

Ms. Abudu's status as a current member and past leader of the National Lawyers Guild is similarly troubling. The NLG is a self-described group of "radical movement legal activists." And in response to violent protests against the Atlanta police facilities mentioned above, NLG declared that "policing is the true threat to our collective safety." Ms. Abudu's longstanding and ongoing association with this radical, anti-police group is yet another ground for rejecting her nomination.

It would be hard to overstate the importance of federal circuit courts of appeals. Nearly every federal appeal ends at the circuit court. Attorneys in our offices regularly practice before these courts, and we have great respect for these judges who dedicate their lives to the rule of law and to ensuring that all litigants before them are fairly heard.

Ms. Abudu's dishonest and divisive record shows that she would not be such a judge. She is an activist. She has repeatedly used misrepresentations and hateful rhetoric to advance her political goals. And she has thus shown herself unfit for this lifetime appointment. Because our judiciary needs jurists who will uphold the rule of law, not "radical movement legal activists" in robes, the Senate should reject Ms. Abudu's nomination.

Sincerely,

Steve Marshall, Alabama Attorney General; Tim Griffin, Arkansas Attorney General; Chris Carr, Georgia Attorney General; Todd Rokita, Indiana Attorney General; Daniel Cameron, Kentucky Attorney General; Lynn Fitch, Mississippi Attorney General; Ashley Moody, Florida Attorney General; Raúl Labrador, Idaho Attorney General; Brenna Bird, Attorney General of Iowa; Jeff Landry, Louisiana Attorney General; Andrew Bailey, Missouri Attorney General; Mike Hilgers, Nebraska Attorney General; Austin Knudsen, Montana Attorney General; Dave Yost, Ohio Attorney General; Ken Paxton, Attorney General of Texas; Alan Wilson, South Carolina Attorney General; Sean D. Reyes, Utah Attorney General; Patrick Morrisey, West Virginia Attorney General.

Mr. LEE. She has shown marked hostility toward Alabamians, Floridians, and Georgians. She has accused them of suppressing minorities and poor people from voting. She has accused their police officers of targeting minorities, and all throughout her accusations is the threat of racism. It animates her every action, her every assault, her every view.

She accuses Georgia of being "committed to keeping us in the past and that is scary."

As the Attorneys General appropriately ask, "How could Ms. Abudu impartially adjudicate the many Eleventh Circuit cases involving Georgia, its statutes, its citizens, and especially its law enforcement officers, when she already believes the State is a 'bad actor' with a 'culture of law enforcement' that 'targets Black and Brown people'?"

There again, they are quoting her words. Ms. Abudu's record of hostility toward the people and the laws of the Eleventh Circuit is nothing short of alarming. When you combine that hostility with her lack of respect for the judicial system and her ongoing commitment to a group of self-described "radical movement legal activists," I

simply don't know how any Member of this body can still believe she will serve the people of the Eleventh Circuit or, even less, our judicial system well.

But the only way one can justify voting for this nominee is if one agrees with her hostile views and is comfortable with her activist approach. I am not, and I oppose her nomination in the strongest possible terms.

VOTE ON ABUDU NOMINATION

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN: Mr. President, I know of no further debate.

The PRESIDING OFFICER. Is there further debate?

Hearing none, under the previous order, The question is, Will the Senate advise and consent to the Abudu nomination?

Ms. BALDWIN. 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 Vermont (Mr. SANDERS) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Iowa (Ms. ERNST), the Senator from Kansas (Mr. MORAN), and the Senator from Florida (Mr. RUBIO).

Further, if present and voting: the Senator from Florida (Mr. RUBIO) would have voted "no."

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 132 Ex.]

YEAS—49

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

NAYS—47

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

NOT VOTING—4

Ernst	Rubio
Moran	Sanders

The nomination was confirmed.

The PRESIDING OFFICER (Mr. SCHATZ). 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 actions.

The PRESIDING OFFICER (Mr. BOOKER). The Senator from South Carolina.

JUDICIAL NOMINATIONS

Mr. GRAHAM. Mr. President, I would like to speak for just a few minutes here.

