

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
Carper	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	Hoeven	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

hearing are unaware of this letter. So I will allow her to speak.

I quote:

If Michael Delaney is confirmed—if an attorney who brazenly intimidated a minor victim of sexual assault is given the distinct privilege to serve as a judge for the United States Court of Appeals—YOU—

Meaning every single one of you who would vote for him—

—are telling victims and survivors that you not only approve of victim intimidation tactics, you reward their enactors with one of the highest legal appointments in the state of Massachusetts.

I expressed my concerns to . . . the Department of Justice when Michael Delaney was first nominated in April of 2022, and today I am urging you to vote “NO” to Michael Delaney’s nomination.

Mr. President, I ask unanimous consent that Chessy’s full letter be printed in the RECORD alongside my remarks.

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

To: Senate Judiciary Committee
From: Chessy Prout

DEAR SENATORS: My name is Chessy Prout, and I’m writing about President Biden’s nomination of Michael A. Delaney to the US Court of Appeals in Boston. I am asking that you vote “NO” to his nomination. Michael Delaney is not ethically qualified to sit on the bench.

I believe the justice system needs to serve all involved in court proceedings—the victim/complainant and the defendant/institution. A lawyer who practices victim intimidation is doing nothing for the greater good of the community; he stands in the way of justice and furthermore keeps his community in a toxic cycle of harm and silence.

I was the State of New Hampshire’s primary witness in their case against Owen Labrie in 2015. When I was fifteen years old in 2014, I was sexually assaulted by Owen Labrie during a spring rite of passage at St. Paul’s School in Concord, New Hampshire called the “senior salute”, a ritual involving upperclassmen soliciting sexual favors from underclassmen before graduation. The terminology “Senior Salute” was published in the school newspaper (a documented exhibit in the trial), the Rector Michael Hirschfeld’s wife received a “senior salute” by email from a student, and the Rector Michael Hirschfeld was the faculty advisor for a handbook outlining colloquial terms among the student body, including a definition of the “senior salute.”

During the trial of the State’s case in 2015, multiple St. Paul’s School students were called to testify to Labrie’s premeditation. The day of the students’ scheduled testimony, I walked into the Merrimack Courthouse through the back doors with a bailiff to avoid the news cameras at the front of the courthouse (I was a minor and Jane Doe in the case.) In a conference room on the first floor by the back door entrance I saw my former classmates, those who were scheduled to testify and some who were mere spectators, speaking with Michael Delaney. My father, Alexander Prout, and the director of public affairs for the New Hampshire Coalition Against Domestic and Sexual Violence, Amanda Grady Sexton, also witnessed the group assembled in the conference room. We notified state prosecutor Catherine Ruffle of what we saw.

When the students took to the stand, the pre-trial get-together Michael Delaney was involved in and seemingly coordinated on behalf of St. Paul’s School began to make

sense. The students had a new, carefully worded response when defining the “senior salute” to the jury, and all denied the school had any knowledge of the insidious nature of the ritual. From the scene that I witnessed in the courthouse conference room with the students and Michael Delaney to the new, stilted, coordinated definitions of the students testifying, I believe Michael Delaney tampered with the witnesses on behalf of his client, St. Paul’s School.

When I learned the extent to which St. Paul’s School knew of my perpetrator’s prior abuse, my family and I sued the school in 2016. Michael Delaney, in response to our suit and as St. Paul’s School’s counsel, submitted a motion to strip my anonymity. I refused to allow this textbook tactic of victim intimidation to silence me, so I came forward publicly with my name and my story in an attempt to use my voice to shed light on the experience of a teenaged survivor of sexual assault.

I remember so clearly reading Michael Delaney’s motion front to back when I came home from my new high school one day, processing what it meant, and then defiantly stating to my parents that after everything I’d been dragged through (from anonymous death and rape threats on the internet to the betrayal of and backlash from my closest friends at St. Paul’s School), I wasn’t going to let Michael Delaney’s dirty tactics bully me, then 16, into shame and silence.

