

and on top of that, China wants the United States to subsidize its economy with billions of dollars in foreign aid. In the final analysis, one must give China credit for seeking its economic self-interest. I sure hope the Obama administration will do the same for America.

Despite this reality, some here in the Senate will continue to tout the fact that China's new self-imposed emissions intensity reductions, which do not pose any type of binding reductions requirements, will somehow miraculously appear—will somehow suffice for binding requirements. I believe, however, that position will fail to satisfy the American people as acceptable justifications for passage of a bill that will result in higher United States energy taxes and no change in the climate.

I do not blame them. If I were in China, I would be trying to do the same thing. I would be over there saying we want the United States to increase their energy taxes, we want a cap-and-trade bill, an aggressive one that is going to impose a tax—now it is expected to be—MIT had figures far above the \$350 billion a year.

That is not a one-shot deal. I stood here on the Senate floor objecting last October when we were voting on a \$700 billion bailout. I can't believe some of our Republicans, along with virtually most of the Democrats, voted for this. I talked about how much \$700 billion is. If you do your math and take all the families who file tax returns, it comes out \$5,000 a family.

At least that is a one-shot deal. What we are talking about here is a tax of somewhere around \$350 billion every year on the American people and the bottom line is, China wants no restrictions for theirs. They want the highest reductions for the United States and they want foreign aid on top of that.

I want to mention one other thing that just came up in today's Chicago Tribune. I read this because the Chicago Tribune has editorialized in favor of the notion that anthropogenic gases are responsible for global warming. I will read this:

Democratic leaders need to slow down. This proposed legislation would affect every American individual and company for generations. There's a huge amount of money at stake: \$845 billion for the federal government in the first 10 years. Untold thousands of jobs created—or lost. This requires careful study, not a Springfield-style here's-the-bill-let's-vote rush job.

Then:

The bill's sponsors are still trying to resolve questions over whether and how to impose sanctions on countries that do not limit emissions. That's crucial.

That is exactly what we have been saying. Even the Chicago Tribune agrees with that.

That's crucial. Those foreign countries would enjoy a cost advantage in manufacturing if their industries were free to pollute, while American industries picked up the tab for controlling emissions. The Democrats need to delay the vote. Otherwise, the House Members should vote no.

That came out today in the Chicago Tribune. Even the Chicago Tribune says there should not be a vote, but there is going to be a vote. I can't imagine that Speaker PELOSI would bring this up for a vote unless she had the votes.

What is the motivation for this, knowing full well it will not pass the Senate? I mentioned Copenhagen a moment ago—the big meeting of the United Nations, all these people saying America should pass these tax increases. They have to take something up there that will make it look as though America is going to be taking some kind of leadership role. They are not going to do it. If they take the bill passed out of the House, I expect one will be passed out of the Senate committee—because that committee will pass about anything—they will take that to Copenhagen. Everyone will rejoice up there and come back only to find out we are not going to join in.

I am sure there is going to be some type of a treaty that is given to the Senate to ratify. We will all have to remember what happened in 1997. We voted 95 to 0 against ratifying any treaty that is either harmful to us economically or is not going to impose the same hardship and taxes on developing countries such as China as it does on the United States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AUTHORITY OF U.S. PATENT AND TRADEMARK OFFICE TO USE TRADEMARK FUND

Mrs. BOXER. I ask unanimous consent the Senate proceed to the immediate consideration of S. 1358, which was introduced earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1358) to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force.

There being no objection, the Senate proceeded to consider the bill.

Mrs. BOXER. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The bill (S. 1358) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY OF PTO DIRECTOR TO USE TRADEMARK FUND.

(a) AUTHORITY.—The Director of the United States Patent and Trademark Office may use funds made available under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113) to support the processing of patents and other activities, services, and materials relating to patents, notwithstanding section 42(c) of title 35, United States Code, if—

(1) the Director certifies to Congress that the use of such funds is reasonably necessary to avoid furloughs or a reduction-in-force in the Patent and Trademark Office, or both; and

(2) funds so used are repaid to trademark operations not later than September 30, 2011.

(b) EXPIRATION OF AUTHORITY.—The authority under subsection (a) shall terminate on June 30, 2010.

