

Whereas, in response to the uptick in anti-Asian hate crimes throughout the COVID-19 pandemic, Congress passed the COVID-19 Hate Crimes Act (Public Law 117-13; 135 Stat. 265), which was signed into law by President Joseph R. Biden on May 20, 2021;

Whereas, in celebration of the contributions of Asian American, Native Hawaiian, and Pacific Islanders in the United States, Congress passed the Commission To Study the Potential Creation of a National Museum of Asian Pacific American History and Culture Act (Public Law 117-140; 136 Stat. 1259) to establish a commission to study the creation of a National Museum of Asian Pacific American History and Culture, which was signed into law by President Biden on June 13, 2022;

Whereas, as part of the American Women Quarters Program, the United States Mint has issued, or will issue, commemorative quarters honoring the contributions of—

(1) Chinese American film star Anna May Wong;

(2) Native Hawaiian composer and cultural advocate Edith Kanaka'ole; and

(3) Congresswoman Patsy Mink;

Whereas there remains much to be done to ensure that Asian Americans, Native Hawaiians, and Pacific Islanders have access to resources and a voice in the Federal Government and continue to advance in the political landscape of the United States; and

Whereas celebrating Asian American, Native Hawaiian, and Pacific Islander Heritage Month provides the people of the United States with an opportunity to recognize the achievements, contributions, and history of, and to understand the challenges faced by, Asian Americans, Native Hawaiians, and Pacific Islanders: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the significance of Asian American, Native Hawaiian, and Pacific Islander Heritage Month as an important time to celebrate the significant contributions of Asian Americans, Native Hawaiians, and Pacific Islanders to the history of the United States; and

(2) recognizes that Asian American, Native Hawaiian, and Pacific Islander communities enhance the rich diversity of and strengthen the United States.

#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The majority leader.

#### ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, the negotiations are currently making progress. As Speaker MCCARTHY has said, he expects the House will vote next week if an agreement is reached, and the Senate would begin consideration after that.

Following the vote on the Abudu nomination, Members should remain aware and be able to return to the Senate within a 24-hour period to fulfill our responsibilities to avoid default.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. BLACKBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NOMINATION OF NANCY G. ABUDU

Mrs. BLACKBURN. Mr. President, today I rise to oppose the nomination

of Nancy Abudu as President Biden's nominee for appointment as a U.S. circuit judge for the 11th Circuit Court of Appeals.

Now, in a government as divided as ours is at this time, we expect to have some controversial nominees that come before us at the Judiciary Committee. We expect debate; we do expect disagreement; but what we should never expect or tolerate is a nominee who has proven herself completely unfit for the role she is asking.

Ms. Abudu has shown us that there is no such thing as a good-faith debate. She views disagreements over policy as evidence of bigotry. She describes herself as a radical legal activist and has compared her fellow Americans to Jim Crow-era racists and endorsed political violence against conservatives.

She has stated that policing is—and I am going to quote her here—the true threat to our collective safety. Hear me out on this. She has said that policing is—and I quote her—the true threat to our collective safety. She has embraced lawless sanctuary city policies and compared our criminal justice system to the horrors of slavery. These are her statements and her positions.

I would be doing a disservice to our Federal, State, and local law enforcement officers if I didn't point out the rank hypocrisy of my Democratic colleagues' attempt to force this nominee through during National Police Week.

Now, as I said, she feels like policing is a threat to our collective safety, but my Democratic colleagues, during this National Police Week, are choosing to push her forward.

She used the significant power of her position within the Southern Poverty Law Center to weaponize charges of hate against her political opponents, all the while covering up blatant discrimination within her organization.

Indeed, the Southern Poverty Law Center, every year, issues their "hate" list. This should give everyone pause, but perhaps the most egregious example of Ms. Abudu's hostility toward the rule of law involves this very Chamber, those of us of each party who sit in this Chamber.

