He will serve with the same passion and energy that he brings to his love of Iowa football, and I have no doubt that he will represent the United States on the world stage with the same level of commitment.

VOTE ON WHITAKER NOMINATION

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

Mr. RISCH. 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. BARRASSO. The following Senators are necessarily absent: the Senator from Missouri (Mr. HAWLEY) and the Senator from Missouri (Mr. SCHMITT).

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 157 Ex.]

YEAS—52

Banks	Graham	Mullin
Barrasso	Grassley	Murkowski
Blackburn	Hagerty	Paul
Boozman	Hoeven	Ricketts
Britt	Husted	Risch
Budd	Hyde-Smith	Rounds
Capito	Johnson	Scott (FL)
Cassidy	Justice	Scott (SC)
Collins	Kennedy	Shaheen
Cornyn	Lankford	Sheehy
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Tuberville
Curtis	McCormick	Wicker
Daines	Moody	Young
Ernst	Moran	
Fischer	Moreno	

NAYS—45

Alsobrooks	Heinrich	Reed
Baldwin	Hickenlooper	Rosen
Bennet	Hirono	Sanders
Blumenthal	Kaine	Schatz
Blunt Rochester	Kelly	Schiff
Booker	Kim	Schumer
Cantwell	King	Slotkin
Coons	Klobuchar	Smith
Cortez Masto	Luján	Van Hollen
Duckworth	Markey	Warner
Durbin	Merkley	Warnock
Fetterman	Murphy	Warren
Gallego	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Hassan	Peters	Wyden

NOT VOTING—3

Hawley	Murray	Schmitt

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Rhode Island.

U.S. SUPREME COURT

Mr. WHITEHOUSE. Madam President, I am here for the 35th time to call attention to the rightwing scheme to capture our courts and justice system, now out to target and persecute Trump political enemies and do Trump political favors.

We have heard a lot about weaponization of the justice system from Trump and his allies. That is for two reasons. One, it is a handy narrative for Trump and MAGA cronies to paint him as a victim, not a convicted criminal who only dodged proper sentencing and further criminal charges because of sweeping Presidential immunity granted by a Supreme Court stacked with rightwing Justices he appointed. Two, it is a tactic. For would-be autocrats, accusations signal intentions. You accuse the other side of doing what you are plotting so that when you are caught doing it, you have set it up to look like offsetting penalties. Accusations signal intentions, and sure enough, now there is real weaponization of the justice system unfolding before our eyes.

I am going to take a minute and drill down into one episode. It begins with a climate fund, duly created and appropriated by Congress, maintained after the funds were disbursed at a private bank, and overseen by EPA.

But MAGA's dear leader claims, falsely, that climate change is a hoax. That is his catchphrase for the truest things he doesn't like. So this climate fund became a MAGA target. There is a problem, however: The Constitution limits the President's veto power over congressional spending, both with a time limit and the right of Congress to override, and the time limit to veto these funds had been over for years. The funds were properly appropriated back in August 2022 when President Biden signed the Inflation Reduction Act. The grants were awarded in April 2024, giving recipients legal rights to the funds. And then they were distributed to the bank as fiscal agent for the recipients, all in regular order.

Enter Trump's corrupt Justice Department through two colossal Trump suck-ups: the Acting Deputy Attorney General, Emil Bove, and Ed Martin, the interim U.S. attorney for the District of Columbia.

Martin is an activist MAGA type, a lawyer for January 6 attackers, who had criticized this fund even before he was appointed interim.

Bove and Martin cooked up asking Martin's U.S. Attorney's Office to freeze the climate fund by opening a criminal investigation so they could assert that the ongoing investigation justified the freeze. Their problem: They couldn't point to a crime. Oops.

The career criminal division chief, an experienced veteran prosecutor at the U.S. Attorney's Office, pointed out that launching a criminal investigation without evidence of a crime—what prosecutors call predication—is a violation of prosecutorial ethics and Department of Justice policy.

That warning from the career prosecutors to MAGA Martin is red flag one. But the MAGA U.S. attorney didn't listen to that warning from his career staff. Instead, he demanded that the career criminal chief resign. He forced her out. Well, that is another big red flag—red flag two.

With the criminal division chief out of the way, Martin still couldn't find one staff prosecutor in his office to pursue the matter.

Now, you remember in the Nixon Saturday Night Massacre, they had to fire all the way down to Robert Bork, who became notorious for ultimately doing the dirty deed for Nixon, but here, no Bork. No prosecutor would sign from this big Federal prosecution office. That is red flag three.

Martin then proceeded in his own name alone. That is red flag four. As a former U.S. attorney, I can assure you there is almost always a career attorney's signature on every pleading filed. And bear in mind that Martin is not some rare legal whiz. He had never spent a single day as a Federal prosecutor before he got this gig, and here he was fumbling around by his lone MAGA self.

So—no surprise—when Martin presented his request to the Federal magistrate judge, the judge denied the petition. That is red flag five, and it is a massive, flapping red flag to anyone who has served in a U.S. Attorney's Office.

Federal prosecutors never want this to happen, so they triple-check and backstop every application to ensure that they are ironclad.

In my U.S. Attorney's Office, a Federal judge shooting down one of our warrant applications would have set off internal reviews. That should be what is known in the medical field as a never event. It is a shocker, particularly with the U.S. attorney presenting the petition in person.

