

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from Tennessee (Mr. HAGERTY) and the Senator from Alaska (Mr. SULIVAN).

Further, if present and voting: the Senator from Tennessee (Mr. HAGERTY) would have voted "yea."

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 445 Ex.]

YEAS—51

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

NAYS—47

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

NOT VOTING—2

Hagerty	Sullivan
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The nomination was confirmed.

The PRESIDING OFFICER. 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 assistant 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. 85, Samuel Brown, of Nevada, to be Under Secretary of Veterans Affairs for Memorial Affairs.

John Thune, Dan Sullivan, John Barrasso, Mike Rounds, Todd Young, Cynthia M. Lummis, Tom Cotton, James Lankford, Bernie Moreno, John R. Curtis, Ted Budd, Mike Crapo, Katie Boyd Britt, Jim Banks, Markwayne Mullin, Jon Husted, Steve Daines.

The PRESIDING OFFICER. Under the previous order, the mandatory

quorum call under rule XXII has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Samuel Brown, of Nevada, to be Under Secretary of Veterans Affairs for Memorial Affairs, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from Tennessee (Mr. HAGERTY) and the Senator from Alabama (Mr. TUBERVILLE).

Further, if present and voting: the Senator from Tennessee (Mr. HAGERTY) would have voted "yea."

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 446 Ex.]

YEAS—53

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

NAYS—45

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

NOT VOTING—2

Hagerty	Tuberville
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The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. The motion is agreed to.

The motion was agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Samuel Brown, of Nevada, to be Under Secretary of Veterans Affairs for Memorial Affairs.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS CONSENT REQUESTS

Mr. LEE. Mr. President, last year, this body unanimously passed 41 bills from the Energy and Natural Resources Committee. Now, 16 of those bills, for one reason or another, didn't end up getting signed into law last

year. Some of those bills perhaps were casualties of the legislative calendar but for one reason or another didn't make it through but remained undisputed and remained noncontroversial. They have been reintroduced by Republican and Democratic Senators and are cleared on the Republican side of the aisle.

It is important to note here that these noncontroversial, bipartisan bills all remain completely unchanged. Not a single letter, not a single period, comma, or exclamation mark has been altered on them. They remain utterly noncontroversial—not a whiff of partisan dispute between them.

In the past, these bills were, in many circumstances, packaged together. It has been something of a custom in the Senate to package together groups of bills. Lands bills in some cases were paired together as part of much larger bills.

In some instances, parts of some of those bills were themselves controversial—larger bills, bills that were sometimes written in secret and not available to individual Members to review prior to the time that they were propounded for a unanimous consent request on the floor.

So today, I am going to make an entirely reasonable offer to move four bills off of the floor from among that group that passed last year by unanimous consent in the Senate. They are unchanged, they are still noncontroversial, and they carry no substantive policy objections, no objections to the merits of the bill and what they do. They are bills that are locally supported, bills that have been thoroughly vetted by the committee of jurisdiction and that are ready to move today.

In short, they are bills that are ready to move in the same type of open, Member-driven process that the Senate was built for and that the Senate, quite frankly, prides itself in fostering and encouraging rather than being held hostage for a larger backroom deal negotiated in secret.

The first is a bill from Senator BARRASSO that would provide common-sense flexibility for ranchers during natural disasters to help ensure range-land health on Federal lands.

The second is a bill that I have introduced called the Utah Wildfire Research Institute Act, which would add Utah as a fourth location for the Southwest Ecological Research Institutes, which would be housed, for the Utah portion of it, at Utah State University. This institute would foster collaboration to promote healthy forests, wildfire prevention, and resilient water supplies. Utah is well positioned and ready to work with the other institutes, including the New Mexico Forest and Watershed Restoration Institute, to protect the unique landscapes and communities across the Western United States.

The third bill is one from Senator CORTEZ MASTO, the Sloan Canyon Conservation and Lateral Pipeline Act.

This bill would make certain boundary changes and would authorize a right-of-way for the Horizon Lateral water pipeline in Nevada—something important to Nevadans as a desert State like mine. Water for Nevadans is very important.

