

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

seekers to stay in Mexico while awaiting a court date, we ensured that migrants weren't rewarded for illegally crossing the border. These programs work, and that is why I, along with Senator HYDE-SMITH and Senator BRITT, introduced the Stop Taxpayer Funding of Traffickers Act. It makes clear that anyone charged with drug or human trafficking at our border cannot receive Federal Government benefits until their case is resolved. It would block them from receiving any retirement, welfare, Social Security, health, or disability benefits. It also means that traffickers would not be able to receive a grant, contract, loan, or professional or commercial license from the U.S. Government.

This is something that needs to happen. Prohibiting traffickers from receiving taxpayer funds is just plain common sense, and there is no reason why this legislation shouldn't pass the Senate immediately. I can't imagine that anyone would be for allowing these drug traffickers and sex traffickers to continue to live in government housing and receive these benefits.

In the same way that drug traffickers are directly profiting from the opioid epidemic that has killed millions of Americans, human traffickers are reaping the rewards of this administration's complacency. It is time to start paying attention to some of the details of what is happening at our southern border. The American people are paying attention, and they are waiting on this President and on this body to join them in doing something about it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CONFIRMATION OF JAMAL N. WHITEHEAD

Ms. CANTWELL. Mr. President, I come to the floor this afternoon to support the nomination of Jamal Whitehead to serve as a judge for the U.S. District Court for the Western District of Washington. Mr. Whitehead is extremely well qualified and has demonstrated an allegiance to the rule of law throughout his very impressive law career.

My Senate colleagues on the Judiciary Committee saw what an exceptional judicial candidate Mr. Whitehead is, and they recognized how valuable his perspective would be on the Federal bench. I was pleased to see that he was voted out of committee with a bipartisan vote of 11 to 9.

Mr. Whitehead has spent his entire career in the Western District, making him uniquely knowledgeable of the district in which he will be serving. Throughout his career, he has defended workers from discrimination and en-

forced Federal employment discrimination laws. He has been dedicated to ensuring equal justice under the law and has demonstrated a profound commitment to public service.

Mr. Whitehead has also sought to promote diversity in the legal field through outreach and education and is deeply involved in the community. He serves on the Executive Committee for the ACLU of Washington as well as on the board of Amara, a child welfare organization in the Seattle and Tacoma area dedicated to meeting the needs of children and families who have been impacted by foster care.

In addition to his outstanding qualifications, Mr. Whitehead's confirmation continues the President's commitment to ensuring that the Federal bench better reflect the American public. Mr. Whitehead is the first judicial nominee by President Biden to have a physical disability. Now confirmed, he will be one of only a handful of Federal judges with a disclosed disability.

Jamal Whitehead is well prepared to serve on the U.S. District Court for the Western District of Washington. This is a historic confirmation. I am pleased to see that my colleagues supported Mr. Whitehead's confirmation to our Federal court.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WHITEHOUSE. I ask that the scheduled vote be allowed to occur immediately.

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

#### VOTE ON MARTINEZ-OLGUIN NOMINATION

The question is, Will the Senate advise and consent to the Martinez-Olguin nomination?

Mr. WHITEHOUSE. 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. MARKEY assumed the Chair.)

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), and the Senator from Pennsylvania (Mr. FETTERMAN), and the Senator from Oregon (Mr. MERKLEY) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Idaho (Mr. CRAPO).

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 48, as follows:

[Rollcall Vote No. 30 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—48

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	Tillis
Cruz	McConnell	Tuberville
Daines	Moran	Vance
Ernst	Mullin	Wicker
Fischer	Murkowski	Young

#### NOT VOTING—4

Crapo	Fetterman
Feinstein	Merkley

The VICE PRESIDENT. On this vote, the yeas are 48, the nays are 48.

The Senate being equally divided, the Vice President votes in the affirmative, and the nomination is confirmed.

The nomination was confirmed.

The VICE PRESIDENT. 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.

#### CLOTURE MOTION

The VICE PRESIDENT. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill 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. 13, Margaret R. Guzman, of Massachusetts, to be United States District Judge for the District of Massachusetts.

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 (Mr. MARKEY). 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 Margaret R. Guzman, of Massachusetts, to be United States District Judge for the District of Massachusetts, shall be brought to a close?