Even that series of disasters didn't stop this scheme. Somebody started shopping the case to other U.S. Attorney's Offices, hoping that some other office would try again in a different district.

Well, shopping a case around U.S. attorney's offices, after the matter has been shot down in court, that is red flag six.

It seems that no other U.S. attorney's office has been willing to go before any court with this hot mess, but somehow, a Federal prosecutor down in Florida—Florida—ordered Washington-based FBI agents to start questioning EPA employees about the grant program. Well, we are going to find out more about that.

But meanwhile, in a related case, a different Federal judge blew up the EPA Administrator's administrative effort under Trump's Executive orders to freeze these funds, and they defended the freeze with the same pretext that there was fraud that needed to be prevented. Well, the judge asked: Tell me about the fraud. Show me some evidence.

There was none. The judge noted in her decision that, for all the big talk, the administration could produce—her words—''no evidence to support that claim.'' So a second Federal judge shoots down the scheme. We are up to red flag seven.

Compounding this prosecutive fiasco, both Martin and EPA Administrator Zeldin unleashed a barrage of public comments, flooding the information

zone with public accusations of fraud, the same accusations of fraud that the career U.S. attorney staff rejected and the magistrate judge determined to be unfounded and the judge said DOJ and EPA had offered no evidence to support.

Well, that is a problem. Unfounded accusations of fraud are what lawyers call ''defamatory per se.'' And derogatory public comments about the subject of an investigation is trouble under multiple Department of Justice policies. The administration officials' public comments were out of bounds. I have been a U.S. attorney. You don't get to do that.

Discovery in civil litigation will likely ultimately reveal the depths of the misconduct, the potentially unlawful motive, and their potential liability for their misconduct.

We are not at the end of this yet, but what we see is real weaponization—not MAGA phony claims of weaponization, part of a political propaganda campaign to excuse the criminality of the dear leader.

Here, all these red flags of actual weaponization are flying: internal warnings that the case had no merit, removing officials for disagreement, proceeding without a career attorney, getting shot down by a magistrate judge, case shopping after the disaster, hunting for FBI agents to harass career civil servants for managing properly congressionally appropriated funding, making derogatory public comments—and all without evidence.

Compare that to the Federal criminal cases against Trump. There is no record of internal warnings being ignored that the cases had no merit. There is no removing of officials for disagreeing with the case. No pleading was ever filed without a career attorney signing, just signed by a politico. No application was ever shot down by a judge.

Indeed, the Mar-a-Lago warrants were judicially approved. Despite very aggressive lawyering for Trump, no finding of a prosecutor's violation of Department policy was turned up; no matter had to be case shopped to other districts after falling apart in one district; no harassment by FBI agents with no court pleading to back them up; and no derogatory public comments ever made outside the pleadings the government filed.

Red flag count in the Trump cases: zero. Red flag count in this sorry episode: seven.

If Trump's corrupt DOJ will go through all of this just to grab properly appropriated climate funds, imagine what they are capable of with really bad stuff. We are in store for lots more actual weaponization in the coming months and years under this corrupt administration.

So easy for me to say that this will be continued.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. THUNE. Madam President, I ask unanimous consent that with respect to the Whitaker nomination, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

LEGISLATIVE SESSION

Mr. THUNE. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. THUNE. Madam President, I move to proceed to executive session to consider Calendar No. 53.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant bill clerk read the nomination of Mehmet Oz, of Pennsylvania, to be Administrator of the Centers for Medicare and Medicaid Services.

CLOTURE MOTION

Mr. THUNE. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 53, Mehmet Oz, of Pennsylvania, to be Administrator of the Centers for Medicare and Medicaid Services.

John Thune, Tim Sheehy, John R. Curtis, Joni Ernst, Mike Crapo, Bill Hagerty, Tommy Tuberville, Roger Marshall, John Boozman, Ron Johnson, Rick Scott of Florida, Steve Daines, Tom Cotton, Todd Young, Mike Rounds, Ted Budd, Pete Ricketts.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. THUNE. Madam President, I ask unanimous consent that the Senate resume legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

ARMS SALES NOTIFICATION

Mr. RISCH. Madam President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is still available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications that have been received. If the cover letter references a classified annex, then such an annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY COOPERATION AGENCY,
Washington, DC.

Hon. JAMES E. RISCH,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 25–21, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Ecuador for defense articles and services estimated to cost $64 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

MICHAEL F. MILLER,
Director.

Enclosures.

TRANSMITTAL NO. 25–21

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Ecuador.

(ii) Total Estimated Value:

Major Defense Equipment* $0.

Other $64 million.

Total $64 million.

Funding Source: National Funds.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE): None.

Non-Major Defense Equipment: The following non-MDE items will be included: M4A1 rifles; Magpul PMAG M4 magazines; technical manuals; training and support; and other related elements of logistics and program support.

(iv) Military Department: Army (EC–B–UAC).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None known at this time.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.

(viii) Date Report Delivered to Congress: April 1, 2025.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Ecuador—M4A1 Rifles and Support

The Government of Ecuador has requested to buy M4A1 rifles. The following non-MDE items will also be included: Magpul PMAG