

and more difficulty getting Democrats to work with us on legislation.

I do hope—I do hope Democrats can hold their relentless obstruction long enough to provide humanitarian relief along our southern border and to address the increasingly precarious security situation. It doesn't seem like too much to ask.

I yield the floor.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I came here to make my climate remarks, but I can't resist the opportunity—both as a Senator who actually gets quite a lot of bipartisan legislation passed with my Republican friends but also somebody who sits on the Judiciary Committee—to point out that there actually are quite a few firsts happening that I think help explain why the floor has become a battleground for so many of these nominees.

One first has been that this is the first time, I think, in anybody in the Senate's lifetime experience in which the blue slip is not honored for circuit court judges, in which a judge on the circuit court of appeals associated with the Presiding Officer's State of Oklahoma or my State of Rhode Island—we get rolled. We do not have the ability to approve or disapprove those judges. That is a long tradition of the Senate summarily thrown out.

This is the first time, I think in the history of the United States, in which the selection of judges is being done by a private group funded with anonymous money. That is a very bizarre way to go about picking judges. That is the way it is taking place right now. In fact, the gentleman named Leonard Leo from the Federalist Society who is doing the picking was admitted by Trump's legal counsel to have been insourced for the selection process. That is a first. We never had a private organization pick our Federal judges funded with anonymous money.

Finally, there are some qualified appointees to the bench. I voted for a considerable number, when I thought they were qualified. The problem is, when the unqualified ones come through, they get stuffed through just like anyone else. It is a rarity when we get somebody so flagrantly unqualified as the lawyer who did not know what a motion in limine was—a standard motion before any trial in a Federal court—had no idea what it was. It was actually a Republican Senator who was able to determine that and asked further questions because, frankly, it is pretty astounding to want to be a trial judge and not know what that is. So there have been some firsts, and if we could go back to where we were beforehand, I think we would see a smoother process.

#### CLIMATE CHANGE

Mr. President, I am here today for my weekly "Time to Wake up" speech.

We know a lot of things now. We know our atmosphere is filling with

carbon dioxide to a point unprecedented in the history of the species on our planet; we know global temperatures are climbing and warping the weather across our country and around the world; we know our oceans are warming and acidifying in a way that the geologic record shows is a precursor to massive ocean die-offs; and we know the kind of action we must take to stop these changes and to avoid their worst consequences. We have known this, in fact, for a very long time.

However, the fossil fuel industry, just like the tobacco industry before it, whose apparatus it appropriated for this purpose, used phony manufactured doubt as its weapon of choice to fight against climate action. For decades, the fossil fuel industry and its armada of phony front groups waged a deliberate campaign of lies, propaganda, and political pressure. At the vanguard of this effort was ExxonMobil—America's largest and most influential oil company.

Internal reports uncovered by InsideClimate News show just how well Exxon privately understood the climate science, even before the public was aware of the issue.

This graphic shows the cover page of an internal Exxon briefing, prepared by Exxon scientists in 1982—1982—to inform Exxon management about what they termed "the CO<sub>2</sub> greenhouse effect." The report says it was not to be distributed outside the company.

Exxon scientists reported to Exxon management in this 1982 report that there is "little doubt" that atmospheric CO<sub>2</sub> concentrations were increasing and increasing due to fossil fuel burning. They state in this report that the resulting greenhouse effect "would warm the earth's surface, causing changes in climate affecting atmospheric and ocean temperatures, rainfall patterns, soil moisture, and . . . potentially melting the polar ice caps."

That was in 1982.

In 1982, Exxon also projected future global temperature increase based on their own expectations of fossil fuel burning. The Exxon modeling projected that by 2019, atmospheric CO<sub>2</sub> would reach between 390 and 420 parts per million. This in a band of 170 to 200 parts per million that had prevailed through the entire history of our species on the planet for millions of years. They predicted we would jump out of that boundary to between 390 and 420 parts per million, and they predicted then that global average temperature in 2019 would be around 1 degree Celsius warmer.

Fast-forward from 1982 to today. It is 2019, and guess what. CO<sub>2</sub> concentrations are currently 415 parts per million. And guess what. Temperature has, in fact, increased about 1 degree Celsius. In 1982, Exxon scientists almost perfectly predicted how fossil fuel burning would warm the world and told Exxon management in this report. The scientists understood the damage this

warming would go on to cause, and they knew it was bad.