The fourth bill is one from Senator PADILLA which would adjust the boundary of the Golden Gate National Recreation Area.

Now, again, just to reiterate, all four of these bills have certain things in common. They do different things. They operate in different parts of the country. They have different sponsors from different political parties. But they all have a few features in common: They all passed by unanimous consent in this body just a few months ago. Not a single Republican, not a single Democrat objected to any of them. They remain entirely unchanged and entirely noncontroversial.

If there is any outstanding policy issue, I would love to be made aware of it and would love to address it, but as of this moment, I am not aware of one—not on the House side and not even on the Senate side.

So to that end, as if in legislative session and notwithstanding rule XXII, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged and the Senate proceed to the immediate consideration of the following bills en bloc: S. 211, Resiliency For Ranching and Natural Conservation Health Act from Senator BARRASSO; S. 457, Utah Wild-fire Research Institute Act of 2025 from myself and Senator CURTIS; S. 1142, Golden Gate National Recreation Area from Senator PADILLA; S. 392, Sloan Canyon Conservation and Lateral Pipeline Act from Senator CORTEZ MASTO; further, that the bills be considered read a third time and passed and that the motions to reconsider be considered made and laid upon the table, all en bloc.

The PRESIDING OFFICER. Is there an objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, reserving the right to object, and I appreciate the Senator from Utah being here tonight to offer this package, but I believe there needs to be a more bipartisan and thoughtful way to consider how we protect the future of our public lands.

For example, the legislation that the senior Senator from Utah wants to pass tonight does not include my Wild Olympics bill. Now, this is a bill that will help preserve the wild and scenic rivers of the Olympic Peninsula. That has very strong support from Democrats and Republicans in my State. There is a strong nonpartisan coalition of support for this bill from Tribes, hunters, fishermen, conservationists, and even loggers. That is because my bill supports the peninsula economy and ensures continued access to our world-class outdoor recreation on the Olympic Peninsula, and it preserves

critical habitat for salmon and water resources for our very rural communities.

Moreover, this bill has passed the House several times now with bipartisan support. In fact, I have been working on this for over a decade to build support and consensus around this bill. It is carefully drafted, it is a thoughtful piece of legislation, and the grassroots support for this bill has only grown over the years. That is exactly the kind of bill which should be included in a bipartisan public lands package.

I would invite the senior Senator from Utah to visit the land this bill covers, to help protect our Olympic National Forest.

I think you would find out why I am here tonight objecting to this because it doesn't include it.

I want the Senator from Utah to know that my door is always open. I hope that in the future, we can work together in drafting a public lands bill that does include legislation like my Wild Olympics bill, and I know I am not alone. Many of our colleagues have worked on important legislation for their respective States.

So for now, I object, but I do so with my hand outstretched, ready to work with the Senator together on a public lands package that is comprehensive.

The PRESIDING OFFICER. The objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, I appreciate the characteristically thoughtful and thorough remarks by my friend and colleague the distinguished Senator from Washington. I do want to be clear about a couple of things.

No. 1, this has been the product of a lot of effort on our part, good-faith efforts that we have made to work with Ranking Member HEINRICH and Members of both political parties to move these bills to the floor to get them passed over many months.

Now, again, I want to reiterate that if there are substantive policy concerns with any of the bills in this package, understanding that these are only four bills—those four bills don't comment on—they neither preclude nor prejudice in any way, shape, or form our ability to pass other bills.

Anytime you are choosing a finite group of legislative proposals to be considered for adoption by unanimous consent or through any other expedited process, you are necessarily excluding others that are not on that list. And so it becomes incumbent upon those involved in the effort to decide which ones belong.

Let's talk a little bit about how we go about that, how we went about that here with these bills. These are four of the bills that, again, passed the Senate unanimously just a few months ago that remain unchanged in this conference; that didn't draw a single "no" vote, a single objection from any Republican or from any Democrat. In that respect, they all have things in

common, even though they operate in different States, have different sponsors from different political parties and do different things.

