

[Rollcall Vote No. 248 Ex.]

## YEAS—66

Baldwin	Grassley	Portman
Barrasso	Hassan	Reed
Bennet	Heinrich	Romney
Blunt	Hickenlooper	Rosen
Booker	Hirono	Rounds
Brown	Inhofe	Schatz
Cantwell	Kaine	Scott (SC)
Capito	Kelly	Shaheen
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Lummis	Stabenow
Cassidy	Manchin	Sullivan
Collins	Markey	Tester
Coons	McConnell	Toomey
Cornyn	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murkowski	Warnock
Durbin	Murphy	Warren
Ernst	Murray	Whitehouse
Feinstein	Ossoff	Wicker
Gillibrand	Padilla	Wyden
Graham	Peters	Young

## NAYS—28

Blackburn	Hagerty	Risch
Boozman	Hawley	Rubio
Braun	Hoeven	Sasse
Burr	Hyde-Smith	Scott (FL)
Cotton	Johnson	Shelby
Cramer	Kennedy	Thune
Crapo	Lankford	Tillis
Cruz	Lee	Tuberville
Daines	Marshall	
Fischer	Paul	

## NOT VOTING—6

Blumenthal	Lujan	Sanders
Leahy	Moran	Schumer

The nomination was confirmed.

The PRESIDING OFFICER (Mr. HICKENLOOPER). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

## CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative 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, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 976, Michael S. Barr, of Michigan, to be Vice Chairman for Supervision of the Board of Governors of the Federal Reserve System for a term of four years.

Charles E. Schumer, Richard J. Durbin, Ben Ray Lujan, Jack Reed, Jacky Rosen, Tina Smith, Angus S. King, Jr., Patrick J. Leahy, Robert P. Casey, Jr., Christopher A. Coons, Alex Padilla, Chris Van Hollen, Margaret Wood Hassan, Elizabeth Warren, Jeff Merkley, Catherine Cortez Masto, Tim Kaine.

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 the nomination of Michael S. Barr, of Michigan, to be Vice Chairman for Supervision of the Board of Governors of the Federal Reserve System for a term of four years, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Illinois (Ms. DUCKWORTH), the Senator from Vermont (Mr. LEAHY), the Senator from New Mexico (Mr. LUJAN), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

The yeas and nays resulted—yeas 66, nays 28, as follows:

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## NAYS—28

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Crapo	Lankford	Tillis
Cruz	Lee	Tuberville
Daines	Marshall	
Fischer	Paul	

## NOT VOTING—6

Blumenthal	Leahy	Moran
Duckworth	Lujan	Schumer

The PRESIDING OFFICER. On this vote, the yeas are 66, the nays are 28.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Michael S. Barr, of Michigan, to be Vice Chairman for Supervision of the Board of Governors of the Federal Reserve System for a term of four years.

The PRESIDING OFFICER. The whip from Illinois.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate vote at 2:30 p.m. on the confirmation of Executive Calendar No. 976.

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

## ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, for the information of the Senate, there will be two rollcall votes starting at 2:30 p.m. today. They will be on the confirmation of the Barr nomination to be

Vice Chair of the Federal Reserve and the motion to invoke cloture on the Herrnstadt nomination to be a member of the Export-Import Bank.

Senators can expect two additional votes in the 5:30 p.m. range today. Those votes will be on confirmation of the Herrnstadt nomination and cloture on the Heinzelman nomination to be general counsel of the CIA.

## HIGHLAND PARK SHOOTING

Mr. President, earlier this week, I introduced the Senate and those who follow our proceedings to an 8-year-old boy who lives in Highland Park, IL. His name is Cooper Roberts. He is a twin. His twin brother's name is Luke.

Cooper and Luke and Mom and Dad decided a few days ago—last weekend, as a matter of fact—to attend the Fourth of July parade in Highland Park. It was a natural choice: beautiful day, salute to our country, a parade passing by, American flags, in one of the nicest communities in the State of Illinois.

