

they suspect a child is a victim of abuse or neglect. We know many cases of abuse and neglect go unreported, sometimes for years, sometimes even until a child has died or suffered other terrible consequences as a result of years of neglect or abuse.

For example, in 2012, in Pennsylvania there were 3,565 substantiated reports of child abuse and neglect. Across the Nation, 678,047 children were victims of abuse and neglect in the country as a whole, although I think it is important to point out the number I read from Pennsylvania: 3,565 substantiated reports of child abuse and neglect.

That means two things: It was reported, and we know the overwhelming number do not get reported. So even among the category of those that were reported, they had to be substantiated reports of abuse and neglect. I believe if we had just a broad category of children in our State—and it is true of a lot of other States as well—who are the victims of abuse and neglect, it would far exceed 3,565 cases, but that number alone is horrific and should cause us to do a lot more than we are doing, not just in Pennsylvania but around the country. We saw in Pennsylvania a horrific example. Many people read the news about Penn State over the last couple of years. In that case, children were being abused by an individual they were supposed to be able to trust, an authority figure and other authority figures who did little about reporting it.

We know there is a significant variation across the country in the types or categories of adults who are required by law to report suspected or known child abuse and neglect. Not all States require, for example, camp counselors to be so-called mandated reporters under the law, meaning an adult who has a legal duty by statute to report on child abuse or suspected child abuse. Some States have a long list of categories, some States have shorter lists. We know not all States require camp counselors or even coaches to report instances. So we need to do something about that. That is why I have introduced legislation to directly address it.

The Speak Up to Protect Every Abused Kid Act, which is more simply known as the Speak Up Act, would require all States to pass and enforce a law requiring adults with a professional responsibility to children to report instances of known or suspected child abuse in order for States to receive funding through the Child Abuse Prevention and Treatment Act, the so-called CAPTA legislation, the Federal statute that focuses on child abuse and neglect prevention and response.

So if they are going to have the benefit of those Federal dollars, they have to do more to protect children. That is what we are saying to States. The legislation will close a loophole that allows abusers to get away with heinous crimes and emphasize the responsibility of all adults to protect children from abuse and neglect.

States have a wide variety of standards, as I mentioned, for whom they designate as so-called mandated reporters. Some States require all medical professionals to be mandated reporters. Others only specify certain types of health care providers. Under the Speak Up Act, States would have to require all of these adults to be mandated reporters or forfeit their Federal funding under the so-called CAPTA Act, the Child Abuse and Prevention Treatment Act.

The Speak Up Act also requires that these mandated reporters give their reports directly to State authorities responsible for investigating child abuse and neglect. In some States, and in Pennsylvania I am pleased to report, there is a unified system of reporting, which is called the ChildLine, that accepts all reports. In this case, in Pennsylvania, one could call an 800 number and report child abuse and neglect.

I have asked myself—and I am not sure we will ever get the answer to this—what if—not only in a random set of cases but in the case of Penn State—one adult or more than one adult had called an 800 number early in the case history, even with a suspicion, reason, or grounded in fact, but a suspicion or direct evidence of child abuse? What if they had called that number. Could children have been protected; could child abuse have been prevented?

I don't know the answer, but I think if more people use that kind of method, they might be able to prevent a lot more cases of abuse.

Other States may require reporting to law enforcement or so-called child protective agencies.

Finally, the act itself, the Speak Up Act, closes a loophole in an existing law that can leave children in danger because their abuser is from another State or because a child was visiting another State when he or she was abused.

In the summer this becomes especially relevant when children may be attending camps where they are not just going back and forth to camp—a camp where they stay overnight, night after night, or other programs where they might have access to or be enrolled in, I should say, another State. Under the Speak Up Act, we make it clear that the State where the incident occurred has the obligation to investigate the incident, and other States must help if necessary. So that gives a further protection to children that is not in the law today.

The legislation in the Speak Up Act will provide as well standard reporting requirements across all States while still allowing States to go beyond what is required if they seek to do that.

I don't know why we don't have this in law already. Why should we have a variety of measures in place to protect children? We should standardize that. Every State should meet a certain minimum standard when it comes to protecting children. If States want to add people to their mandated reporter list,

require more adults or more categories of adults to be listed, then they could do that, but there should be a standard reporting requirement across the country.

So as we begin the summer, I urge adults who work with children to remember their responsibility to speak up and to act to protect children, to make sure they know how to report abuse and neglect, if necessary.

If you are in that category of mandated reporters already, you obviously not only have a legal duty to report, but I think you have a responsibility to find out today how you report, what method will you employ, what resource will you access to report instances of child abuse or suspected child abuse. But even if you are not sure you are in that category of mandated reporter, if you are an adult and you have an obligation to or your job entails working with children, I believe you have an obligation to find out not only when you are a mandated reporter but how you can report suspected cases of abuse and neglect.

Of course, if you are an adult, it may not be legally required. It doesn't, of course, foreclose the possibility that you could and should report instances of abuse and neglect, even if you don't have a legal duty.

I believe every adult has some kind of duty—maybe not in law but certainly a duty as a citizen and as an adult—to be vigilant, to keep your eyes open, and to focus your attention on protecting children. We all have an abiding obligation.

This is a time of the year when children have a lot of time away from school, and they have a lot of enjoyment in the summer. We should make sure we are being very vigilant, though, at this time of the year to speak up and to protect our children.

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

Ms. STABENOW. I ask unanimous consent that the order for the quorum call be rescinded.

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

BOWEN NOMINATION

Ms. STABENOW. I will take just a moment. Our colleague from Louisiana was on the floor a while ago referring to one of the nominees we will have coming up for a cloture vote in a moment to the Commodities Futures Trading Commission, which is so significant.

