

friends, or family when we don't invest in the security and public health tools for communities. They are the ones who are frustrated every day by archaic laws that keep people from the prevention and treatment which they need.

We must do better. We must make sure people have access to tools to keep fentanyl out of their communities. We need to make sure people have access to treatment—like methadone medication—to keep people in recovery, and we need to save lives. But permanently categorizing fentanyl-related substances as schedule I substances would impede our response to the overdose epidemic and lead to overincarceration.

There has to be additional discussion and debate. Let us do that so that we can give this issue the attention which it needs and that it deserves so that any solution is effective and bipartisan.

As a result, at this point, I have to object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Louisiana.

Mr. CASSIDY. Mr. President, recognizing that there has been an objection, I would like to point out a couple of things, though.

As regards permanently scheduling fentanyl-related substances would do nothing to limit overdoses: Congress has extended fentanyl scheduling on a temporary basis multiple times, and this has led to fewer overdoses and led to the creation of fewer new fentanyl-related substances.

Next, the idea that designating them all as schedule I would limit the ability of researchers to study fentanyl is just not true. There is no indication that the temporary scheduling of fentanyl analogs has stifled research. The DEA, the Drug Enforcement Agency, has approved every research study since 2018. But this bill goes further by putting a robust process in place to study fentanyl. It does not disrupt ongoing things, but it actually creates an expedited process for certain FDA studies to be done in partnership with Federal Agencies.

Lastly, that somehow this would contribute to overincarceration: The bill does not permanently bar DEA or HHS from continuing to look at the risks associated with it. If something has no risk, they can establish it has no risk. Therefore, it would not lead to overincarceration.

But we do know that fentanyl is a dangerous—a dangerous—substance, and if we are concerned about the overincarceration of a certain population of our society, I can guarantee you that that population, like every population, is having people dying today from fentanyl overdose; that whichever group of Americans we are speaking of, they are losing someone today from fentanyl; and that this bill would help save a life in that particular group and, most importantly, in all groups.

With that, though, recognizing there is an objection, I yield the floor.

VOTE ON O'DONNELL NOMINATION

The PRESIDING OFFICER. Under the previous order, The question is, Will the Senate advise and consent to the O'Donnell nomination?

Mr. CASSIDY. 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 legislative clerk called the roll.

Mr. DURBIN. I announce the Senator from West Virginia (Mr. MANCHIN) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO), the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. RICKETTS), and the Senator from Ohio (Mr. VANCE).

The result was announced—yeas 49, nays 45, as follows:

[Rollcall Vote No. 164 Ex.]

YEAS—49

Baldwin	Heinrich	Sanders
Bennet	Hickenlooper	Schatz
Blumenthal	Hirono	Schumer
Booker	Kaine	Shaheen
Brown	Kelly	Sinema
Butler	King	Smith
Cantwell	Klobuchar	Stabenow
Cardin	Lujan	Tester
Carper	Markey	Van Hollen
Casey	Merkley	Warner
Coons	Murphy	Warnock
Cortez Masto	Murray	Warren
Duckworth	Ossoff	Welch
Durbin	Padilla	Whitehouse
Fetterman	Peters	Wyden
Gillibrand	Reed	
Hassan	Rosen	

NAYS—45

Barrasso	Graham	Murkowski
Blackburn	Grassley	Paul
Boozman	Hagerty	Risch
Braun	Hawley	Romney
Britt	Hoeven	Rounds
Budd	Hyde-Smith	Rubio
Cassidy	Johnson	Schmitt
Collins	Kennedy	Scott (FL)
Cornyn	Lankford	Scott (SC)
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Cruz	Marshall	Tillis
Daines	McConnell	Tuberville
Ernst	Moran	Wicker
Fischer	Mullin	Young

NOT VOTING—6

Capito	Manchin	Ricketts
Crapo	Menendez	Vance

The nomination was confirmed.