We all know what happened that day: A shooter took an assault-style weapon to the roof of a downtown business and, in a matter of a minute or two, discharged 90 rounds into the crowd. As a result of that gunfire, Cooper Roberts, this 8-year-old boy, was left paralyzed after being shot in the Highland Park Fourth of July parade mass shooting. He has undergone a series of surgeries since.

I tell this story on the floor of the Senate for two reasons: The family has spoken to the press and been open about Cooper's struggle, and I am glad they have because he has a cheering section now that has reached far beyond Illinois and is around the Nation, and secondly, because this poor little boy's situation is a reflection on what assault rifles can do to the human body.

I am not an expert on firearms. I don't pretend to be. But I watch programs and have read a lot on the subject, and I know that the assault rifles—the AR-15 and those in that same class—are not your ordinary firearms. They discharge their bullets and ammunition at two to three times the velocity of an ordinary firearm, and when that ammunition hits the body of a person, it starts tumbling and tearing apart the body as it goes through.

Cooper, this 8-year-old boy, had his spinal cord severed by a bullet, leaving him paralyzed from the waist down. Sadly, the family reported yesterday that he is back in critical condition at the University of Chicago's Comer Children's Hospital. He showed some improvement last Friday, but things are not going well—at least they weren't yesterday, according to his family.

The bullet which entered this little boy's abdomen injured his liver, his abdominal aorta, and his esophagus near his stomach. A hole in the esophagus was sewn shut by surgery, the family has said. Well, they reported yesterday that Cooper's esophagus has reopened,

in a written update. As a result, he is facing an urgent, complex, and lengthy surgery today to again attempt to repair his torn esophagus. This will be his seventh surgery since last Fourth of July, and it is particularly high risk given his age and his current condition.

By Tuesday evening, the family provided additional updates, saying the doctors were able to find and close the leak in his esophagus. "This is a good outcome—Cooper is still fighting," the family said. The next few days will be critical.

One of Cooper's lungs is partially collapsed, according to the family. His heart rate is elevated, and he is spiking a fever due to a new infection and complications he must face.

Cooper was one of dozens of people shot at the parade. Seven have died. An individual is being held on murder charges in the mass shooting. Cooper and others in Highland Park were shot with a military-style Smith & Wesson M&P 15 semiautomatic rifle. For those who weren't aware, "M&P" in the name of this rifle suggests it is for military and police use. But it was purchased by the individual charged with these murders, who was neither a member of the military nor police.

In an interview with WGN-TV in Chicago, Dr. Ana Velez-Rosborough, a trauma surgeon who is treating Cooper at Highland Park Hospital, said the injuries were "devastating," in her words. "They create very large wounds," Velez-Rosborough told the station. "They basically destroy organs. They destroy soft tissue. They destroy bone."

Cooper received what we call a massive transfusion—enormous amount of blood—in order to keep him alive during the operation. The boy's aorta injury was so severe that a portion of it was removed and replaced with a synthetic graft, according to the family.

The family is praying for a miracle that this little boy survives. We should join them in that prayer, but we need to go beyond that.

Yesterday, Senator DUCKWORTH and I had a meeting with residents from Highland Park who, on their own, spontaneously came to Washington to plead with Congress to do something about these military-style weapons that are being sold in the United States and did such devastating damage to this beautiful little boy. Joining those from Highland Park was a group from Uvalde, TX. They certainly know this story individually and personally. They lost 19 kids at their grade school. They came in with pictures of prayer cards from the funeral parlors. The point they were making to us and to everyone is that this is madness. To allow individuals to have this type of weapon who are not members of the military, not policemen, and to use these weapons on other Americans is unthinkable.

What in the world is America thinking to believe this has something to do with a constitutional right? A constitutional right? What were Cooper's

constitutional rights to go to a parade on the Fourth of July in Highland Park and come home safely? Where was the respect for them? And, of course, when you are discharging 90 rounds into a crowd, it is a wonder even more people weren't injured.

I bring this to the attention of the Senate because—I raised it earlier in the week—I think it is time for us to focus on the reality of mass shooting in America. While this was going on in Highland Park, that same weekend, dozens were being shot and some killed in the city of Chicago and cities across America.

