

RICK SCOTT
FLORIDA

United States Senate

ARMED SERVICES
HOMELAND SECURITY
COMMERCE, SCIENCE, AND
TRANSPORTATION
BUDGET
SPECIAL COMMITTEE
ON AGING

February 26, 2021

The Honorable Joe Biden
President
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President:

I have recently learned that Democrat members of the Florida delegation in the United States House of Representatives have attempted to insert themselves in the nomination process for federal judicial and executive branch vacancies in Florida. As you are well aware, the United States Senate - not the House of Representatives - is authorized by the United States Constitution to provide advice and consent to the President in the appointment of civil officers, such as United States Attorneys and federal judges.

As a former Senator, you should be very familiar with the blue slip process, and the importance of a President consulting with home state Senators prior to submitting nominations for federal district court vacancies. Indeed, as the Judiciary Committee Chairman, you wrote a letter to President George H.W. Bush in 1989 reiterating the importance of consulting "with both home state Senators prior to submitting the nomination to the Senate." You further noted in that letter that, in the absence of such good faith consultation, "the Judiciary Committee will treat the return of a negative blue slip by a home state Senator as dispositive and the nominee will not be considered." This longstanding tradition reflects the "advice" component of the Senate's constitutional directive to provide "advice and consent" in the nomination process.

At this time, I have not yet received any outreach from your office about the federal vacancies in Florida. I am sure that you and your Administration plan to heed your own prior words on the issue and will engage in good faith consultation with both home state Senators prior to selecting and nominating individuals to fill vacancies in Florida's federal courts and U.S. Attorney's Offices.

As Governor, I made more than 400 judicial appointments to our state courts during my two terms in office, which experience will be a valuable resource in your consideration of candidates for federal vacancies in Florida. I welcome the opportunity to work with you in

The Honorable Joe Biden
February 26, 2021
Page Two

filling these important positions in my state, and stand ready to provide you with the names of well-qualified judicial and executive candidates who will faithfully uphold the law and honorably serve the people of Florida and our great country.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott". The signature is written in a cursive, flowing style with a large initial "R" and a distinct "S".

Rick Scott
United States Senator