

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

confusion over section 137 as to whether the language that is now incorporated in the CR expands DHS authority or allows implementation of a potential Executive order pertaining to cyber security. The answer to that question is no, absolutely not. The provision is limited to funding improvements in the Federal Network Security Program, which provides security systems that monitor cyber attacks on Federal Government computer networks. It helps enhance the protection for those existing networks that are in place.

It is important that both the House and Senate homeland security appropriations bills included this additional funding, and it is considered so critical, it was added to the continuing resolution so that this implementation can continue without interruption. It does so because these networks are constantly under attack by individuals and groups and others who could cause real problems and real harm to our country.

So let me be very clear on the language that has been agreed on in a bipartisan basis and what the colloquy said. This provision does not intrude upon the authorizers' jurisdiction. This provision does not have anything to do with the regulation of private sector infrastructure. DHS has confirmed that in writing. And this provision does not enable a new Executive order in any way. I would be the first to object to this language if that were the case, and I believe we have now remedied any confusion that might exist over that particular language.

I am hopeful that even though we were not able to ultimately pass and incorporate workable cyber protection language, that we can continue to work together.

I wish to thank the chair of the Appropriations Homeland Security Subcommittee, Senator LANDRIEU, for joining me and clarifying this important provision included in the continuing resolution.

With that, I wish to thank my colleague from Rhode Island for allowing me the time, and unfortunately his good presentation was interrupted. I thank my colleague for the time to clarify that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I am very happy to allow my colleague from Indiana the time, and I appreciate his good work on cyber security and hope that he and I and others can work toward a legislative solution on that.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. My topic had been the acidification of our oceans as a result of carbon pollution now up 30 percent in acidity and projected to increase 160 percent in acidity at unprecedented rates in millions of years. It

has been 50 to 300 million years since we have seen this kind of dramatic change in ocean acidity. For species that use calcium carbonate to create their shells and skeletons, such as oysters, crabs, lobsters, and the little plankton that so many other species depend on as the base of the food chain, it becomes harder for these species to thrive.

These unprecedented changes I am talking about in ocean acidity are not happening alone, they are happening on top of dramatically changing ocean temperature that is also driven by carbon pollution.

Just this week on the surface of the Earth, we experienced one of the hottest summers on record. The National Oceanic and Atmospheric Administration released this statement about the northeast shelf large marine ecosystem, which extends from the Gulf of Maine down to Cape Hatteras. Here is what they said:

During the first 6 months of 2012, sea surface temperatures . . . were the highest ever recorded. Above average temperatures were found in all parts of the ecosystem, from the ocean bottom to the sea surface and across the region . . . The annual 2012 spring plankton bloom was intense, started earlier and lasted longer than average. This has implications for marine life from the smallest creatures to the largest marine mammals, like whales. Atlantic cod continued to shift northeastward from its historic distribution center.

I don't need to tell anybody in the Northeast how important the stability of the cod fishery is right now. That historic fishery is facing significant reductions in catch limits because the population is not rebounding as expected from the reduced catches that fishermen are already contributing to try to solve this problem. Something is causing that failure to rebound, and the unprecedented environmental changes occurring in the ecosystem can't be overlooked as the culprit behind this unexplained phenomenon of failure to rebound.

NOAA cited a 2009 study published in Marine Ecology Progress Series that analyzed survey data in the region from 1987 to 2007. It found that about half of 36 fish stocks evaluated have been shifting northward for the past four decades, with some disappearing from U.S. waters as they move farther offshore.

In Narragansett Bay, in my home State of Rhode Island, average water temperatures have increased by 4 degrees. This amounts to an ecosystem shift. In fact, the bay, once dominated by bottom-dwelling fish, such as winter flounder, is now more populated by open-water species, such as squid and butterfish.

Let's look at winter flounder a little bit more closely. In the 1960s, the biomass of winter flounder in Narragansett Bay was as high as 4,500 metric tons. By 2011, it was down to just about 900. This is the total estimated biomass on the blue line. The red line is the landmass. That is what the fishermen

were able to catch and bring in. As my colleagues can see, it went from 1,000 metric tons up to 2,000 metric tons and then, over time, it sagged and returned to 2,000 metric tons, and now it is left to virtually zero. This was a very productive fishery for Rhode Island fishermen and it is now virtually gone.

Past overfishing had a role to play, but so too has the dramatic temperature change and the stock's ability to recover is made all the more difficult by ongoing temperature change as well as acidification.

The changes facing our oceans do not stop at higher temperatures and greater acidity. I wish they did. But as average global temperatures rise, water expands. Water expands as it gets warmer, and new fresh water pours out of the snowpack and ice sheets of Antarctica and Greenland. Long-term data from tide gauges in our traditional sailing port of Newport, RI, show an increase in average sea level of nearly 10 inches since 1930. At these tide gauges, measurements show that the rate of sea-level rise has increased in the past two decades compared to the rate over the last century. The increase is not just happening, it is speeding up. This is consistent with reports that since 1990, sea level has been rising faster than the rate predicted by scientific models used to generate the IPCC estimates.

Global predictions for sea-level rise range from 20 to 39 inches by the year 2100, with recent studies showing that the numbers could be even higher than that due to greater than expected melting of glaciers and ice sheets.

Our Rhode Island Coastal Resources Management Council has used these predictions to estimate that by 2100, the sea level in Rhode Island could rise approximately 2 to 5 feet. For our coastal ocean State, that is a dramatic threat.

Sea-level rise and the increase in storm surges that will accompany it threaten at-risk coastal areas, whose roads, powerplants, wastewater treatment plants, and public facilities may need to be reinforced or relocated.

The natural environment there—estuaries, marshes, and barrier islands—has a role. They act as natural filtration systems and they act as buffers against storms, and they are being inundated by rising seas. In Rhode Island, local erosion rates doubled from 1990 on to 2006. Some of the freshwater wetlands near our coast are already transforming themselves into salt marsh as a result of this inundation.

Our Coastal Resources Management Council has documented places such as a beach in South Kingstown, where 160 feet of shoreline has been lost to erosion since 1951 at a rate of 3 feet per year.

In the small but vibrant coastal community of Matunuck, beaches have eroded 20 feet over the past 12 years. The town faces difficult decisions as the only road connecting the community and its restaurants and businesses