

numbers. It won't eliminate these numbers, but we can pass laws, whether it is improving our mental health system or changing our gun laws, that reduce the number of people who die and to perhaps lessen the weekly stories we hear of mass violence across the whole country.

What is the real risk of doing nothing, not even trying? I submit it is like pulling teeth to get any Republican Senators or Congressmen to even cosponsor a bill addressing any of these issues, and the real risk of doing nothing is that we start to look complicit in these mass murders. I know that is a strong thing to say, but it is not enough for the community itself to rally after these mass murders to shame the action when the most important legislative body in the world has nothing to say about this dramatic increase in mass gun violence. When we allow these numbers to fester without a single piece of legislation to address this trendline passing the Senate and the House, we have become accomplices because we send a message that we don't think the murders in Aurora, in Tucson, in Newtown, in Santa Barbara, are serious enough for us to do anything. That is a real shame.

Hopefully, at some point over the time the Presiding Officer and I have the honor of serving in the Senate, if the numbers don't move this place to action, the voices of the victims will.

I yield the floor, and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

#### ENERGY POLICY

Mr. CORNYN. Mr. President, several years ago when the majority party, the Democratic Party, controlled 60 seats in the Senate and had literally the numbers to do whatever it wanted to do, the majority leader tried to push through a new massive energy tax bill known as cap-and-trade. Not only did it fail to pass, the majority leader never even brought it up for a vote, primarily because members of his own party recognized there would be huge costs associated with this new energy tax, and that the benefits, indeed, on balance did not outweigh the costs or, perhaps most charitably stated, were neutral. There were hardly any real benefits to speak of on the plus side, but there were plenty of negatives, including lost jobs, lost wages, higher utility bills, and a less competitive U.S. economy.

Now the Obama administration, we learn, is in the process of enacting a backdoor energy tax, not through the

votes of Members of Congress—the only people who could be held accountable for how we vote—but rather through the regulatory process through the Environmental Protection Agency.

Much like the cap-and-trade bill that collapsed in 2010, the EPA regulation that was announced earlier today would impose major new costs on America's economy while doing virtually nothing to improve the environment. I will explain my reason for saying that in a moment.

I will talk about the economic costs in a second, but first I want to emphasize that over the coming decades America's contribution to the growth of worldwide carbon dioxide emissions will be virtually nonexistent.

Consider these numbers from the Energy Information Agency: Between 2005 and 2012, America's energy-related carbon dioxide emissions actually declined by more than 10 percent. Between 2005 and 2012, our carbon dioxide emissions did not go up but they declined by more than 10 percent. By contrast, over the same period of time China's energy-related carbon dioxide emissions grew by nearly 64 percent.

So ours went down 10 percent and China's went up by 64 percent. As a result, China is now producing far more carbon dioxide emissions than the United States.

Looking ahead, the Energy Information Agency has projected that developing countries—countries that don't have a developed economy like the United States but do want our standard of living and a better life for their people—will be responsible for 94 percent of the growth in global carbon dioxide emissions between 2010 and 2040, with China alone accounting for 49 percent of that increase. As for the United States, during that same period of time carbon dioxide emissions will barely increase at all.

I mentioned these figures because some of my friends across the aisle have repeatedly declared that President Obama's backdoor energy tax will help us “fight climate change.” Given the numbers I just listed, it should be clear to us that any rule such as what the EPA is proposing would do little to affect global emissions unless developing countries such as China and India do exactly the same—assuming that is something we would want to make as a priority, and assuming the benefits outweigh the costs.

The fact is that China has no interest in sacrificing economic growth for speculative long-term climate benefits, nor do India or other developing nations. We have to remember that these countries alone still have hundreds of millions of people living in abject poverty. They want a better and growing economy, so why in the world would they impose these restrictions on themselves? It is not going to happen, and that is what they told us.