I want to correct a few things in the record for my colleagues and first remind everyone that Ms. Bowen, who will be the nominee in front of us, was unanimously confirmed by the Senate to be a director of the Securities Investor Protection Corporation, where she has honorably served, after 25 years of representing clients in complex financial transactions as a partner of a major international firm.

The issue that has been raised on the floor relates to a decision that was made unanimously by the board she

chairs that relates to a particular case where there is no question that there were citizens who were ripped off in a Ponzi scheme, the Stanford Ponzi scheme, in fact.

The question that came before this board that covers certain kinds of losses is whether what happened is something that could be covered under this particular entity, the Securities Investor Protection Corporation.

Based on legal advice, outside counsel, and review, the board unanimously looked at this and said, unfortunately, due to law—which was written by Congress—this particular board could not cover the fraud victims in this particular case.

This subsequently went to the Federal District Court for the District of Columbia, which concluded the current law does not authorize SIPC to cover these particular fraud victims. This has now gone on to the Court of Appeals.

SIPC and Ms. Bowen have indicated that if the Court of Appeals rules in favor of the victims, they are more than happy to include them and to reimburse them for the terrible situation they all found themselves in. This is a legal question of whether this particular fund is allowed to reimburse these particular victims of fraud. There have been over 9,000 victims who have been reimbursed through this fund in a lot of different situations, but it is a legal question.

The way this has been interpreted by our colleague from Louisiana—that somehow this is something personal that Ms. Bowen is involved in to try to stop these people, these victims, from being able to be reimbursed and made whole—is absolutely false. Again, this is an issue in the court. If the court rules in favor of those who were victims of this Ponzi scheme, then the group, the agency, the Securities Investor Protection Corporation, has indicated they will move forward and include them under the scope of their responsibility for reimbursement.

Certainly what happened to people in this situation is terrible. I understand their concerns and wanting to find a way to be able to be made whole. But this is a legal question that was unanimously decided by a board of directors, of which Ms. Bowen is now the chair, it was recommended by outside counsel, and it was also something that was upheld by the Federal district court. It is now in the Court of Appeals. If the Court of Appeals changes and reverses the lower court, then they will act accordingly.

We should not have the situation where a very qualified member and nominee for this very important oversight agency, the futures industry, would be held responsible or somehow be caught up in the politics. I appreciate the legitimate concerns, but to lay those at the feet of this woman, at this point, simply is not fair.

Again, she was, on her qualifications, unanimously confirmed by the Senate

once already, and I would urge colleagues to join together to support moving forward on this nomination with the cloture vote and ultimately to support her.

She has strong support throughout the country, is known for standing up for victims, and will play a very important role and be a very important voice going forward with the Commodities Futures Trading Commission.

I yield the floor.
The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Vermont.

Mr. LEAHY. Madam President, what is the regular order?

The PRESIDING OFFICER. The time until noon is equally divided on the Harper nomination.

Mr. LEAHY. Has that time expired?

The PRESIDING OFFICER. The hour of 12 noon having arrived, all postcloture time is expired.

The question is, Will the Senate advise and consent to 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.

Mr. INHOFE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.
The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Colorado (Mr. UDALL), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Utah (Mr. LEE).

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

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

The result was announced—yeas 52, nays 42, as follows:

(Rollcall Vote No. 165 Ex.)

YEAS—52

Baldwin	Heinrich	Nelson
Begich	Heitkamp	Pryor
Bennet	Hirono	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Landrieu	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Coons	Manchin	Udall (NM)
Donnelly	Markey	Walsh
Durbin	McCaskill	Warner
Feinstein	Menendez	Warren
Franken	Merkley	Whitehouse
Gillibrand	Mikulski	Wyden
Hagan	Murphy	
Harkin	Murray	

NAYS—42

Alexander	Burr	Collins
Ayotte	Chambliss	Corker
Barrasso	Coats	Cornyn
Blunt	Coburn	Crapo

Cruz	Isakson	Risch
Enzi	Johanns	Roberts
Fischer	Johnson (WI)	Rubio
Flake	Kirk	Scott
Graham	McCain	Sessions
Grassley	McConnell	Shelby
Hatch	Moran	Thune
Heller	Murkowski	Toomey
Hoeven	Paul	Vitter
Inhofe	Portman	Wicker

NOT VOTING—6

Booker	Cochran	Rockefeller
Boozman	Lee	Udall (CO)

The nomination was confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill clerk read as follows:

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 Sharon Y. Bowen, of New York, to be a Commissioner of the Commodity Futures Trading Commission.

Harry Reid, Debbie Stabenow, Richard J. Durbin, Barbara Boxer, Michael J. Bennet, Benjamin L. Cardin, Ron Wyden, Joe Donnelly, Christopher A. Coons, Mark Begich, Tim Kaine, Robert P. Casey, Jr., Sherrod Brown, Patrick J. Leahy, Tom Harkin, Angus S. King, Jr., Amy Klobuchar.

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

The question is, Is it the sense of the Senate that the nomination of Sharon Y. Bowen, of New York, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2018, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.
The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Utah (Mr. LEE).

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

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

The yeas and nays resulted—yeas 50, nays 44, as follows:

(Rollcall Vote No. 166 Ex.)

YEAS—50

Baldwin	Cardin	Franken
Begich	Carper	Gillibrand
Bennet	Casey	Hagan
Blumenthal	Coons	Harkin
Boxer	Donnelly	Heinrich
Brown	Durbin	Heitkamp
Cantwell	Feinstein	Hirono