

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 I ask unanimous consent that the order for the quorum call be rescinded.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  | Tester     | Warren     |
| Shaheen  | Udall (NM) | Whitehouse |
| Stabenow | Warner     | Wyden      |

NAYS—37

|           |              |           |
|-----------|--------------|-----------|
| Alexander | Fischer      | Moran     |
| Ayotte    | Flake        | Murkowski |
| Barrasso  | Graham       | Paul      |
| Blunt     | Grassley     | Portman   |
| Burr      | Hatch        | Risch     |
| Chambliss | Heller       | Roberts   |
| Coats     | Hoeben       | Scott     |
| Coburn    | Inhofe       | Sessions  |
| Corker    | Isakson      | Shelby    |
| Cornyn    | Johanns      | Thune     |
| Crapo     | Johnson (WI) | Wicker    |
| Cruz      | McCain       |           |
| Enzi      | McConnell    |           |

NOT VOTING—12

|         |          |            |
|---------|----------|------------|
| Booker  | Leahy    | Toomey     |
| Boozman | Lee      | Udall (CO) |
| Cochran | Menendez | Vitter     |
| Kirk    | Rubio    | 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

high school. She played on four teams. She started playing softball at the age of 6, and later turned to baseball and was the only girl out of 500 players in the Westlake Baseball League. She was a good student who earned straight A's in high school and graduated with a 4.3 GPA. She was majoring in pre-financial mathematics and statistics. Her father said: "She wanted to be a financial wizard, and use her high aptitude with complicated math." She was a member of the Tri-Delta Sorority, just like her mom and grandmother, and now she is gone.

One of her friends said: "Veronika was one of the people you knew you wanted to be friends with. She is willing to become friends with anyone and everyone. She is the one person who can make you smile instantly."

Then there is Katherine "Katie" Breann Cooper, 22, of Chino Hills, CA. She was close to her two brothers, and she was weeks away from graduating with a degree in art history. Her friends remember her as fun and outgoing, someone who had "a very bright smile that lit up a whole room." And we can see the smile.

In the words of one family friend, Katie was the "kind of girl that brought sunshine on an overcast day." She loved soccer and running track and helped her family deliver Christmas gifts to her neighbors in Chino Hills every year.

She was also a member of Tri Delta, a ballroom dance teaching assistant, and raised money for St. Jude's Children's Hospital in Memphis. Her friends said she was "involved in everything" and "never slowed down."

"She was a self-proclaimed princess and I love her for that," her friend Courtney said. "And I know she has a crown on her head today."

Cheng Yuan "James" Hong, 20, San Jose, CA. He was a fourth-year computer engineering major who spent his time volunteering as a teacher assistant at Rainbow Chinese School in Cupertino. His friends described him as a hard-working and bright student who was always willing to help others.

His high school drama teacher in San Jose remembered him as a quiet student who was happy to work backstage to ensure that his classmates could shine.

One of his former classmates said that he was "one of the kindest, most genuine people I have ever met . . . He was never afraid that his unrelenting kindness might have led to him being taken advantage of. He helped out everybody he knew, myself included, and never asked for anything in return. He was good for the sake of being good, and it is incredibly rare to find people that genuine."

Then there is George Chen, 19, from San Jose. He graduated from high school in San Jose and had just finished his second year at UC-Santa Barbara where he studied computer science. His father is a software engineer, and George wanted to follow in

his dad's footsteps. He liked swimming and hiking and was close to his younger brother, who is 10 years old, despite their age difference. They would play video games together and laugh. Friends described George as a "gentle soul" who had a fondness for working with children.

When he went home to visit his parents during breaks from school, his mother said he would always go out of his way to pick up his elderly neighbor's mail and take out their trash. He volunteered for the Buddhist charity group Tzu Chi and as a camp counselor at the YMCA. And he is gone.

Then there is Weihan "David" Wang from Fremont, CA, 20 years old. His mother described her son as "a very, very nice boy," the kind who aced his SATs but never bragged about it. He was an avid basketball fan. He played on his high school team in Fremont, and was a big fan of the Los Angeles Lakers.

At UC-Santa Barbara, he studied computer engineering and wanted to start a business with his friends. One friend described David as "warm-hearted and helpful." His parents said that David was "gentle, kind, loving, joyful, peaceful, faithful, and self-controlled." He was supposed to return home for the summer break soon to go on a trip with his family to Yellowstone National Park.

I say to all families who can hear me: Imagine what that does to a mother and father—to a family. David was their only child. His mother said, "He was always the joy of the family," and now he is gone.

These were all bright and talented people who were full of promise and passion. Their dreams and futures were extinguished in an instant of chaos.

Today I join their families, friends, and classmates in mourning their unfathomable loss. Not only that, I stand with them in staunch determination to do everything in my power to stop this senseless violence.