Exxon scientists predicted to the company that temperature would increase 2 degrees Celsius by 2050 and 3 degrees Celsius by 2080.

Among the report's warnings is this:

There could be considerable adverse impact including the flooding of some coastal land masses as a result of a rising sea level due to melting of the Antarctic ice sheet. . . . Such a rise would cause flooding on much of the U.S. East Coast, including the state of Florida and Washington, D.C.

Exxon's 1982 report stated that unrestrained carbon emissions have the potential to cause "great irreversible harm to our planet." "Irreversible." Interestingly, that is a word Donald Trump and his family used about climate change in 2009 when they signed this full-page ad in the New York Times calling climate science irrefutable and saying that the effects of climate change would be "catastrophic and irreversible." Yes, those Trumps.

Exxon understood that there was natural variability in the climate system. Before humankind began emitting massive amounts of carbon pollution into the atmosphere, global average temperature fluctuated by around half a degree Celsius on either side of its long-term average. This natural variation allowed Exxon to claim that an increase in global temperatures of up to half a degree Celsius could be due to natural causes.

This chart from the Exxon report explains that the signal would become undeniable—no half-degree-Celsius excuse—the signal would become undeniable that this was human-caused warming around the year 2000.

Exxon also understood that we needed to act quickly to head off the worst harm. Here is what Exxon's scientists told the company: "Once the effects are measurable, they might not be reversible and little could be done to correct the situation in the short term." Exxon scientists knew what had to be done: "Mitigation of the greenhouse effect would require major reductions in fossil fuel combustion."

In 1982, 37 years ago, Exxon understood climate science very well. They understood the uncertainties. They knew how much global temperature could increase. They pegged it nearly perfectly. And they knew the damage climate change would do, and they told Exxon management.

What did management do with this knowledge? Did they invest in low-carbon energy to develop the technologies needed to avert a future catastrophe? Did they work with governments on policies that would reduce carbon emissions and climate risk? Did they use their political might to move carbon capture front and center? No. Instead, they set out on a campaign to sow false doubt about climate science, to attack climate scientists, to block any good climate policy, and, of course, to extract and sell ever more fossil fuel. They knew it would be at the expense of the rest of society. They knew

it would be at the expense of future generations. They knew it would cause great, irreversible harm. They did it anyway.

Here are some highlights from Exxon's false-doubt campaign.

In 1996, 14 years after the 1982 report, Exxon produced this publication: "Global warming: who's right? Facts about a debate that's turned up more questions than answers." Here, Exxon paints climate science as uncertain. It includes a statement by Exxon's then-CEO Lee Raymond that the "scientific evidence remains inconclusive as to whether human activities affect global climate." Raymond didn't mention the conclusions of the 1982 report completely exploding that statement—a report they had then sat on for 14 years. Directly contrary to Exxon's 1982 report, Raymond also warned against what he called "precipitous, poorly considered action on climate change," and he claimed that there was ample time to wait and better understand the climate system. But the 1982 Exxon report understood it quite perfectly.

Then came this 1998 Exxon publication: "Global climate change: everyone's debate." It is full of the familiar, phony climate-denial arguments. In this publication, Exxon CEO Raymond writes: "The current state of climate science is too uncertain to provide clear answers to many key questions about global climate change." Well, the 1982 report had enough answers for them to know what to do. Raymond didn't mention the 1982 report.

Nineteen ninety-eight was a year after the Kyoto Protocol. The fossil fuel industry fought to ensure that the United States would never ratify that protocol.

Exxon helped the American Petroleum Institute develop a plan they called the "Global Climate Science Communications Action Plan." The plan was to sow false doubt—doubt that the 1982 report completely blew out of the water—about climate science. The plan said: "Victory will be achieved when . . . average citizens and the media 'understand' uncertainties in climate science." It set out a national media strategy to exaggerate the uncertainties in climate science, including a plan to "identify, recruit, and train a team of five independent scientists to participate in media outreach." Train a team. It planned to distribute a "steady stream of climate science information"—for that, read "misinformation"—to science writers, newspapers, and TV journalists around the country.

If you think Exxon's false-doubt campaign is a thing of the distant past, think again. At Exxon Mobil's 2015—this decade—shareholder meeting, Exxon CEO Rex Tillerson was still alleging uncertainty, saying that we "don't really know what the climate effects of 600 parts per million versus 450 parts per million will be, because the models simply are not that good." Tillerson, like Raymond, didn't men-

tion the 1982 report, which modeled very well the climate effects. Exxon by then had sat on the 1982 report for 33 years.

