

Cassidy	Johnson	Rounds
Cornyn	Lankford	Rubio
Cotton	Lee	Schmitt
Cramer	Lummis	Scott (FL)
Cruz	Marshall	Scott (SC)
Daines	McConnell	Sullivan
Ernst	Moran	Thune
Fischer	Mullin	Tuberville
Hagerty	Paul	Vance
Hawley	Ricketts	Wicker
Hoeven	Risch	Young
Hyde-Smith	Romney	

NOT VOTING—7

Budd	Fetterman	Tillis
Crapo	Merkley	
Feinstein	Sanders	

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. 17, Jamal N. Whitehead, of Washington, to be United States District Judge for the Western District of Washington.

Charles E. Schumer, Richard J. Durbin, Richard Blumenthal, Christopher A. Coons, Benjamin L. Cardin, Tina Smith, Christopher Murphy, Mazie Hirono, Tammy Baldwin, Margaret Wood Hassan, John W. Hickenlooper, Sheldon Whitehouse, Catherine Cortez Masto, Brian Schatz, Gary C. Peters, Alex Padilla, Michael F. Bennet.

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 Jamal N. Whitehead, of Washington, to be United States District Judge for the Western District of Washington, 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), the Senator from Pennsylvania (Mr. FETTERMAN), and the Senator from Oregon (Mr. MERKLEY) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BUDD), the Senator from Idaho (Mr. CRAPO), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from North Carolina (Mr. BUDD) would have voted "nay" and the Senator from North Carolina (Mr. TILLIS) would have voted "nay."

The yeas and nays resulted—yeas 51, nays 43, as follows:

[Rollcall Vote No. 27 Ex.]

YEAS—51

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	Murkowski	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Gillibrand	Ossoff	Welch
Graham	Padilla	Whitehouse
Hassan	Peters	Wyden

NAYS—43

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

NOT VOTING—6

Budd	Feinstein	Merkley
Crapo	Fetterman	Tillis

The PRESIDING OFFICER (Mr. LUJÁN). On this vote, the yeas are 51, the nays are 43.

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 Jamal N. Whitehead, of Washington, to be United States District Judge for the Western District of Washington.

RECESS

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

Thereupon, the Senate, at 1:05 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. LUJÁN).

EXECUTIVE CALENDAR—Continued

VOTE ON WHITEHEAD NOMINATION

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

Ms. CORTEZ MASTO. 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 California (Mrs. FEINSTEIN), the Senator from Pennsylvania

(Mr. FETTERMAN), and the Senator from Oregon (Mr. MERKLEY) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BUDD), the Senator from Idaho (Mr. CRAPO), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from North Carolina (Mr. BUDD) would have voted "nay" and the Senator from North Carolina (Mr. TILLIS) would have voted "nay."

The result was announced—yeas 51, nays 43, as follows:

[Rollcall Vote No. 28 Ex.]

YEAS—51

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	Murkowski	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Gillibrand	Ossoff	Welch
Graham	Padilla	Whitehouse
Hassan	Peters	Wyden

NAYS—43

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

NOT VOTING—6

Budd	Feinstein	Merkley
Crapo	Fetterman	Tillis

The nomination was confirmed. The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon 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. 14, Araceli Martinez-Olguin, of California, to be United States District Judge for the Northern District of California.

Charles E. Schumer, Richard J. Durbin, Jack Reed, Robert P. Casey, Jr., Mark Kelly, Patty Murray, Tim Kaine, Jeff Merkley, Sheldon Whitehouse, Elizabeth Warren, Tammy Baldwin, Benjamin L. Cardin, Jeanne Shaheen, John

W. Hickenlooper, Christopher Murphy, Brian Schatz, Debbie Stabenow, Alex Padilla.

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 Araceli Martinez-Olguin, of California, to be United States District Judge for the Northern District of California, 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), the Senator from Pennsylvania (Mr. FETTERMAN), and the Senator from Oregon (Mr. MERKLEY) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO) and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from North Carolina (Mr. TILLIS) would have voted "nay."

The yeas and nays resulted—yeas 48, nays 47, as follows:

[Rollcall Vote No. 29 Ex.]

YEAS—48

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

NAYS—47

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

NOT VOTING—5

Crapo	Fetterman	Tillis
Feinstein	Merkley	

The PRESIDING OFFICER (Mr. WELCH). On this vote, the yeas are 48, the nays are 47.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Araceli Martinez-Olguin, of California, to be United States District Judge for the Northern District of California.