In 2021, she engaged in a vicious mudslinging campaign in an attempt to manipulate the U.S. Senate into abandoning the filibuster and endorsing a radical overhaul of our Federal elections. Her campaign was so full of misrepresentations—and we will just call them falsehoods—that even some of the most progressive Members of her party balked at what she was doing. This is the conduct that the Biden administration is seeking to reward.

Justice is to be evenhanded; equal justice for all; one system of justice, not two tiers of justice. We must not tolerate what is happening here, and we must not approve this nominee.

We had a great discussion in the Judiciary Committee about people who are unfit for the bench, unfit for public service, and the need to make certain that people are fit for this service. Ms.

Abudu, by her actions, has proven herself to be unethical, unscrupulous, and completely untethered from any acceptable philosophy of law.

To approve this nominee would be to rubberstamp a nominee who terms herself a "radical leftist activist." It would rubberstamp a radical agenda. It would rubberstamp an activist judge. We don't want that on our courts, and this is something the American people have rejected repeatedly.

Mr. President, I ask unanimous consent that the following articles be printed in the RECORD following the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NANCY ABUDU, ANOTHER CONCESSION TO THE FAR LEFT AND TO ONE OF ITS MOST DISREPUTABLE ORGANIZATIONS

(By Carrie Campbell Severino)

President Biden's judicial gifts to dark-money groups do not end with Ketanji Brown Jackson or other far-left nominees he picked for lower courts. Eleventh Circuit nominee Nancy Abudu made her career in the dark-money realm since 2005, when she joined the American Civil Liberties Union. She worked for several years for the group's Voting Rights Project, leaving just as another future Biden nominee—Dale Ho—became its director. From there, Abudu assumed the post of legal director of the ACLU of Florida.

In 2019, after over a decade with the ACLU, Abudu joined the Southern Poverty Law Center (SPLC), a once admirable group that in recent years has been mired in scandal and recognized as a racket that betrays its stated principles—not least by vilifying those it disagrees with as "hate groups." A number of liberals have acknowledged this, with Nathan J. Robinson, founder of the left-wing Current Affairs, calling the group's signature "Hate Map" an "outright fraud."

Abudu is the group's director for strategic litigation. A wide-ranging coalition of over 50 organizations and individuals protested her nomination in a letter to Senate Judiciary Committee Chairman Richard Durbin and Ranking Member Chuck Grassley. They stated bluntly: "Ms. Abudu works for a disreputable organization that has no business being a feeder for positions to any judicial office—not even of a traffic court—let alone the second highest court system in the United States. She is a political activist not a jurist and is unfit to serve at the federal appellate level."

The Family Research Council (FRC) circulated the letter. They have good reason to have sounded the alarm. They know the real danger of being labeled a "hate group" by the SPLC. As their letter to Durbin and Grassley explains:

These destructive accusations have done real harm to many people. In the first conviction under the post-9/11 District of Columbia terrorism statute, the convicted terrorist was shown to have been motivated by the SPLC's "hate group" designation and related identifying information.

In that case, SPLC materials facilitated a troubled young man's delusional, and thankfully unsuccessful, plan to commit mass murder. Using the SPLC "hate map," this native of northern Virginia targeted the Family Research Council (FRC) and two other nearby groups in August 2012 for having beliefs supporting traditional marriage. Fortunately, no one was killed, although he did shoot and critically wound FRC's unarmed building manager who subdued him while wounded.

To make matters worse, the SPLC's leadership—Abudu included—apparently haven't learned their lesson. “[O]ver the past decade the SPLC has targeted an increasing number of policy groups with whom it has policy disagreements. Any group that disagrees with the SPLC about positions it advocates is deemed to be evil and worthy of destruction,” laments the coalition letter.

In addition to its inflammatory designations, the SPLC has amassed a war chest to fund its left-wing activism totaling \$570 million as of October 2020. Its holdings are, to put it mildly, highly unusual for an American non-profit company. Among investments listed in its 2020 financial statements are \$162 million in non-U.S. equity funds, \$23 million in “arbitrage funds,” \$89 million in private equity funds, and \$7 million in long-short funds. The coalition letter observed, “The SPLC looks more like a hedge fund than a public interest legal and political activist group.”