No. 1, the judge we just confirmed, I think to the 11th Judicial Circuit, Ms. Abudu, is an example of the system being broken. This nominee, whom I voted against in committee, is way beyond what I think the market should be bearing. This is, in my view, a partisan's dream.

It is OK to be a litigant in causes I don't agree with. It is OK to represent organizations that I differ with. I don't hold a client against a lawyer, but I do hold positions against the lawyer when it comes to cause-driven litigation.

This nominee, at every turn, has taken the left fork in the road, to the point of being in the ditch. As a lawyer, she sued a Florida community that was trying to protect children from sexual predators by having requirements of notice but also being away from schools certain distances, and she sued the community basically claiming that was unfair to the sexual abuser.

It is moments like this that should be a wake-up call for this body. Her record as an advocate is not just representing liberal causes, but the rhetoric used and the arguments made convinced me in committee that this is an activist on steroids.

I have tried to work with my Democratic colleagues, voting for circuit and district court judges, understanding that Democrats would pick someone I would not choose. That is the way the system works. But, in this case, it was a partisan vote. Not one Republican voted for this nominee, and her record, I think, is one of activism and stridency that will, in my view, shape her time as a judge and shape the court in a way that is inconsistent with the rule of law as I know it.

So to my Democratic colleagues, you have confirmed this nominee, but I am sure this is not the last we will hear about Ms. Abudu.

Today, it was announced that Rachael Rollins, the U.S. Attorney for Massachusetts, is going to resign, I think. She is under investigation for unethical behavior and using her office for revenge.

She is one of the few and may be the only U.S. attorney that I voted against in this Congress. There may have been one other. But it was pretty obvious to those of us on the committee that the warning signs regarding Ms. Rollins were rampant and that we were buying a problem.

The point I am trying to make to my colleagues is, after we changed the

rules of confirmation—you don't need one vote from the other side if you have the majority, and there will come a day, maybe, when we find ourselves in that situation—I always have worried that doing away with the collaborative process to get a nominee to move forward—judges or U.S. attorneys—is going to create a problem where you are down to picking people who have the most vocal support from the most active, extreme elements in both parties. And I think this is a case: Exhibit A, Ms. Rollins.

And to my colleagues, all of us are going to have to understand that I respect the home State Senators' ability to nominate district court judges. The blue slip process I will honor for district court judges, U.S. attorneys. But it puts pressure on us to up our game, and Ms. Rollins I voted against in committee, and it was obvious that our concerns were justified.

Mr. Delaney, nominated for the First Judicial Circuit, performed poorly in the committee. He represented a private school that was sued for allowing sexual harassment to be unchecked and to be covered up.

It is OK to represent unpopular causes. Everybody needs a lawyer. But his answers about how he engaged one of the plaintiffs—a minor at the time—were terrible, and it seems to me that he should have been better prepared. He had a lot of support from people in New Hampshire, some on our side of the aisle. But I guess my point is that you have to be prepared to answer hard questions, and Mr. Delaney was woefully unprepared.

And to my colleagues on the Republican side, I think you have done a very good job of asking hard, relevant questions to the nominees before our committee, and we have had a lot of bipartisan support for judges, and we have had some opposition.

As to moving forward, I hope the White House will prepare these nominees better—a basic understanding of the Constitution, of a litigant practice, basic concepts of the law, like Brady motions, and just how the Constitution is set up. That is not too much to ask the people who want to be a judge for the rest of their life.

So, to the White House, this process needs to change. You need to up your game. Your goal, I think, should be to try to find people who some of us can vote for on the Republican side and, when they get in front of the committee, make a good impression. I am not saying we did it all right on our side when we were in charge. There are probably examples where we didn't. But I tried to make sure that some people who were nominated didn't make it because some of us on the Republican side said no.

There are more than a handful of judges coming out of the committee that I think should not be on the bench, and I say that with the understanding that my inclination is to vote for judges nominated by the other side,

assuming that that is what I would like to have happen when it comes our turn—that if we all vote against the other party's judges, then you are going to put the judiciary in a world of hurt if you have a President of one party and a Senate made up of the other. And that is sort of—we will be there one day, and given the behavior of the body, I don't know how we deal with that.