The bill of which my friend and colleague, the distinguished Senator from the State of Washington, refers does quite opposite of those things. I am sure she put an enormous amount of effort into it. I am sure it is important to her. And I am sure it has been carefully drafted because my friend and colleague, the distinguished Senator from the State of Washington, is thorough.

But there are some things that bill doesn't have in common with these. In fact, harkening back to childhood, there is a song called "One of These Things Is Not Like the Other." If you were trying to include that bill in a list of these bills, that would be the clear standout. Why? No. 1, it hasn't passed the Senate; No. 2, it was considered in the Senate Energy and Natural Resources Committee, and it resulted in strict party line votes—Democrats vs. Republicans, Shirts vs. Skins. There was not a single vote overlapping between the two parties.

That doesn't mean it is not a good bill. It doesn't mean it is not important to her or the people in the State of Washington. But it does mean it lacks the core characteristics held in common by each and every one of the bills I just offered by unanimous consent.

If that is going to be the standard, that anytime there is any package of bills—a package consists of two paired sets, a Republican and Democratic legislation brought forward together; in this case, bills that drew not a single "no" vote, not a single objection from Members of either party and remained unchanged since that last happened. If anytime we try to offer those bills, it is appropriate to object in the absence of any substantive on-the-merits objection or concern with the legislation, it is going to be very difficult for us to get this done.

Now, none of this means we couldn't find a way to pair that with something that would make sense, coupled with any changes that Members of both parties might insist on in order to make them comfortable with moving it forward. But it does mean that it would be incongruous, illogical, counterproductive, and destructive to the effort to pair that bill with this bill.

That is a wilderness bill. By definition, by its very nature, it designates large tracts of wilderness and large scenic rivers. It is not something inherently repugnant to either party, but it ended up drawing objections and "no" votes from literally every Republican on the committee. That suggests to me that before it is ready to be included in a unanimous consent request, it might need some additional work.

I am confident we can get it there. Most types of legislation can get to the point where objections can be addressed through some combination of

modifications to the legislation itself and the legislation that it might be paired with in order to help offset those objections.

But, nonetheless, I will keep working to pass bipartisan bills that have unanimous support. I hope and expect and respectfully request that my colleagues across the aisle would take into account these dissimilarities. If they want to add others that meet similar characteristics, let's have that conversation. If they want to get to the point where we can pass Senator MURRAY's bill, I am sure there is a way that could be considered and we could possibly get there.

But we can't assume that you can pair something that is that dissimilar; that is, by its very nature and according to the legislative record, it is the very definition of partisan and not the kind of thing that one can expect. We would be crazy to assume that something that resulted in a party line committee vote last year would suddenly get to the floor and not draw a single Republican objection.

I would also hope that next time, when we add pairings to the floor—Democrat and Republican bills—I would love to see those hotlined on the other side of the aisle in the same format of which they were hotlined on our side. My understanding is they were not; and they should be. There should be an apples-to-apples comparison. If they are given the opportunity, I can't imagine that many, if any, of my Democratic colleagues would object to any of these bills in isolation. If they wouldn't object to them in isolation based on their substantive policy merits and if they were given that in a hotline request, I think this would have turned out differently.

I do think it is important we should pass bills expeditiously and in the light of day. These bills have gone through public examination in the light of day, and they have been found not wanting for bipartisanship. They have been found richly blessed with bipartisanship through a proven, undisputed track record.

So, look, I think it is a big mistake to hold noncontroversial bills put forward by Senators in good faith—to hold those hostage in order to perpetuate a broken and sometimes corrupting process from a bygone era, one in which bills were prevented from passing, not because they were controversial but because they were popular and being used as bait in order to bring about the passage of other bills that were controversial. That makes no sense.

What makes the Senate work best are those moments when we can identify things as to which we do not disagree. This, Mr. President, is one of those things. This, Mr. President, is where we can do better; and do better we must.

I am not going away. I will be back. I will be back soon—hopefully, successful next time—and we will do what we

have to do in order to move the legislative process.

I humbly implore my friends and colleagues on both sides of the aisle: Let's not take these moments where we do agree for granted. Let's not assume that just because anytime—by definition, anytime you come up with a list of four bills offered at once, that necessarily excludes the thousands of others that may be submitted during the course of any particular Congress in that legislative Chamber.