In short, President Obama's EPA rule would place America's economy—an economy that shrunk by 1 percent last

quarter—at a competitive disadvantage without having any substantial effect on global climate change or on CO<sub>2</sub> emissions overall. In other words, it would be all pain and no gain. As I mentioned, the pain would be very real. It would come in the form of lost jobs due to a slowing economy, lost wages, and higher electricity prices.

In my State, the month of August gets to be pretty hot, and our grid operates at maximum capacity. Due to a variety of EPA regulations, the price of those higher electricity prices is borne by the people who are least able to absorb those costs—particularly people on a fixed income, including the elderly. Also, the job loss would be concentrated on blue-collar workers in the fossil fuel industries—most notably the coal industry. These workers have already been hurt by EPA regulations, but these new proposed regulations would make that pain even worse. The higher electricity costs and higher utility rates would affect all of us, but the heaviest burden would fall on people who are at a low or fixed income; in other words, the people who are least able to pay more for their utility bills.

If a regulation can't pass the basic cost-benefit test, then in my view it has little business being enacted—and it should certainly not be enacted by nameless, faceless bureaucrats who are unaccountable to the American people or for the consequences of what they are passing. That is especially true when our economy is suffering through the weakest economic recovery and the longest period of high unemployment since the Great Depression. Why—if this makes sense at any time—would we want to do it now?

Median household income has also declined by nearly \$2,300 since the recession formally ended. We have had a period of anemic economic growth in this country, a high unemployment rate, the slowest economic recovery since the Great Depression, and the highest percentage of people who dropped out of the workforce because they are discouraged about the prospect of finding jobs at any time since Jimmy Carter was President.

In the meantime, if you are buying your health insurance in the ObamaCare exchanges and your health insurance premiums have gone up—we know the cost of fuel and gasoline has gone up, and the cost of food has gone up. The middle class will be disproportionately burdened by this EPA regulation in a way that does not, on net, change the global environment, and would kill jobs and hurt families in return for negligible, or even nonexistent, benefits.

Once again, we see that the President has decided to place ideology—his wish of how the world ought to look—ahead of the numbers. He is famous for saying, let's do the arithmetic.

Let's do the arithmetic. The arithmetic does not make the case that these regulations should be passed; indeed, it defeats the argument that they should.

Sadly, rather than engage in the normal legislative process that would allow my colleague, the Presiding Officer from Maine, who may have a different view from mine, and others to debate and vote on these issues and make policy so we can be held accountable for what we do, the President has decided to skirt the legislative process and instead rely on unaccountable bureaucrats to enact measures that would never pass through Congress. Yet the idea of this President is: I have a phone and a pen, and I can go it alone. He can do it by himself.

Well, he can't. Our Constitution does not allow that. Sooner or later the American people are going to hold folks accountable for enabling this sort of unilateral activity. In my view this is an unforced error that will damage our economy, hurt our workers, and raise the cost of living for middle-class families and those on a fixed income.

I find it astonishing that this misguided regulation is being considered now when our economy is growing so slowly and so many people are out of work or have left the workforce, and the median household income is down, yet costs for health care, food, gasoline, and other commodities are going up.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNIS. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF KEITH M. HARPER FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE U.N. HUMAN RIGHTS COUNCIL

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 assistant legislative clerk read the nomination of Keith M. Harper, of Maryland, for the rank of Ambassador during his tenure of service as United States Representative to the U.N. Human Rights Council.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided and controlled in the usual form prior to a vote on the motion to invoke cloture on the Harper nomination.

Who yields time?

Mr. JOHANNIS. We yield back.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Keith M. Harper, of Maryland, for the rank of Ambassador during his tenure of service as United States Representative to the U.N. Human Rights Council.