When survivors of sexual harassment, assault, and abuse come forward to seek some semblance of justice, there is an army of attorneys with a tried and true playbook of tactics to discredit, pressure, and manipulate survivors and victims into silence. What these attorneys don’t seem to realize is that most survivors are simply seeking an acknowledgement of harm and an actionable plan to make their community a safer place.

Every 68 seconds, an American is sexually assaulted; every nine minutes, that victim is a child. According to the USDOJ, 63% of sexual assaults are not reported to the police. Of the 37% who do report, only 2.5% get some form of justice. This staggering statistic should give everyone, especially those in the legal field, pause.

If Michael Delaney is confirmed—if an attorney who brazenly intimidated a minor victim of sexual assault is given the distinct privilege to serve as a judge for the United States Court of Appeals—YOU are telling victims and survivors that you not only approve of victim intimidation tactics, you reward their enactors with one of the highest legal appointments in the state of Massachusetts.

I expressed my concerns to Attorney from the Department of Justice when Michael Delaney was first nominated in April 2022, and today I am urging you to vote “NO” to Michael Delaney’s nomination.

Sincerely,

CHESSY PROUT.

Mrs. BLACKBURN. The White House knew that Mr. Delaney was unfit to serve, but they nominated him anyway.

For the sake of young men and women around this country who are survivors of sexual assault, I urge President Biden to withdraw Michael Delaney’s nomination, and I call on my Democratic colleagues to urge the White House to withdraw this nomination. If they do not withdraw this nomination of a man who intimidated a minor child, exposing a minor child, who is unfit to serve—I urge you to vote no if the White House does not pull this nomination.

BORDER SECURITY

Mr. President, Joe Biden’s reckless border policies have allowed human trafficking and smuggling to grow into a \$13 billion industry, with criminal cartels earning up to \$14 million every day for trafficking families, women, and children into the country.

I want to be crystal clear about what is happening here. This is not some sort of humanitarian mission. The cartels are not doing this out of the goodness of their hearts. These are violent criminals who have figured out how to make millions of dollars every single day. They are kidnapping young girls and exploiting them for sex and labor over and over again.

The left wants you to believe this is a myth or that reports of trafficking and exploitation are exaggerated, but while I was down at the border, I heard from two women who can provide a mountain of evidence to the contrary.

Former Mexican Congresswoman Rosa Maria de la Garza joined us to talk about her advocacy on behalf of the survivors of this horrific abuse. She has been dedicated to this all her life. She puts her time into preventing and targeting human trafficking in her own country, and she has seen firsthand the ease with which the cartels use our open border to make a buck and how they expand the slave trade into our country, profiting from it.

We also had the chance to speak with Karla Romero, who is a survivor of cross-border sex trafficking. Karla fell into the hands of her captors when she was 12 years old and was enslaved as a sex-trafficked individual for 4 years. During that time, she estimates that she was raped over 40,000 times—a child in the hands of a cartel. That is what they did to her.

This is a humanitarian catastrophe that is enabled not only by the Biden administration’s refusal to secure the border but by incentives buried in the law that encourage criminal behavior.

At the end of last year, the Justice Department committed over \$90 million in funding to combat human trafficking. It is an incredible investment of taxpayer resources. But, unbelievably enough, the American people are subsidizing the lifestyles of these criminals even as they invest millions to bring down these trafficking rings.

As it stands right now, the law allows accused traffickers to live in government housing and receive government benefits even after they are apprehended by law enforcement and charged with a crime. If we are going to get serious about combating trafficking at the border, we need to eliminate this incentive for illegal conduct. I know it seems unbelievable that you have these cartels members who are getting U.S. Government benefits, living in government housing, and getting unemployment checks, but it is happening.

The “Remain in Mexico” policy is a prime example of how successful tactics can work. By requiring asylum