Richard Martinez, the dad of Christopher, said it best. He said he does not want or care about sympathy from politicians. He said to us: "Get to work and do something."

The parents of James Hong said the same thing in a letter: "I know there has been a great injustice, and policy can be improved." They added that their son "can't be here to help anymore, but you can."

The mother of George Chen said: "This is not the first time it happens, a killing spree, but I hope it's the last one. No parent should have to go through this."

And the parents of David Wang wrote: "It's time to stop gun violence, and be free from fear." They are absolutely right. We must act. We cannot sit back and simply accept that nearly 90 Americans are killed every day—and 30,000 are killed every year—from gun violence.

I will remember the Vietnam War because I got involved in politics to try

and stop it. It was horrible. We lost more than 50,000 people over 10 years, and we ended that war.

Mr. President, 30,000 are killed every year from gun violence. When are we going to end the war here at home? We cannot accept that every day an average of 8 children and teens under the age of 20 are killed by guns. We cannot accept the fact that children in the United States die by guns 11 times as often as children in other high-income nations. It is an outrage, and it has to end.

We often see the same reaction after mass shootings like this. Some will insist it was just "the act of a mad man" and there is nothing you can do to stop a deranged person from going on a rampage. You know what? History says that defeatist attitude is wrong.

Take Australia. In April 1996, a young man killed 35 people and wounded 23 others with a semiautomatic rifle in the so-called Port Arthur massacre, the worst mass shooting in Australian history.

Less than 2 weeks later, the conservative-led national government pushed through fundamental changes to the country's gun laws. Australia's conservative government passed laws that all but prohibited automatic and semiautomatic assault rifles, stiffened licensing and ownership rules, and instituted a temporary gun buyback program that took some 650,000 assault weapons out of public circulation. The law then required licensees to demonstrate a "genuine need" for a particular type of gun and take a firearm safety course. Those actions by Australia's leaders made a difference. In the decade before Port Arthur, Australia saw 11 mass shootings. Since then, there has not been a single mass shooting, and the gun murder rate has continued to steadily decline.

In 2011, Australia had 0.86 gun deaths for each 100,000 people—or 25 people. That year the United States had 10.3 gun deaths per 100,000 people, or 11,101 Americans. Accounting for the population differences, this is insanity.

Australia said enough is enough. When are we going to do that?

Canadians said enough is enough. In December 1989, a disgruntled student walked into a Montreal engineering school with a semiautomatic and killed 14 students and injured over a dozen others. That tragedy prompted the leaders in Canada to ban more than half of all registered guns, require all gun owners to be at least 18, and obtain a license. You need a license for a car. Why don't you need a license, public safety course, and a background check for a gun? That is what they did.

Canadians said enough is enough, and it paid off. Canada's gun murder rate has declined since passage of these laws, with occasional spikes in gun violence.

In 2009, Canada had 0.5 deaths per 100,000 from gun murders—173 people. The United States had 3 gun murders for every 100,000 that year—that is

11,493 Americans. Come on—173 out of 100,000 compared to 11,493 people out of 100,000? What is wrong with the people here in this country and in this body?

The United Kingdom experienced tragedies that led their leaders to act. In August of 1987, a lone gunman armed with two legally-owned semi-automatic rifles and a handgun went on a 6-hour shooting spree roughly 70 miles west of London, killing 16 people and then himself. Britain expanded the list of banned weapons, including certain semi-automatic rifles. They increased registration requirements for other weapons. Since then, they have banned all handguns, with a few exceptions. The government instituted a buyback program which many credit for taking tens of thousands of illegal or unwanted guns out of supply. Their actions paid off. The UK's gun murder rate since passage of these laws is now less than half of what it used to be.

In 2011 the UK had 0.23 gun deaths per 100,000 people, a fraction of the 10.3 gun deaths per 100,000 in the United States that year. They had 38 gun murders; we had 11,101. What is going on? We have to do some of this here. What are we so scared of?

I said when I started this speech that no one is safe in America because we don't take commonsense steps. I am not saying we ban guns or we ban people from having guns—no—but that we have a system where they have to show they need it. We can do the same things here in America. We can start. How about this: Pass measures that have nearly unanimous support among the American people, wherever they live in our great Nation. Take background checks. Ninety percent of Americans say they support background checks. Because one gun lobby doesn't like it, we turn our backs on 90 percent of the people. What is wrong with us?

We have legislation to expand background checks. It has bipartisan support. We should take it up and pass it and do the work of the people, 90 percent of whom want us to pass background checks.

Assault weapons. Most Americans support banning military-style assault weapons: 81 percent of voters, 71 percent of gun owners, and 60 percent of NRA members. We should pass Senator FEINSTEIN's legislation now and do the work the American people want us to do.