Amy Sterling Casil, the CEO of the consulting firm Pacific Human Capital, remarked regarding its transfer of millions of dollars to foreign bank accounts that “I’ve never known a US-based nonprofit dealing in human rights or social services to have any foreign bank accounts.” She added, “I know of no legitimate reason for any US-based nonprofit to put money in overseas, unregulated bank accounts” and called the SPLC’s practice “unethical.” The watchdog group CharityWatch gave the SPLC a grade of “F.”

In addition to Abudu’s shady professional associations, she consistently has taken far-left positions in litigation. Perhaps the most prominent were cases Abudu argued while at the ACLU’s Voting Rights Center, for example, making unsuccessful challenges to felon voting provisions in Mississippi, Arizona, and Tennessee. As legal director of the ACLU of Florida, Abudu unsuccessfully challenged the state’s requirement that a felon’s voting rights could be restored only after all fines, fees, and restitution imposed as part of the felon’s sentence had been paid. The Eleventh Circuit, sitting en banc, found no evidence to support Abudu’s claim of intentional racial discrimination. Undeterred, Abudu joined several other groups to submit Florida’s law to the United Nations Committee on Human Rights for review of human rights violations.

Since joining the SPLC, Abudu has maintained her ties with the ACLU of Florida and continued her losing track record in court with an unsuccessful Eighth Amendment claim against Florida’s Department of Corrections for not fully accommodating a transgender inmate’s “social-transitioning” requests.

The Biden administration and congressional Democrats continue to make scurrilous allegations of suppression of voting rights in Republican-led states, cherry-picking them over Democrat-led states with more stringent election rules and brazenly trying to weaponize the courts to do their partisan bidding. And Biden’s Department of Justice has specifically targeted Georgia, where Abudu would sit if confirmed, alleging the state’s recent election law violated the Voting Rights Act and engaged in racial discrimination. If you believe a Judge Abudu would fairly evaluate Georgia’s voting integrity laws according to the rule of law rather than her own agenda, I have a bridge to sell you.

[From AMAC, Feb. 15, 2023]

BIDEN’S RADICAL JUDGES

(By Robert B. Charles)

Watch the flank! Sometimes an assault on vital interests and values does not come head-on, but from an angle, on the flank. We just saw the Chinese slip a balloon across the

continent, figurative knife between the ribs. Domestically, the judiciary is a flank—but it matters. Biden and Democrat Senate are loading the federal judiciary with leftists, and it matters.

In the first year of his White House, Biden got the largest number of Article III federal judges confirmed of any president since Ronald Reagan. The difference is that many of Biden’s nominees aspire to concentration of federal power.

Broadly speaking, they tend to tip against traditional understandings and caselaw tied to unfettered speech, free exercise of religion, gun ownership, traditional understandings of family, parental prerogatives, due process, equal protection, and the 4th, 5th, and 6th amendments.

His recent nominees are often openly pro-abortion, no apologies for opposing Dobbs, happy to be activists—as they think that is what courts are for, correcting errors of the Founders, Congress, strict constructionists, textualists, and those who dare to think words have meaning.

While Trump got 234 federal judges appointed, that was playing catchup after Obama’s 329 judicial confirmations. Now, continuing the leftist attack on our judiciary, Biden has pressed increasingly radical judges—and one radical justice—to the federal bench.

When a Supreme Court nominee considers is controversial to publicly define a woman, simply declines to do so, something is wildly wrong with the process. Imagine Justices Sandra Day O’Connor (appointed by Reagan) or Ruth Bader Ginsburg (appointed by Clinton) not knowing what a woman is.

Indeed, I think one can say—for very different reasons, but with a basic understanding of and respect for biology—O’Connor, Ginsburg, Reagan and Clinton ALL knew the difference between men and women.

Now comes the latest rash of leftist nominees. After Biden nominated 98 Article III judges in his first two years, 51 still awaiting confirmation, his left-lurching party now controls the Senate, which is in charge of judicial confirmations.