You can't get everything all at once. Why not take the things that we know can pass and have passed in the past? Let's get that done.

The PRESIDING OFFICER. The Senator from Rhode Island.

NOMINATION OF EMIL J. BOVE III

Mr. WHITEHOUSE. Mr. President, it is probably too late to do anything about the upcoming vote. I know a little bit about how this place works, and at this point, the proverbial die is likely cast.

But what we are about to do is so wrong, so unusual, that even if these remarks will have no effect whatsoever, I feel obliged to come to the floor.

We are about to vote into high judicial office an individual who managed to engage in three separate significant episodes of prosecutorial misconduct in 6 months. That is undoubtedly a Department of Justice world record.

These were not minor episodes of prosecutorial misconduct. These were not a file missing from a Brady disclosure. These were not an inopportune word dropped in an oral argument. This was planned, deliberate, serious prosecutorial misconduct.

I will briefly describe the three episodes. The first had to do with the political desire to freeze funds that Congress had already appropriated and obligated and that even had been disbursed out to a bank as the fiscal agent for the appropriated program. But because it involved clean energy, the Trump administration wanted to claw that money back.

The time for Presidential veto had long, long, long gone. There was no Federal hold on the money. It was in a private bank. So, really, that cow had left the barn. But they were so insistent because they hate clean energy so much, they had to get this money back. The White House was demanding it, presumably.

So here is the plan that they cooked up. Emil Bove and the acting U.S. attorney for the District of Columbia, they would create a fake criminal investigation. And on the basis of that fake criminal investigation, they would go to a judge and try to get an order to freeze the funds that they were so irritated about. Remember what I just said: a fake criminal investigation. It is kind of prosecutor 101 that you don't pursue fake criminal investigations. There is prosecutor language for how you go about starting a criminal investigation. You have to have something called predication,

some reason to believe that there is a crime.

But they needed a criminal investigation in order to find a way to seize the money, so they started a fake one—or at least they tried to. How did that work out? Not that well, actually, because the Chief of the Criminal Division, a career, experienced attorney said: Boss, there is no crime here. We can't do a criminal investigation if there is no evidence whatsoever of any crime.

For her pains, she was driven out of the office, forced to resign. So then they shopped it around the office: Is there anybody else willing to sign this plead in; any career attorney in the very big U.S. Attorney's Office for the District of Columbia? None. No one would sign it because it was a fake criminal investigation.

So the U.S. attorney went in on his own—that almost never happens—to try to get the order from the fake criminal investigation. And the magistrate shot him down, said: No, no chance. And that almost never happens, because U.S. attorneys don't go into court unprepared and they want to enjoy the credibility of the local bench.

So they go through all sorts of hoops, every conceivable effort to make sure that a request for a judicial order or warrant is well-supported. Not this time. It was too important. The fake criminal investigation is completely outside of what is appropriate for a prosecutor's responsibilities.

It gets—actually, if you can believe it—worse because they had a client in this, the rather corrupt individual who now runs the Environmental Protection Agency. And they let their client run all around in the media, on the news, publicly disparaging the recipients of those funds, which included groups as ominous and dangerous as Habitat for Humanity. But to whip up an atmosphere of criminality, accusations were made about crimes—false accusations were made about crimes.

Well, it is also prosecutor 101 that you don't disparage the subject of your investigation or the subject of your prosecution. Prosecutors have all the tools in the world to make cases, to take away people's property, to take away people's liberty. Where there is a death penalty, you can take away people's lives. You play within bounds. You let your pleadings do the talking. You don't go out on talk shows and talk about the supposed subjects of a criminal investigation—even a real one—in disparaging terms. You just don't do it. It is beneath most prosecutors. Not these characters.

That was episode 1.

Episode 2 was to stop an ongoing criminal case involving an elected official so that they could dangle that case over the head of the elected official as part of a deal to get that elected official to follow administration policy on immigration enforcement. You don't do that. Again, if you are not a prosecutor, it might not seem like this is