

to be ratified. This is a bipartisan effort. I hope our colleagues will not filibuster it. I understand the concern.

This will be our first vote in the Senate on the resolution. The House has already passed it in two previous Congresses. I know that our House colleagues are watching, and I thank them for their leadership in the House. This will be our first opportunity in the Senate. I am glad we are having this opportunity.

With that, Mr. President, I would ask consent that, despite the previous order, we start the vote immediately.

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

CLOTURE MOTION

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 motion to proceed to Calendar No. 3, S.J. Res. 4, a joint resolution removing the deadline for the ratification of the Equal Rights Amendment.

Charles E. Schumer, Benjamin L. Cardin, Margaret Wood Hassan, Richard Blumenthal, Sherrod Brown, Tim Kaine, Christopher A. Coons, Alex Padilla, Tina Smith, Elizabeth Warren, Cory A. Booker, Gary C. Peters, Jack Reed, Angus S. King, Jr., Brian Schatz, Mazie Hirono, 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 debate on the motion to proceed to S.J. Res. 4, a joint resolution removing the deadline for the ratification of the Equal Rights Amendment, 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 California (Mrs. FEINSTEIN) is necessarily absent.

Mr. MCCONNELL. The following Senator is necessarily absent: the Senator from Utah (Mr. LEE).

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—51

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

NAYS—47

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

NOT VOTING—2

Feinstein	Lee
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(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The Gallery will come to order.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The Gallery will come to order.

The Sergeant at Arms will remove the individual.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The individual will leave the Chamber.

(Disturbance in the Visitors' Galleries.)

The Sergeant at Arms will remove the individual from the Chamber.

(Disturbance in the Visitors' Galleries.)

The Sergeant at Arms will remove the individual from the Chamber.

The Senate will come to order.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER (Mr. PETERS). On this vote, the yeas are 51, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The motion was rejected.

The PRESIDING OFFICER. The majority leader.

MOTION TO RECONSIDER

Mr. SCHUMER. Mr. President, I enter a motion to reconsider.

The PRESIDING OFFICER. The motion is entered.

Mr. SCHUMER. Mr. President, let me explain. I switched my vote to no, not because I am not strongly for ERA—I wanted to bring it to the floor—but it will allow us to go back and cast a vote again in the future. This issue is too important, so we are not giving up. So I am moving to reconsider so I can bring it back up at a later time.

I yield the floor.

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. 22, Anthony Devos Johnstone, of Montana, to be United States Circuit Judge for the Ninth Circuit.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Tim Kaine, Margaret Wood Hassan, Ben Ray Lujan, Raphael G. Warnock, Tammy Duckworth, Jack Reed, Sheldon Whitehouse, John W. Hickenlooper, Catherine Cortez Masto, Tammy Baldwin, Brian Schatz, Christopher Murphy, Tina Smith, Debbie Stabenow.

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 Anthony Devos Johnstone, of Montana, to be United States Circuit Judge for the Ninth Circuit, 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 California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Indiana (Mr. BRAUN), the Senator from Utah (Mr. LEE), and the Senator from Kansas (Mr. MORAN).

The yeas and nays resulted—yeas 50, nays 45, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—50

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

NAYS—45

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

NOT VOTING—5

Braun	Lee	Warnock
Feinstein	Moran	

(Mr. WELCH assumed the Chair.)

(Mr. KELLY assumed the Chair.)

The PRESIDING OFFICER (Ms. SMITH). The yeas are 50, the nays are 45, and the motion is agreed to.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Anthony Devos Johnstone, of Montana, to be United States Circuit Judge for the Ninth Circuit.

Thereupon, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The Senator from Texas.

OPIOID EPIDEMIC

Mr. CORNYN. Madam President, as everyone in America knows, fentanyl is ravaging communities across the country. It is killing more than 70,000 people a year in the United States alone, making it the leading cause of death for Americans between the ages of 18 and 49.

The fentanyl epidemic does not discriminate. It kills old people, young people, rich people, poor people, people from major urban areas, and people from the countryside. One of the most alarming trends of what we are seeing is the rise of fentanyl-related deaths among teenagers. In 2021, 77 percent of all teenage overdose deaths involved fentanyl, the synthetic opioid.

We continue to hear and read of heartbreaking stories of teens who overdosed in their bedrooms or in a car or at school. Sadly, this is a recurring nightmare in communities across Texas which have experienced a wave of overdoses among teens.

Last fall, I sat down with a number of people in Dallas to learn more about the community-wide effort to fight fentanyl. I heard from parents who lost their children, as well as law enforcement officials, local elected leaders, healthcare professionals, and school administrators.

I learned that most of the time, these teenagers think they are buying something that is relatively innocuous—Xanax or Percocet—only to find out that it is a counterfeit pill made to look like a prescription drug that is laced with a deadly dose of fentanyl.