(c) DEFINITIONS.—In this section:

(1) DIRECTOR.—The terms “Director of the United States Patent and Trademark Office” and “Director” mean the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(2) TRADEMARK ACT OF 1946.—The term “Trademark Act of 1946” means the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.).

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I ask unanimous consent to speak as in morning business.

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

GLOBAL WARMING

Mrs. BOXER. Mr. President, I did not plan to come down to the floor and speak today about the global warming legislation. But I heard bits and pieces of my friend Senator INHOFE's speech about essentially why we will never approve global warming legislation, why it is a bad idea, and his usual litany of “horribles” about what will happen. My friend Senator INHOFE and I work very well together on most issues that come before our committee when it comes to building the infrastructure; the State Revolving Fund, we have been a team; the highway trust fund, we have been a team. He has been very helpful on most of our nominees, if not all. So I am very grateful to him. But I could not allow his words to be the last word here on the global warming legislation as we get ready to leave for our week to go home and work.

I disagree very strongly with those who say that if we attack the problem with global warming head-on, we are moving into territory where we are

going to regret the fact that we did it because it is going to hurt our people, we are going to lose jobs, it is going to increase energy costs, when, in fact, we know the opposite is true. It is not just me saying it. I come from a State—California—where we have taken the lead in addressing the environment. We always have since the very early days. And what we have proven is that when you do it, you have a much healthier base for economic growth.

If you look at the per capita use of energy in my home State over the last 20 years, it has stayed absolutely flat, if you were to look at a graph. The rest of the country has gone up like this. So the difference between remaining on a flat line—in other words, keeping your per capita energy use stable—even with the creation in that time of computers and bigger TVs and all the rest, and a lot of other comforts, I might add—bigger homes—we have been able to do it. The rest of the country has gone this way with their per capita use. The difference between energy efficiency and the rest of the country, we have a lot of room for improvement, and it has been tried and it is proven and it makes a lot of sense, whether it is better energy-efficiency standards, which have been absolutely key to us, or better fuel economy, which has been key to us. We are the State that happens to buy the most, for example, hybrid cars. We have shown that we can keep per capita energy use down. A lot of us in our State have changed to the lightbulbs that make sense, the compact fluorescent bulbs. We know we have laws that will move that even faster. And we have not given up one ounce of our quality of life. We have a very good quality of life.

So by addressing the issue of global warming and getting the carbon out of the air, the first way to do it is through energy efficiency. That is what I call the low-hanging fruit. Renewable standards for our utilities—very important. We have done it in California, and I know my friend who is in the chair is on the Energy Committee, and I am very grateful they did renewable portfolio standards, although I would like to see it a little tougher. Be that as it may, we are on the road.

These are the things we can do that actually will tackle the problem of global warming, but there is so much more we can do through a system where we expect our industries that are emitting the most carbon to gradually bring it down so that we make sure we don't suffer the ravages of increased temperatures.

The science is so clear, and my friend Senator INHOFE and I have disputed this for a long time. He insists that the science is not clear. Well, he is not a scientist and I am not a scientist. So I think the best way to do this is to look to the most qualified scientists in the world. And we are very fortunate that we have had those scientists working at the United Nations, the Intergovern-

mental Panel on Climate Change, and they have come out with a series of reports, all of which tell us that temperatures are going up even more rapidly than we thought, the icemelt in the Arctic is occurring faster than we thought would happen. We all see the pictures of the polar bears. That picture is worth so much to us because we can see what is happening to the habitat there.

I will be leading a trip to Alaska for a couple of days at the invitation of Senator MARK BEGICH. He wants to show me and a group of Senators—and also Senator MURKOWSKI has been gracious enough to say she will join us in this. We are going to see ground zero for global warming in Alaska. I know in Greenland, where I went, you can just see the ice melt. You can sit and actually see the ice break off from these giant icebergs and watch them go out to sea.

So the scientists have proven it, and we know it is absolutely true. So when Senator INHOFE comes down here and he flies in the face of science, those of us who have been working on this—and I see one of our great leaders, not only, I say this, in the Senate but, frankly, in the country and even in the world community, JOHN KERRY, who has joined us. Just for his information, I will be speaking for about another 10 minutes, and then I am going to be so happy to sit and hear him because he has such an important vision on this.