Beyond this, we face 10 vacancies on federal circuit courts—a bench that manages all federal appeals short of the Supreme Court, plus 75 US district court vacancies. An added 27 federal judicial vacancies will arise before end of Biden’s term (four appeals, 23 district).

The part that causes a shiver is not these numbers, but the under- and un-qualified nature of those being nominated to important judgeships. As one observer noted, this seems to be Biden’s means for “paying back the left-wing dark money groups who spent over a billion dollars to help elect him.” He will get the Democrat-controlled Senate to sweep a raft of leftists onto the courts.

Can he really do that? Yes and no. On the one hand, another collection of unabashed leftists is about to be swept into available openings, likely soon confirmed by the Democrat Senate, most with a rich history of working with and for leftist causes.

These include nominees proud to have worked on left-leaning cases that pushed pro-abortion, antigun, anti-free speech, and anti-conservative causes and cases. They include those who championed radical positions advanced by Planned Parenthood, gun control groups, and those working to punish free speech and worship.

Last week two dozen nominees got through the Senate Judiciary Committee, headed for floor votes. Among those to watch are judges like Julie Rikelman, who was the “litigation director” for the “Center for Reproductive Rights,” headed for the First Circuit Court of Appeals. She literally litigated against Dobbs, and lost.

Another to watch is Nancy Abudu, who was a litigation director for the Southern Poverty Law Center—after time with the ACLU. She is destined for the 11th Cir. Court of Appeals.

Even the typically quieter Republican National Lawyers Association spoke against her which wrote that, “Her views goes beyond ... even progressive activists, and we see no reason to believe that she will be an impartial judge on the hot button’ issue of election law.”

A reality check will lower the blood pressure a bit, as these judges will not—in one fell swoop—tip the balance of these circuits, but the idea that judges who are unable to be impartial on such a basic issue as “election law” are being nominated—and confirmed—is worrisome.

In the end, the core question is—what can be done, in an age of polarized, often strangely off-the-mark thinking—to protect the federal bench from becoming, over time, radicalized?

The answer is a few important things. First, level-headed Senators can put holds on some of these nominees, tabling them for a time, if not indefinitely. This will also send a signal. For votes needed to tip the Senate balance, possibly on fossil fuels, law enforcement, support for Ukraine, and illegal immigration limitation—the point can be made to centrists like Joe Manchin: Radicals must be kept off the federal bench.

In the event that radical appointees violate ethical norms on the bench, impeachments can be initiated, driving home the point that political activism is disallowed for federal judges.

Additionally, hard-hitting hearings of nominees should be the norm, with radical, non-judicial behaviors, statements, and past actions forcing Senate Democrats to tough decisions. While accountability is hard, the effort is worthy—and even some Democrats may balk.

Last, all Americans need to think harder about the flanks. As the Communist Chinese continue testing our national security, the radical left tests our commitment to individual liberty. Good judges are “judicial” in temperament, not activist, not partisan, not political. Watch the flank!

Mrs. BLACKBURN. I yield the floor.  
The PRESIDING OFFICER (Mr. PETERS). The Senator from California.

CONGRESSIONAL REVIEW ACT

Mr. PADILLA. Mr. President, I rise today as chair of the Environment and Public Works Subcommittee on Fisheries, Water, and Wildlife to express my strong disapproval of Republican efforts to undermine the integrity and authority of the U.S. Fish and Wildlife Service.

Now, around the world, scientists tell us that 1 million species face extinction, including 40 percent of animals in the United States. This is nothing short of a biodiversity crisis, one that will have dire impacts on the ecosystems around us and the clean air and clean water that we need to survive.

Yet, last week, for the second and the third time in just 2 weeks, Republicans passed a Congressional Review Act resolution to constrain the Fish and Wildlife Service and their ability to protect our planet.

Three times now we have had to stop all other business of the Senate and devote valuable floor time that we could have used to pass legislation to confirm or promote military leaders and