How about high-capacity magazine clips? Seventy-two percent of voters say we should ban the sale of high-capacity ammunition magazines.

Mental health. Lawmakers on both sides support taking action. Let's do it now.

School safety. I authored a bill with Senator COLLINS to provide the resources needed to make schools safer. Take it up and pass it, and don't load it up with controversy. Pass the things we need to pass. Do it for these families and for God knows all the others who are suffering and crying them-

selves to sleep every single night, bearing a loss that will never go away.

Here is the situation. In this particular case, we had the family of the gunman who committed the massacre call the police and say: We are very worried about our son. It is haunting to me that they had a feeling about it and they called the police. The police went to interview this troubled young man, and they couldn't see through his problems. They didn't check the gun database we have in California. If they had, they would have seen that he had purchased guns. If they knew that, we would have been in a different circumstance.

So we are introducing legislation called the Pause for Safety Act. This is what it does. No. 1, families and others who are very close to the suspected unstable individual can go to court and seek a gun violence prevention order to temporarily stop someone who poses a danger to themselves or others from purchasing a firearm. They can go to court and seek a gun violence prevention order. Let's say it is a group of co-workers who see that this person is threatening or he has written something. They can actually make the case before a judge and get an order, so the person cannot buy guns.

No. 2, it would help ensure that families and others close to the individual can also seek a gun violence prevention warrant which would allow law enforcement to take temporary possession of firearms that already have been purchased. If those police officers had known this individual had bought those weapons—because we do have that database—they could have gone and gotten the warrant. But under our bill, a family member could do this. They could go to court and seek that gun violence prevention warrant.

No. 3, if law enforcement gets a tip or a warning or a request from a family member, they can then make full use of a gun registry if it exists in their state. It is very important for law enforcement to make use of the gun registry if it exists.

I am very pleased that similar legislation has been introduced in California by Assemblywoman Nancy Skinner, Assemblyman Das Williams, as well as State Senator Hannah-Beth Jackson.

We all remember the shock and outrage we felt after the Sandy Hook shooting in Newtown, CT, where a gunman shot 20—babies, I call them—children—schoolchildren and 6 adult staff members. All of those lives lost, and we said we would take action. We wore ribbons and we came to the floor and we cried. Well, since that shooting, more than 28,000 Americans have died from gun violence—90 people every day. Imagine, if it was anything else that caused the death of 28,000 Americans, we would be on the Senate floor.

The shooting at Sandy Hook and the shooting at UC Santa Barbara are a reminder that we have failed our children. Call it what you want. We are

failing our children. We have a basic task to keep our children safe. They look to us, and they believe we will protect them. We have a function here, which is to not allow someone who is unstable and violent to get a weapon. So we need to pull together, and we need to show our children we love them, not by making fancy speeches but by doing the right thing, such as this father said we have to do, Chris's dad. Don't tell me how you love children; don't talk to me about how bad you feel. Do something.

Children need to know they are safe in school. People need to know they are safe at work. People need to feel safe in a restaurant—anyplace. Let us honor these victims of gun violence by working to end this epidemic. We look at these faces, we look at their eyes, and we know they were just at the start of their adventures, at the height of their productivity, in their twenties.

We have to do something so this doesn't happen again and again and again.

#### CLIMATE CHANGE

Mrs. BOXER. Mr. President, in this work we do so many issues need to be discussed. One of them I have tried to discuss, along with several colleagues, is this incredible threat to our planet caused by climate change. I have participated with my colleagues, Senator WHITEHOUSE, Senator MARKEY, Senator CARDIN, and many others, in all-night speeches and in hearings.

I am so proud to be the chairman of the environment committee. It was many years ago when I took the gavel to become the chairman that I started to really get involved in the details and in the science and in the predictions of scientists as to what could happen. We came very close to doing something important here in the Senate, but we faced a filibuster, and although the House passed a very important bill years ago, we couldn't get it done. We fell six votes short.

At the time, the press said to me: What are you going to do? Are you going to do nothing about this? No, I said. Actually, the most popular law that has ever been passed—I believe it; I haven't taken a poll on it, but I can tell my colleagues from looking at studies that the Clean Air Act covers all kinds of pollution, including carbon pollution. I said that even though we weren't able to have a cap-and-trade system which would put a price on carbon and let people get permits and trade them, I felt that was a good way to work in a capitalistic society, and we didn't go there. I said we have the Clean Air Act. Once an endangerment finding is made—it was started during the Bush administration and completed during the Obama administration—we know the President has full authority to act, with or without the deniers here in the Senate and in the House.

Now, 40 percent of all the carbon is emitted by powerplants, so powerplants are a very important part of the