The PRESIDING OFFICER. 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. 570, Sanket Jayshukh Bulsara, of New York, to be United States District Judge for the Eastern District of New York.

Charles E. Schumer, Richard J. Durbin, Sheldon Whitehouse, Richard Blumenthal, Laphonza R. Butler, Alex Padilla, Tim Kaine, Margaret Wood Hassan, Christopher Murphy, Peter Welch, Tammy Duckworth, Tammy Baldwin, Christopher A. Coons, Tina Smith, John W. Hickenlooper, Chris Van Hollen, Mark Kelly.

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 Sanket Jayshukh Bulsara, of New York, to be United States District Judge for the Eastern District of New York, 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 West Virginia (Mr. MANCHIN) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO), the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. RICKETTS), and the Senator from Ohio (Mr. VANCE).

The yeas and nays resulted—yeas 52, nays 42, as follows:

[Rollcall Vote No. 165 Ex.]

YEAS—52

Baldwin	Hassan	Rosen
Bennet	Heinrich	Sanders
Blumenthal	Hickenlooper	Schatz
Booker	Hirono	Schumer
Brown	Kaine	Shaheen
Butler	Kelly	Sinema
Cantwell	King	Smith
Cardin	Klobuchar	Stabenow
Carper	Lujan	Tester
Casey	Markey	Van Hollen
Collins	Merkley	Warner
Coons	Murkowski	Warnock
Cortez Masto	Murphy	Warren
Duckworth	Murray	Welch
Durbin	Ossoff	Whitehouse
Fetterman	Padilla	Wyden
Gillibrand	Peters	
Graham	Reed	

NAYS—42

Barrasso	Grassley	Paul
Blackburn	Hagerty	Risch
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Britt	Hyde-Smith	Rubio
Budd	Johnson	Schmitt
Cassidy	Kennedy	Scott (FL)
Cornyn	Lankford	Scott (SC)
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Cruz	Marshall	Tillis
Daines	McConnell	Tuberville
Ernst	Moran	Wicker
Fischer	Mullin	Young

NOT VOTING—6

Capito	Manchin	Ricketts
Crapo	Menendez	Vance

The PRESIDING OFFICER (Ms. CORTEZ MASTO). On this vote, the yeas are 52, the nays are 42.

The motion was agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Sanket Jayshukh Bulsara, of New York, to be United States District Judge for the Eastern District of New York.

NOMINATION OF SANKET JAYSHUKH BULSARA

Mr. DURBIN. Madam President, today, the Senate will vote to confirm Judge Sanket J. Bulsara to the U.S. District Court for the Eastern District of New York.

Born in Bronx, NY, Judge Bulsara received his A.B., magna cum laude, from Harvard College and his J.D., cum laude, from Harvard Law School. After graduating from law school, he clerked for Judge John G. Koeltl on the U.S. District Court for the Southern District of New York. Judge Bulsara then began his legal career as an associate with Munger, Tolles & Olson LLP. He then spent a year working as the manager of planning and data analysis with the New York City Department of Education Division of Human Resources.

From 2005 to 2015, Judge Bulsara worked in private practice at Wilmer Cutler Pickering Hale and Dorr LLP first as an associate and later as counsel, before becoming partner in 2012. While working at WilmerHale, he was seconded to serve as special assistant district attorney in the Kings County District Attorney's Office between 2007 and 2008. From 2015 to 2017, Bulsara worked as deputy general counsel for Appellate Litigation, Adjucation, and Enforcement at the SEC. In 2017, he became acting general counsel. Since 2017, Bulsara has served as a magistrate judge on the U.S. District Court for the Eastern District of New York.

The American Bar Association unanimously rated Judge Bulsara as "well qualified," and his nomination is strongly supported by his home State Senators, Mr. SCHUMER and Mrs. GILLIBRAND.

With significant litigation and judicial experience, Judge Bulsara will serve the Eastern District of New York with distinction as a district judge. I am proud to support his nomination.

