court nominees now. Refusing to do so is irresponsible. The Senate could act today and put highly qualified judges on the Federal bench, judges supported by both Democrats and Republicans.

I hope we can get something done before we leave. I don’t want to file cloture on these nominees before the end of the year. It is not the way we should be working around here. We should be working together.

I have a consent request. I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 674, 675, 676, 760, 761, 762, 818, 828, 829, 830, 832, 833, 834, 835, 875, 876, and 877; that the nominations be confirmed; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate and that no further motions be in order to any further nominations; that any statements relating to the nominations be printed in the RECORD.

Further, Madam President, before you rule, we have the gamut. We have California, Utah, Connecticut, Maryland, Florida, Oklahoma, Michigan,

New York, and Pennsylvania. That is a classic, these two Pennsylvania judges.

During the August recess the Republican Senator from Pennsylvania said that I am the reason the two judges from Pennsylvania have not been confirmed.

Try that one on for logic. He actually said publicly that I was the reason that Matthew Brann and Edward Mannion are not being confirmed, that it is my fault.

Madam President, I will finish this consent request: that the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, it is quite curious that my friend the majority leader is complaining about the one area I can think of over the last year and a half where the Senate has met historic norms. In other words, we have handled judicial confirmations in this Congress here in the Senate in a way that meets and in some ways exceeds historic norms. At the same time, of course, we have not done all the other things we have normally done in the past.

So far during this Presidential election year, we have confirmed 5 circuit court nominees and 29 district court nominees. That is a good record for Presidential election years. Let me look at a few. In 1996 we confirmed 18 district court nominees. This year we have confirmed 29. In 2000 we confirmed 31, in 2004 we confirmed 30, and in 2008, the last year of President Bush's tenure, only 24 district court nominees were confirmed. In fact, in 2008 Senate Democrats treated President Bush's nominees so badly that they were forced to confirm—as the majority leader bragged about—10 nominees in September of that year just to try to catch up to historical norms. So rather than bragging about doing 10 on 1 day, the reason they did 10 on 1 day is because they were so pathetically below historic norms they had to do 10 on 1 day so as to not be embarrassed by the process. If they had not done that, the Senate would have confirmed only 14 district court nominees in 2008, which is fewer than half the 29 we have already confirmed this year.

President Obama is also faring much better overall than President Bush did in his second term, which is the last time the Senate considered and confirmed two Supreme Court nominees. The reason I bring that up is because Supreme Court nominees take a lot of time and effort. President Obama, of course, did have two Supreme Court nominees confirmed during his first term.

So far the Senate has confirmed 158 of President Obama's judicial nomi-

nees. Compare that to President Bush's second term when the Senate confirmed only 122 of his judicial nominees. President Obama has had 158 confirmed; while President Bush had only 122 confirmed. So the Senate has confirmed one-third more judicial nominees than it did the last time it had to process two Supreme Court nominees.

Not only is President Obama being treated fairly in absolute terms, but the Senate is also treating him fairly relative to the number of nominees he has submitted. So far during President Obama's term, the Senate has confirmed 158 of his 205 nominees. That is a confirmation rate of 77 percent. By contrast, President Bush got only 74 percent of his nominees during his first term.

The contrast is even more revealing when we compare President Obama to President Bush's second term. During that term, President Bush got only 61 percent of his nominees confirmed. Again, President Obama got 77 percent of his nominees confirmed versus President Bush's 61 percent.

Now we are trying to get consent agreements to process the next two district court nominations that are in the queue, and we are hoping that will come about. That is the procedure we have been following. I am hopeful we can achieve that. If we do, we will have confirmed 31 district court nominees this year, which will equal the record for the most district court confirmations in a Presidential election year in recent memory. So whether it is looked at in terms of absolute confirmations or relative confirmations, this President is being treated very fairly.

I am happy to work with the majority leader, but we cannot allow the majority to jam us here at the end of this session; therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I am not going to prolong this much, but I would say this: No matter how we try to juggle the numbers, we still have 12 emergencies. I hope my friends on the other side would at least look at some of those emergencies and see if we could get some help for those beleaguered judges out there and the court personnel. It wasn't until May 7 of this year that we were able to vote on our first nominee for this year. They were all from last year that we did before that. I hope everyone understands we have 12 judicial emergencies. If some of these nominations were confirmed, it would take that away and make life for the court system much more fair.

Mr. MCCONNELL. Madam President, there is no way to spin the math. President Obama has been treated quite fairly every way we look at it. He has certainly met the historical norms with the treatment of Presidents in Presidential years. I rest my case.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I ask unanimous consent that I be given

3 minutes, the Senator from Indiana be given 3 minutes, and the Senator from Rhode Island then be able to continue his remarks.

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

Mr. SCHUMER. Madam President, I wanted to follow up on the Democratic and Republican leaders' conversation. This is not the first time we have seen obstruction for obstruction's sake over noncontroversial, consensus nominees to the Federal bench. It has been going on for 4 years.

In 2008 we cleared all 10 of President Bush's district court nominees pending on the floor by unanimous consent. Now, of course, we are being blocked. Well, I don't think Oliver Wendell Holmes could get unanimous consent from our Republican colleagues to be a district court judge today.

In the Western District of New York, nominee Frank Geraci has total bipartisan support. His slot has been vacant for years. We need him to fill that judicial emergency post. His nomination has been pending on the floor for more than 2 months. Why can't we confirm him today? He passed the Judiciary Committee unanimously with strong bipartisan support.

In the Southern District, another nominee, Lorna Schofield, has also been awaiting confirmation for 2 months. She also has complete and total bipartisan support. What is more, she would be the first Filipina confirmed to the Federal bench. The Southern District is one of the busiest benches in the country, and the judges hear among the most important cases, such as complex civil litigation, insider trading, terrorism. You name it, they do it. Why can't we confirm her today?

We hear one excuse after another for filibustering judges—recess appointments, funding for some area unrelated to judges, the so-called Thurmond rule, which has never applied to district court nominees.

I support the majority leader's motion for unanimous consent for these pending district court nominees, and I hope our colleagues will think about it. Before we leave this week, I hope we can come together and do what we have been doing together for decades—confirm uncontroversial judges.

I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

#### CYBER SECURITY

Mr. COATS. Madam President, yesterday Senator LANDRIEU, chairman of the Appropriations Homeland Security Subcommittee, and I entered a colloquy into the RECORD, and I would like to explain very briefly what it was we were attempting to do.

This is essentially to clarify a provision regarding cyber security that is incorporated in the continuing resolution, which we will be taking up here shortly. I understand there has been