The PRESIDING OFFICER. The Senator from Tennessee.

JUDICIAL NOMINATIONS

Mrs. BLACKBURN. Mr. President, in keeping with their promise to fundamentally transform the country, Joe Biden and the Democrats have done everything in their power to fundamentally transform the Federal judiciary. As a member of the Judiciary Committee, I have been able to interact with many of these nominees, and I have to say that I fully believe the American people deserve better.

There was Charnelle Bjelkengren, Joe Biden's nominee to the Eastern District of Washington. Now, she couldn't tell the committee what article II of the Constitution says, but I expect my Democratic colleagues will send her nomination to the floor this Thursday.

Dale Ho, who received the unanimous support of committee Democrats to serve in the Southern District of New York, referred to himself as a "wild-eyed sort of leftist" and disparaged members of the committee on Twitter.

Before she was nominated to serve on the Fourth Circuit, DeAndrea Benjamin released multiple people on bond who went on to commit more violent crimes. She, too, received the unanimous support of committee Democrats.

Todd Edelman, who is well on his way to becoming a district judge here in the District of Columbia, also displayed soft-on-crime tendencies. He released a known criminal who then went on to participate in the murder of a child. He received yet another vote of unanimous support from committee Democrats.

Marian Gaston, nominee to the Southern District of California, wrote a policy paper arguing that we should do away with residence restrictions for convicted child sex offenders.

Orelia Merchant, nominee to the Eastern District of New York, couldn't define "originalism."

This is an embarrassment, and it gets even worse, and it gets even worse when you look at the lack of qualification of the nominees the Democrats are sending for lifetime appointments to the Federal bench.

Few nominations have been as disturbing as President Biden's elevation of Michael Delaney to the First Circuit. To date, Mr. Delaney's most noteworthy contribution to his profession is the vicious intimidation of an underage sexual assault survivor who dared to speak out against one of his clients.

My colleagues on the Judiciary Committee already know the story of what Mr. Delaney did to Chessy Prout and her family, but I am going to repeat it here for my colleagues who are unfamiliar with this nominee's background. You should vote against this nominee, and here is why.

When she was a freshman at the elite St. Paul's Boarding School, Chessy Prout was sexually assaulted by an older student participating in "senior salute." This was a campus-wide com-

petition that encouraged senior men to commit statutory rape.

The perpetrator was ultimately found guilty of misdemeanor statutory rape, but the Prouts wanted their day in court with a civil suit. They had evidence that the powers that be at St. Paul's knew about this sick tradition.

Mr. Delaney represented the school, and he decided he was going to play hardball. He moved to have Chessy, who was a minor child, named publicly in a lawsuit that had garnered national attention. That is right—let's publicly name this child in a lawsuit that had garnered national attention.

I would ask my colleagues, does that sound like an action that someone who is going to sit on the Federal bench should be taking?

Mr. Delaney knew that if he exposed Chessy as Jane Doe, he would put her at risk of bullying, social isolation, and physical harm. He knew that, but it was worth it to him because it meant he could silence Chessy Prout, and he could go on and protect an elite private school that had a sick tradition. Their leadership knew about that sick tradition.

Most of my Republican colleagues came to Mr. Delaney's confirmation hearing, and they questioned him about this action. Only two of my Democratic colleagues chose to attend the hearing and to question him. Why? Because even my friends on the other side of the aisle who have rubberstamped each of President Biden's unqualified nominees, no matter how controversial they were, they knew this guy, Mr. Delaney, is unfit to sit on the bench.

I would say two things to Chairman DURBIN and the rest of my Democratic colleagues on the Judiciary Committee. First, even a cursory glance at this nominee's record should have landed his file in the trash can. You don't do this. You do not do this to minor children. But now that his nomination is facing a vote, you need look no further into Mr. Delaney's record than what has already been laid out before us. He harassed and threatened a 15-year-old little girl who survived a sexual assault and who was just trying to protect other young women at that school from that same fate. That should be enough for every single member on the Judiciary Committee to oppose this nomination. It should be enough for every Member of this Chamber to oppose his nomination and confirmation.

Confirming Mr. Delaney would send a chilling message—a chilling message—to victims of sexual assault. No victim would ever be able to walk into his courtroom and feel that they would be treated fairly under the law after seeing the way he treated Chessy Prout.

I wanted to let Chessy speak for herself in a letter she submitted to the Judiciary Committee. My concern is that many of my colleagues in this Chamber have not seen this letter. Indeed, I am concerned that Members of the Democratic caucus who did not attend the