And it doesn't take much. If you look at the end of your pencil, the piece of lead sticking out of the end of your pencil, that amount of fentanyl can kill you.

People will frequently refer to these not necessarily as overdoses but poisonings, because in most cases, the victims have no idea that they are taking a lethal dose of fentanyl. That was the case for Patricia Hammad's daughter, Cassandra, who died from a fentanyl overdose 2 years ago. Patricia told me that Cassandra took the pill because she thought it was a Xanax, but, actually, it contained a lethal dose of fentanyl.

I heard a similar story from parents in Hays County when I visited there in

February at a high school. Darren and Shannon McConville lost their son Kevin to fentanyl last summer. Darren told me that Kevin took a pill to help him sleep at night, and that that pill cost him his life.

Earlier this week, I heard more heartbreaking stories from folks in Carrollton, TX, outside of Dallas. Lilia Astudillo told me about her 14-year-old son Jose, who loved playing sports and spending time with his brothers and sisters. One night, Jose took a pill that he thought would help him calm down before he went to bed. When Lilia went to wake her son up for school the next morning, it was too late. Her happy and talented son had died.

I also heard from another brave parent, Ryan Vaughn, who told me about his 16-year-old daughter Sienna. She was a cheerleader at Plano High School, and she loved going to concerts and thrift shopping. Sienna's father told me that he talked to her about the danger of drugs many times. Had she been offered fentanyl, he knows she would have said no. But when her friend came over for a family get-together and gave her what seemed to be an innocuous pill, she had no idea and she said yes. Later that evening, the Vaughns found their daughter and her friend overdosing. They were able to save her friend using Narcan. But for Sienna, it was too late.

These families in their communities have experienced every emotion in the book, including shock, fear, devastation, and anger; and they have channeled their grief and fury into action.

On Monday, I was at R.L. Turner High School and heard from Saniyah Rodriguez, who heard the telltale noise of somebody overdosing in the bathroom and saved that student's life using the lessons she learned on a video at school.

She said it took weeks before she could even go back into that bathroom having witnessed what she did—the gurgling noise of a fellow classmate overdosing was emblazoned upon her memory. Despite being traumatized by her experience, she was adamant that students cannot keep quiet about fentanyl. They must speak out and they must get help when a classmate needs it.

All around the school, in bathrooms and the hallways, there were signs in English and Spanish about the dangers of fentanyl. Communities across Texas are doing the best they can to fight fentanyl head-on, and I am grateful for the work they have done to protect and educate our children. But that is only one piece of the puzzle.

Law enforcement works around the block to take deadly drugs like fentanyl off the streets. And, fortunately, those responsible for dealing fentanyl-laced pills to students in Carrollton-Farmers Branch ISD have been arrested and charged. But, again, this is just one other piece of the puzzle.

When I spoke with the grieving parents in Hays County, which is in San

Marcos right outside of Austin, TX, where I live, they stressed the importance of securing the border and preventing fentanyl from ever getting across the border into their communities in the first place.

Shannon McConville, who lost her son Kevin, was especially adamant about the need to do more to stop fentanyl from getting into the country in the first place. She said, when it comes to the border, the Biden administration is failing.

I completely agree.

The Biden administration has simply abdicated its responsibility at the border in the name of a humane response to the border crisis, but there is nothing humane about what is happening. We are losing more than 70,000 Americans a year to fentanyl, and given the rate that fentanyl is coming into the country, I fear the worst is still to come.

The most crucial step at this moment is to stop the poison from coming into the country in the first place, but it is all about money. The cartels continue to get rich. They care nothing about the deaths of these parents' children, and they care nothing about the devastation that they are bringing to our communities across Texas and across the country.

The most crucial step is to stop it before it gets here. Until that happens, the situation will only get worse. More fentanyl will come across the border and seep into our communities. More of our children, more of our neighbors, more of our friends, more of our loved ones will die from fentanyl poisoning, and the cartels and criminal organizations will continue to get rich from the suffering that they cause because they don't care about our suffering. They don't care about our grieving. They don't care about the deaths of these young people and the potential that has been snuffed out at an early age. All they care about is the money.

I appreciate everyone who joined me in Carrollton, on Monday, to talk about this crisis. I am especially grateful, as I said, to Saniyah Rodriguez and the families of Jose and Sienna, who had the courage to tell their stories. It has got to be incredibly painful to tell the stories about your sons or daughters losing their lives to this drug. This is not something that they look forward to doing, but they are driven to do it by the conviction that maybe, just maybe, the losses of their children's lives will not be in vain; that the Federal Government will step up and do its job to stop the poison from entering the country in the first place; and that maybe, as a result of their telling their stories and getting visibility on this issue, that it will save another life.

There is nothing that can prepare you for the pain a parent feels from losing a child, especially in such a cruel, unexpected, and unnecessary way. These are, admittedly, emotional and difficult conversations, but they