But between now and then, I am hoping that there will be more serious deliberation by colleagues on the Democratic side to make sure that the people we are putting forward can answer basic questions. And sometimes, maybe, we ask bad questions, but I don't believe that the questions being asked of these nominees are unfair. And it just is stunning that people have been in the law as long as some of these nominees have and can't answer the basics.

So this idea that you are going to come through the Judiciary Committee and not be asked hard, relevant questions, I hope that has gone by the wayside. The idea that I will support Democratic nominees is real up to a point. And there have been several of us on this side who have probably voted for more Democratic nominees than we have opposed, and I would try to continue to honor the process.

I want to keep the blue slip in place. I am asking colleagues from red States to work with the White House to see if they can find consensus. When I was chairman, there was a lot of pressure on me to do away with the blue slip so we could nominate anybody we wanted to at the district court level. If you had two Democratic Senators in the State, the blue slip would go away; we could nominate anybody we wanted to.

I think that is bad for the Senate, and I think that, over time, would be bad for the judiciary. I didn't change the process; I don't want it changed now. And I do expect us on the Republican side to collaborate with the White House and find consensus where you can.

But, having said that, the last several months have sort of been a disaster for the committee in the sense that people are not prepared, and you are picking folks who really shouldn't have lifetime appointments, from my point of view. And we can pass them all on party lines and make this problem worse, or you can get a handful of Democrats to do what I have done in the past: not only vote yes but sometimes say no.

And Mr. Delaney, I think, will probably fall by the wayside. And I say that with no animosity toward him. I just think that is the right outcome here. So if that does happen, I would want to applaud the White House for understanding that sometimes you can't go beyond what the market would bear.

I have shown a disposition and a willingness to work with you, but the recent nominee we just passed is way out of the mainstream, and I am hoping

that we can get back on track and have nominees come before the committee who are prepared to make it, quite frankly, easier to find consensus. And if that doesn't happen, we are going to have less consensus. And there are a handful of nominees waiting to come to the floor whom I would vigorously oppose because I think they are not qualified.

So, with that, Mr. President, I wish you a great break and hope we can go home and do our business at home and abroad—wherever that takes us—and come back safely.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. OSSOFF). The majority leader.

BUSINESS BEFORE THE SENATE

Mr. SCHUMER. Mr. President, as I mentioned earlier, negotiations continue making progress. As Speaker MCCARTHY says, he expects the House will vote next week if an agreement is reached, and the Senate would begin consideration after that. Members should be aware and be able to return to the Senate within a 24-hour period to fulfill our responsibilities to avoid default. But I also want to take a moment to talk about some of the work the Senate has made progress on recently in the last work period.

Over this work period, the Senate confirmed more than seven district court judges and three new circuit court judges—Bradley Garcia, Anthony Johnstone, and Nancy Abudu—confirmed earlier this afternoon to serve a lifetime appointment on the Eleventh Circuit that represents Florida, Georgia, and Alabama.

Ms. Abudu's appointment to the bench is barrier-breaking. She will be the first Black woman to preside on the Eleventh Circuit, and her circuit is home to nearly 8 million—8 million—Black Americans, including the Presiding Officer's great State.

We have a duty to ensure that Federal judges are individuals of the highest caliber, and that includes appointing judges from a wide variety of personal and professional backgrounds. Ms. Abudu meets that higher standard, and she will serve admirably on the bench.

With the confirmation of Ms. Abudu, the Senate has now confirmed 129 judges under President Biden—129.

Elsewhere, the Senate passed the bipartisan Fire Grants and Safety Act so firefighters can better afford lifesaving equipment and personnel, particularly in smaller, more rural, and more suburban areas, where the equipment is harder to find and harder to afford.

Senators also reintroduced the SAFE Banking Act to enable cannabis businesses to access critical banking structures. Just last week, the Banking Committee held its first hearing on this legislation. And I will also work to make sure we include criminal justice provisions to SAFE Banking.

Last week, the Commerce Committee moved on the bipartisan Railway Safety Act out of committee. I will work