But here is the good news. The good news is that this is an enormous opportunity to move our country forward. Again, I could quote Thomas Friedman, who did an extraordinary job of writing books and articles, and he testified before the Committee on Environment and Public Works very clearly on this, that the country that does this now and does it right and sets up a price on carbon—and I am sure he now knows that a cap-and-trade system is a very good way to do that—is going to be the leader in the world, not just an environmental leader, which is very important for our kids and our grandkids—we don't want to turn over a planet to them where temperatures are so high that we see people dying in the summer from the high temperatures or see our kids swimming in rivers that have turned so warm that organisms now live in those rivers. We have seen some of that already happen, where toxins exist that couldn't exist before, where we can be harmed because of the kind of life that lives in these warmer waters that can, in fact, harm our children. So we do not want to know those stories. We do not want to see hordes of refugees coming to our shores because countries are inundated due to rising seas.

Look, our own national security teams—the Department of Defense, the CIA—all of those that worry so much about national security—have told us—and Senator KERRY has the quotes chapter and verse—that this is a national security issue.

So when my friend from Oklahoma comes down here and says: Don't worry about it, you know, don't worry about it at all, the science is divided, it is just not so, just not so.

I guess there were always people who said smoking doesn't cause cancer. I guess there still are. I guess there are some people who say HIV doesn't cause AIDS. You know, I know there were people when I was a kid who said: Forget about polio, there is nothing you can do about it. But Dr. Jonas Salk figured out we could do something about it.

The science is clear. The world is getting warmer. Yes, to a certain degree, we can handle it, but above that it gets very dangerous. None other than the Bush administration's CDC, the Centers for Disease Control, told us that it is unequivocal that the dangers are lurking. They started the work to say that there would be an endangerment finding, that our people are in danger if we don't act. And now President Obama sees it clearly, and his EPA has picked up the ball and they have issued a draft finding that we are in danger. So Senator INHOFE and other Senators can stand up and say that we are not, but this work started in the Bush administration, and Bush administration officials participated in a lot of these U.N. meetings. So it is clear.

We have a great recession we are dealing with, and we have this great challenge of global warming. The great news is that when we act to solve global warming, we act to solve the problem of this great recession. Why do I say that? Because we know from the venture capitalists, many of whom live in the Silicon Valley, that the amount of funding from the private sector, not the public sector, that is going to flow into clean energy is going to dwarf that that went into the computer industry, that went into high-tech and biotech. This is testimony from those who are venture capitalists. And that, matched with the cap-and-trade system, which will have the ability to really help agriculture, which will have the ability to help our manufacturers, which will have the ability to make sure we have fair trade at the border when products come in, that means we are going to see technologies invented, cleanups start to happen, we will stop the ravages of global warming, and eventually, when all of this technology kicks in, the average family is going to pay less for their electricity. In the short run, if you have to pay just a little more—and I mean a little more, like 50 cents a day more maybe, probably less—we have the wherewithal to give you a credit for that funding.

I think the House of Representatives has worked very hard to make sure they have the bill that will keep people whole, that will transform this economy to a clean energy economy, will get us off foreign oil, which is only to the good.

You know, Iran has been in the news, and our hearts go out to those who are

trying to take their country back, if I could say that. We all stand with those demonstrators. We will not forget what they have gone through in their struggle.

I ask unanimous consent that when I am done, Senator KERRY finish this time on global warming, followed by Senator COBURN if he would like to be recognized at that time.

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

Mrs. BOXER. Good.

So what Thomas Friedman—again, writing his great column, as he does—says is that Iran would not be such a formidable power in the world if oil was not so sought after in the world.

We do not buy any Iranian oil for obvious reasons, but the rest of the world does. The fact is, if we can create these clean alternatives, it is going to make every difference—every difference—in the world.

So in closing—and I am so pleased Senator KERRY is here—let me say this: My ranking member, JIM INHOFE, made a comment. I just want to say we are good friends, and anything I say here I say to him, and vice versa. My ranking member said in the press—and I do not know if Senator KERRY saw this—my ranking member, Senator INHOFE, said to me in the press I should get a life—get a life—and stop trying to pass global warming legislation because it is not going to happen.

I want to say to him very clearly today, I have a life, and I am spending it getting the votes I need to make sure we take advantage of this momentous opportunity. I want to thank those over in the House who seem to understand this golden moment of opportunity for our economy, for our foreign policy, for the creation of millions of new jobs, for energy independence—that is what they are fighting for over there—and for great opportunities for our agricultural sector, our manufacturing sector.