Harry Reid, Robert Menendez, Patrick J. Leahy, Elizabeth Warren, Barbara A. Mikulski, Jack Reed, Richard Blumenthal, Carl Levin, Christopher Murphy, Kirsten E. Gillibrand, Sheldon Whitehouse, Patty Murray, Thomas R. Carper, John D. Rockefeller IV, Jeff Merkley, Richard J. Durbin, Benjamin L. Cardin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on nomination of Keith M. Harper, of Maryland, for the rank of Ambassador during his tenure of service as United States Representative to the U.N. Human Rights Council shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Colorado (Mr. UDALL), and the Senator from Montana (Mr. WALSH) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Illinois (Mr. KIRK), the Senator from Utah (Mr. LEE), the Senator from Florida (Mr. RUBIO), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Arkansas (Mr. BOOZMAN) would have voted "nay."

The PRESIDING OFFICER (Mr. DONNELLY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 37, as follows:

[Rollcall Vote No. 164 Ex.]

#### YEAS—51

Baldwin	Feinstein	Manchin
Begich	Franken	Markey
Bennet	Gillibrand	McCaskill
Blumenthal	Hagan	Merkley
Boxer	Harkin	Mikulski
Brown	Heinrich	Murphy
Cantwell	Heitkamp	Murray
Cardin	Hirono	Nelson
Carper	Johnson (SD)	Pryor
Casey	Kaine	Reed
Collins	King	Reid
Coons	Klobuchar	Rockefeller
Donnelly	Landrieu	Sanders
Durbin	Levin	Schatz

Schumer  
Shaheen  
Stabenow

Tester  
Udall (NM)  
Warner

Warren  
Whitehouse  
Wyden

#### NAYS—37

Alexander  
Ayotte  
Barrasso  
Blunt  
Burr  
Chambliss  
Coats  
Coburn  
Corker  
Cornyn  
Crapo  
Cruz  
Enzi

Fischer  
Flake  
Graham  
Grassley  
Hatch  
Heller  
Hoeven  
Inhofe  
Isakson  
Johanns  
Johnson (WI)  
McCain  
McConnell

Moran  
Murkowski  
Paul  
Portman  
Risch  
Roberts  
Scott  
Sessions  
Shelby  
Thune  
Wicker

#### NOT VOTING—12

Booker  
Boozman  
Cochran  
Kirk

Leahy  
Lee  
Menendez  
Rubio  
Toomey  
Udall (CO)  
Vitter  
Walsh

The PRESIDING OFFICER. On this vote the yeas are 51, the nays are 37. The motion is agreed.

The Senator from California.

Mrs. BOXER. Mr. President, what is the order of business?

The PRESIDING OFFICER. We are postcloture on the nomination.

Mrs. BOXER. Mr. President, I ask unanimous consent to address the Senate on a couple of important topics for up to an hour.

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

#### GUN VIOLENCE

Mrs. BOXER. Mr. President, I come to the floor tonight heartbroken at the loss of 6 young people and the injuries to 13 more after a devastating gun violence tragedy that occurred on May 23 in the Isla Vista community near Santa Barbara.

As a mother, grandmother, and Senator representing the most unbelievable State in the Union, this latest mass shooting shook me to the core. I was struck by this simple fact: No one is safe in America anymore. No one is safe in America anymore—not in their schools, not in a movie theater, not in their workplace, not in their home, and not on a beautiful college campus overlooking the Pacific Ocean where the victims of this latest horrific attack were busy pursuing their dreams.

I am going to show the faces of the students we lost. Christopher Ross Michaels-Martinez, 20 years old, from Los Osos/Oceano, CA. He was an English major who served as a resident adviser in a campus dorm while maintaining a 4.0 GPA. He was planning to study abroad in London next year, and he dreamed of going to law school like both of his parents. His cousin Jaime described Chris as "smart, gentle, and kind," but with a competitive spirit he showed on the basketball court. His high school basketball coach said, "he was a coach's dream. He was a team player, he had a great attitude and he was a hard worker who would stay after practice and work on his shots." His father Richard said:

Chris was a really good kid. Ask anyone who knew him. His death has left our family lost and broken.

Veronika Elizabeth Weiss, 19, from Thousand Oaks. She loved sports and