

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

Johnson (SD)	Merkley	Shaheen
Kaine	Mikulski	Stabenow
King	Murphy	Tester
Klobuchar	Murray	Udall (NM)
Leahy	Nelson	Walsh
Levin	Pryor	Warner
Manchin	Reed	Warren
Markey	Reid	Whitehouse
McCaskill	Schatz	Wyden
Menendez	Schumer	

NAYS—44

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

NOT VOTING—6

Booker	Cochran	Rockefeller
Boozman	Lee	Udall (CO)

The PRESIDING OFFICER. On this vote the yeas are 50, the nays are 44. The motion is agreed to.

NOMINATION OF SHARON Y. BOWEN TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Sharon Y. Bowen, of New York, to be a Commissioner of the Commodity Futures Trading Commission.

The PRESIDING OFFICER. Pursuant to the provisions of S. Res. 15 of the 113th Congress, there will be up to 8 hours of postcloture consideration of the nomination, equally divided in the usual form.

The majority leader.

Mr. REID. Madam President, I ask unanimous consent that with respect to the Harper nomination the motion to reconsider be considered made and laid upon the table and President Obama be immediately notified of the Senate's action.

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

Mr. REID. Madam President, I ask unanimous consent that notwithstanding rule XXII, the time following the scheduled recess until 4 p.m. be equally divided and controlled between the two leaders or their designees, and at 4 p.m. all postcloture time be expired and the Senate proceed to vote on confirmation of Calendar No. 755, Bowen; that following disposition of Calendar No. 755, the Senate proceed to vote on cloture on Calendar Nos. 691, Mastroianni; 692, Hendricks; 733, Chutkan in the order listed; further, that if cloture is invoked on any nomination, then, on Wednesday, June 4, 2014, at 11 a.m., all postcloture time on the nominations be expired and the Senate proceed to vote on confirmation of the nominations in the order listed; further, that following these votes, the Senate proceed to vote on cloture on

Calendar No. 798, Burwell; further, that there be 2 minutes for debate prior to each of these votes, equally divided in the usual form; that any rollcall votes, following the first in each series, be 10 minutes in length; that if any nomination is confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD and that the President be immediately notified of the Senate's action.

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

Mr. REID. Madam President, with this agreement we will have four rollcall votes today at 4 p.m. and as many as four rollcall votes on Wednesday at 11 a.m.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:52 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

NOMINATION OF SHARON Y. BOWEN TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION—Continued

The PRESIDING OFFICER. Under the previous order, the time until 4 p.m. will be equally divided between the two leaders or their designees.

Who yields time? If neither side yields time, all time will be equally charged.

Mr. CORNYN. Mr. President, we are not in a quorum call, are we?

The PRESIDING OFFICER (Mr. MANCHIN). The Senator is correct.

EPA RULE

Mr. CORNYN. Mr. President, 17 years ago the Senate voted on something called a sense-of-the-Senate resolution designed to protect American workers and their families from misguided policy with regard to CO₂ regulations. Of course, CO₂, or carbon dioxide, is a necessary element of life, and plant life depends on CO₂ for photosynthesis, which helps make them green. To hear some of the pseudoscientists talk about CO₂ here in Washington, you would think it was poison. Suffice it to say, 17 years later the Obama administration is trying to enact similar legislation that was rejected 17 years ago by the Senate in that sense-of-the-Senate resolution.

Back in 1997 Members of the Senate were concerned that the Clinton administration might sign a global climate change treaty that imposed higher costs on the United States while exempting developing countries such as China or India. These concerns turned out to be well-founded. The Clinton administration did indeed sign such a

treaty known as the Kyoto Protocol in December of that year, but it never got around to having it ratified here in the Senate largely because of a unanimous resolution this Chamber passed several months earlier.

The sense-of-the-Senate resolution I alluded to a moment ago was voted on in July 1997, and it received 95 votes in favor and 0 votes opposed. Ninety-five Senators expressed their opposition to any climate change agreement that would result in serious harm to the economy of the United States. They also rejected any agreement that failed to include other countries, and that is for good reasons I will explain in a moment.

The message sent by these 95 Senators—a unanimous vote in the Senate—is pretty clear. It makes absolutely no sense for America to adopt job-killing carbon regulations while CO₂ emissions from developing countries continue to skyrocket and are not subjected to the same restrictions.

Don't just take my word for it. Listen to what one of the most prominent supporters of the 1997 resolution, Secretary of State John Kerry—at the time he was the junior Senator of Massachusetts—had to say:

It's just common sense that if you are really going to do something to effect global climate change, and you are going to do it in a fair-minded way . . . we need to have an agreement that does not leave enormous components of the world's contributors and future contributors of this problem out of the solution.

In effect, what he was saying was: Why would America do this to itself and throw a wet blanket on job creation and economic growth when other countries were going to continue to produce CO₂ unabated?

One of the cosponsors of this resolution was the late Democratic Senator Robert Byrd. The Presiding Officer knows Senator Byrd and his legacy very well. While explaining his opposition to the Kyoto-style climate deals, Senator Byrd said:

I don't think the Senate should support a treaty that requires only half of the world . . . to endure the economic costs of reducing emissions while developing countries are free to pollute the atmosphere, and in so doing, siphon off American industries.

Another cosponsor was Secretary of Defense Chuck Hagel, who was then the junior Senator from Nebraska. He described the likely consequences of Kyoto-style agreements in these terms:

As industries flee the United States and other industrialized countries, they would re-establish themselves in developing countries that have much weaker environmental standards than our own.

I have just one more point about the Kyoto Protocol, which was unanimously voted down, in essence, 17 years ago.

A year after that, in 1998, there was a then-unknown Illinois State senator who voted on legislation that denounced Kyoto and prohibited State regulation of greenhouse gases in Illinois. If you guessed it was Barack Obama, you would be right.