It is impossible for me to believe that we can do nothing to deal with this. The families from Highland Park and Uvalde, TX, were shaking their heads as I explained to them the problems with the filibuster rules in the Senate. Do you think a filibuster rule makes any difference to the family of this wonderful little boy? They couldn't care less about the rules of the Senate and wonder why the Congress can't respond to this clear and present danger in our streets that has resulted in over 300 mass shootings this year so far—sadly, more to come.

I said before when I came to the floor, when I left for the Fourth of July recess, I had no idea that I was going to personally join this fraternity of grief—Senators and Congressmen from cities and towns all across America—who have endured these mass shootings, who then have to sit down with families in tears and explain to them why their Congressman and their Senator can do nothing.

Well, I refuse to accept that. I believe that we can do something. We came to our senses to pass a gun safety bill after Uvalde. I voted for it. It didn't touch the issue of these military weapons per se, although it did call for deeper background checks for those under the age of 21.

I support that, but let's go further and be honest about this. There is no need for anyone to own this military-style weapon, and for it to be sold to the average individual, who has no training whatsoever on the weapon to prove that he is eligible to own it and who can use this weapon under these circumstances which cannot be controlled, is unacceptable.

What would our argument be if someone said: I want to buy a grenade launcher. I think I have Second Amendment rights to own one.

We would say to him: That is ridiculous. Grenades are for war.

Well, these military weapons are for war as well, and I don't believe they should be sold in this country. I believe the military assault weapon ban that I voted for in 1994 was the right thing to do. It was a 10-year ban. We should have extended it. During the period of that ban on assault weapons, there was a lot of controversy, but there were far fewer deaths from mass shootings. It is an indication of the truth of this issue.

I hope that we continue to tell the story of the victims and their families

so that our colleagues in the Senate of both political parties will come to understand it is time for us to step up, accept our responsibilities of office, and protect children like Cooper Roberts.

(Ms. ROSEN assumed the Chair.)

#### FOOD AND DRUG ADMINISTRATION

Madam President, the Food and Drug Administration of the United States is one of the most important Agencies. It is not one of the largest, but it has the responsibility to determine the safety and effectiveness of more products than most Americans can imagine.

I have been a big fan of the Food and Drug Administration in the years that I have served in Congress. I have seen some wonderful things happen there. They are the ones who decide whether drugs are safe and effective before they can be sold in America, and they have regulatory authority over so many different issues.

But it is sad to say the Food and Drug Administration of the United States of America today is at a crossroads. In fact, it may be in free fall. The Agency's missteps, its close connection with the industries it regulates, its delayed response to formula safety and decisions that fuel the opioid epidemic have shaken public confidence and endangered public health. But the FDA's ongoing incompetence and failure to regulate tobacco products stands in its own distinctive, grim category.

Last month, the Food and Drug Administration announced a long-awaited decision to remove all e-cigarettes produced by the JUUL company from the market after 2 years of scientific review of data that had been submitted by the company JUUL to the Food and Drug Administration. Numerous health studies have determined that JUUL is one of the most popular e-cigarettes used by children.

Let's get down to the bottom line. When the tobacco companies found their cigarettes falling into disfavor, they needed a replacement product. Their marketing proposal and strategy has always been: addict children. They did it with cigarettes. They did it with tobacco products, whether they were spit tobacco or smoking products, and, unfortunately, millions of Americans—particularly children—became addicted to their products.

When those tobacco products fell out of favor, the industry needed a new replacement. They found one in vaping and e-cigarettes. Today, at least 2 million American kids are hooked on e-cigarettes and vaping. If you don't believe me, ask a student in high school or middle school what is going on with vaping, and you are going to be told the grim reality.

Numerous Federal health studies have determined that JUUL is among the most popular e-cigarettes used by kids in America. More than 2 million children in America are using them, including 750,000 kids who picked up these addictive products in the 9 months since the Food and Drug Administration missed a court-ordered