If this all seems somehow familiar to you, it ought to be because Exxon stole its false-doubt strategy directly from the tobacco industry's science-denial playbook.

In 1999, the Department of Justice filed a civil lawsuit against the major tobacco companies and their associated industry groups, alleging that the tobacco companies had "engaged in and executed—and continued to engage in and execute—a massive 50-year scheme to defraud the public."

In 2006, U.S. district court judge Gladys Kessler, in a lengthy and authoritative opinion that was upheld on appeal by the U.S. court of appeals, found the tobacco companies' fraudulent campaign to have amounted to racketeering. In her ruling, she found that the tobacco industry "coordinated significant aspects of their public relations, scientific, legal, and marketing activity in furtherance of a shared objective—to . . . maximize industry profits by preserving and expanding the market for cigarettes through a scheme to deceive the public."

Take that sentence and replace the word "cigarettes" with "fossil fuel," and Judge Kessler's finding describes exactly what Exxon and other companies did: coordinated significant aspects of their public relations, scientific, legal, and marketing activity in furtherance of a shared objective—to maximize industry profits by preserving and expanding the market for fossil fuel through a scheme to deceive the public.

In the face of increasingly obvious and overwhelming evidence, Exxon and the fossil fuel industry have recently backed away a little bit from their false-doubt efforts on climate science, but have they really changed their stripes, or have they, in their long battle to prevent meaningful climate action, just fallen back to new battlefronts?

Take carbon pricing. Economists from across the ideological spectrum say carbon pricing is the most efficient and the most effective way to reduce carbon emissions. In the past year, Exxon and BP each announced that they supported carbon pricing and would give \$1 million to Americans for Carbon Dividends, a group advocating for carbon pricing. But these donations are a drop in the bucket compared to the tens of millions Exxon has given to political machinery peddling climate denial and opposing carbon pricing or compared to the \$13 million BP just spent to defeat Washington State's carbon pricing initiative.

Senator SCHATZ and I have some firsthand experience because we have introduced a revenue-neutral carbon fee bill in the last three Congresses. I can assure you, Exxon has made no effort to support it.

Industry support for carbon pricing seems to mysteriously evaporate in

proximity to an actual carbon pricing bill.

Science writer and environmentalist Bill McKibben sums up Exxon's climate strategy well. I quote him here:

[T]he world's largest and most powerful oil company knew everything there was to know about climate change by the mid-1980s, and then spent the next few decades systematically funding climate denial and lying about the state of the science.

That is its record. It is responsible for where we are in Congress. After the Citizens United decision, it paid to slaughter bipartisanship in Congress on climate change with its new Citizens United political weaponry. It paid a whole armada of front groups to lie about climate change, and those front groups are still out there and are still lying. The industry is behind the relentless climate antagonism we have seen from business groups, like the U.S. Chamber of Commerce and the National Association of Manufacturers, as if clean and renewable energy doesn't involve commerce and manufacturing. It created and funded a vast apparatus of denial and obstruction, and it has lied and lied and lied.

There is every reason to believe that the oil industry, with Exxon at the lead, remains just as opposed to meaningful climate action today as it has been for three decades. With its long history of lying, it is easy to believe that whatever corporate sinews might bind Exxon to the truth are long atrophied and degraded and that this is just another chapter in the industry's great climate scam—that this is the "pretend to support a carbon price" chapter of the scam.

Even if somewhere in Exxon's corporate bowels there were some flicker of sincerity, it would not be enough for Exxon to just stop the scam. After all of the evil Exxon has done, it needs to undo its evil, not just stop doing evil.

It is not enough to stand next to the burning house you have lit on fire and pledge no further arson. Even if you are sincere about no further arson, it is still not enough. You need to help step in and put the fire out. You need to put your heart and your back into putting out the fire that you lit.

When you are sincere, Exxon, I will be in. Let's solve this. Yet you have a long record and much to atone for. Meanwhile, our planet remains on course for the great, irreversible harm your own scientists predicted nearly four decades ago.

It is due to Exxon's political mischief that we have yet to wake up in Congress to what Exxon itself predicted 37 years ago.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

#### SOCIALISM

Mr. CORNYN. Mr. President, I confess that my fascination—or maybe "obsession" is another word to describe it—with what some people proclaim to be their newfound belief in socialism is really a mystery to me. It is something