RECESS

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

Thereupon, the Senate, at 1:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. ROSEN).

EXECUTIVE CALENDAR—Continued

VOTE ON BULSARA NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Bulsara nomination?

Mr. WYDEN. Madam President, 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 senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO), the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. RICKETTS), and the Senator from Ohio (Mr. VANCE).

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

The result was announced—yeas 51, nays 42, as follows:

[Rollcall Vote No. 166 Ex.]

YEAS—51

Baldwin	Graham	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Rosen
Booker	Hickenlooper	Schatz
Brown	Hirono	Schumer
Butler	Kaine	Shaheen
Cantwell	Kelly	Sinema
Cardin	King	Smith
Carper	Klobuchar	Stabenow
Casey	Lujan	Tester
Collins	Markey	Van Hollen
Coons	Merkley	Warner
Cortez Masto	Murkowski	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Welch
Fetterman	Ossoff	Whitehouse
Gillibrand	Padilla	Wyden

NAYS—42

Barrasso	Grassley	Paul
Blackburn	Hagerty	Risch
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Britt	Hyde-Smith	Rubio
Budd	Johnson	Schmitt
Cassidy	Kennedy	Scott (FL)
Cornyn	Lankford	Scott (SC)
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Cruz	Marshall	Tillis
Daines	McConnell	Tuberville
Ernst	Moran	Wicker
Fischer	Mullin	Young

NOT VOTING—7

Capito	Menendez	Vance
Crapo	Ricketts	
Manchin	Sanders	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is made and laid upon the table, and the President will be notified of the Senate's actions.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Eric C. Schulte, of South Dakota, to be United States District Judge for the District of South Dakota.

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided.

NOMINATION OF ERIC C. SCHULTE

Mr. DURBIN. Madam President, today, the Senate will vote to confirm Eric Schulte to the U.S. District Court for the District of South Dakota.

Born in Sioux Falls, SD, Mr. Schulte received both his B.A. and his J.D. from the University of South Dakota. After clerking for the judges of the Second Judicial Circuit in Sioux Falls, Mr. Schulte joined Davenport, Evans, Hurwitz, and Smith, where he has spent his entire legal career—first as an associate and later as a partner. In his more than two decades at Davenport Evans, he has engaged in every aspect of litigation, from drafting pleadings and conducting written discovery, to trying 22 trials to verdict. In addition, Mr. Schulte has also argued before the South Dakota Supreme Court seven times.

The American Bar Association unanimously rated Mr. Schulte "well qualified" to serve on the district court, and he has the strong support of Senators Thune and Rounds. Mr. Schulte's deep ties to the South Dakota legal community, combined with his courtroom experience, will make him well-positioned to serve on the Federal bench with distinction.

I thank my colleagues for supporting his nomination.

The PRESIDING OFFICER. The Republican whip.

Mr. THUNE. Madam President, I rise today in support of the nomination of an outstanding South Dakotan, Eric Schulte, who has been nominated to fill a vacancy at the U.S. District Court for the District of South Dakota.

Eric Schulte is a lifetime resident of South Dakota who received his J.D. from the University of South Dakota School of Law in 1999.

From 1999 to 2000, he served as a law clerk to the South Dakota Second Judicial Circuit in Sioux Falls, and he has been a partner at the Davenport, Evans, Hurwitz, and Smith law firm since 2005.

He was also president of the South Dakota state bar association from 2015 to 2016. And in his spare time, he is a member of the Academy of American Poets and a frequent contributor to "Pasque Petals," the South Dakota State Poetry Society magazine.

Mr. Schulte has the experience and knowledge to be a district judge; and, crucially, I believe that he has the character and impartiality for a lifetime appointment on the Federal bench.

I strongly support his nomination, and I encourage my colleagues to confirm him as a judge for the U.S. District Court for the State of South Dakota.

I yield the floor.

VOTE ON SCHULTE NOMINATION

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the Schulte nomination?