This is an opportunity we should not lose. I am very pleased at the progress we are making over here, and I want to send that signal: We are making great progress.

Mr. President, I thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is operating under cloture on the nomination of Harold Koh.

Mr. KERRY. Mr. President, has the time for a vote been set at this point?

The PRESIDING OFFICER. It has not.

Mr. KERRY. It is not set. I thank the Chair.

With that in mind, I think the leadership is hopeful of trying to get that vote somewhere in the near term.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, could I ask the distinguished Senator from Massa-

chusetts if he would yield for a unanimous consent request or two?

Mr. KERRY. Of course, I will yield, Mr. President.

Mr. REID. As usual, I appreciate the courtesy of my friend from Massachusetts.

Mr. President, I ask unanimous consent that all postcloture time be yielded back except for 30 minutes and that time be divided as follows: 10 minutes for Senator KERRY—and we can count the time he has already used. Does the Senator need more time? OK—10 minutes for Senator KERRY, 10 minutes for Senator CORNYN, 10 minutes for Senator COBURN, or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the confirmation of the nomination; that upon confirmation, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Mr. President, reserving the right to object.

Mr. REID. Mr. President, I would ask to modify the consent request that instead of 10, 10, and 10, Senator KERRY be given 15 minutes and Senator CORNYN be given 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2918

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of the Koh nomination, and the Senate resuming legislative session, the Senate then move to proceed to the consideration of Calendar No. 84, H.R. 2918, the Legislative Branch Appropriations Act; that the motion be agreed to, and once the bill is reported, a Nelson of Nebraska substitute amendment, which is at the desk, be called up for consideration; further that the following be the only first-degree amendments and motion in order: McCain, Nebraska photo exhibit; Coburn, online disclosure of Senate spending; DeMint, Visitor Center inscription: "In God We Trust"; Vitter, motion to commit, 2009 levels; DeMint, audit reform Federal Reserve; that upon disposition of the amendments and motion, the substitute amendment, as amended, if amended, be agreed to, and the motion to reconsider be laid upon the table; that the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate; provided further that if a point of order is raised against the substitute amendment, then it be in order for another substitute amendment to be offered minus the offending provisions but including any amendments which had been agreed to; and that no further amendments be in order; and that the substitute amend-

ment, as amended, if amended, be agreed to, and the remaining provisions beyond adoption of the substitute amendment remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, could I have a 5-minute notice from the Parliamentarian?

The PRESIDING OFFICER. The Senator will be notified.

GLOBAL CLIMATE CHANGE

Mr. KERRY. Mr. President, I want to make some closing comments with respect to the nomination of Dean Koh. But before I do that, I want to have a chance to share a few thoughts with the distinguished chairman of the Environment and Public Works Committee, who has been an extraordinary leader on this subject of global climate change.

Let me be the first to affirm that I rather think the Senator has a terrific life, and I am proud of what she is doing with respect to this issue. It is really interesting. I think it is important for us to talk about a few of the issues.

The Senator from Oklahoma, Mr. INHOFE, has made some comments on the floor of the Senate that are either wrong on the facts or wrong in terms of the judgment politically.

I want to say upfront, as my colleague has said, I enjoy my conversations and my relationship with the Senator enormously. We are both pilots. He flies often, much more frequently than I do these days, but we both share a passion for flight and for aerobatics, and for different kinds of airplanes, and I love talking to him about them.

I wish he were up to state of the art with respect to the science on global climate change. He made a number of comments on the floor of the Senate which Senator BOXER and I just have to set the record straight on: No. 1, suggesting that the science is somehow divided. That is myth. It is wishful thinking, perhaps, on the part of some people. I suppose if your definition of divided is that you have 5,000 people over here and 2 people over here—who want to put together a point of view that is usually encouraged and, in fact, paid for by a particular industry or something—you can claim it is divided.

But by any peer review standard, by any judgment of the broadest array of scientists in the world—not just the United States, across the planet—the science is not divided. The fact is, Presidents of countries are committing their countries to major initiatives on global climate change.

The science is clearly not divided with respect to global climate change. In fact, every major scientist in the United States whose life has been devoted to this effort, such as Jim Hansen at NASA, or John Holdren, the