

sale of E15, which is 15 percent ethanol-blended fuel. I spent over a decade advocating the year-round sale of E15, and I was very pleased by the administration's announcement.

However, for corn farmers to see the full benefit of year-round E15 sales, the Environmental Protection Agency needs to start accounting for its unprecedented use of small refinery exemptions. These so-called hardship waivers should be limited only to instances where small refiners would no longer be profitable or competitive by complying with their blending obligation under the renewable fuel standard.

On Friday, the EPA is poised to finalize a supplemental rule that it assures us will deliver on the President's commitments to account for waivers and to truly blend 15 billion gallons of ethanol each year.

However, based on this EPA's track record, it is difficult to trust it will retreat from its aggressive issuance of small refinery exemptions. I hope the EPA proves me wrong, but I think I speak for most of farm country when I say I will believe it when I see it.

On the topic of renewable fuels, I am happy to be able to say that the biodiesel tax credit will be extended for 5 years, through 2022, as part of this year's tax extenders deal. Biodiesel is a good deal for farmers, as it adds value to each bushel of soybeans by making use of the oil from bean processing, and it is a good deal for our environment because the use of this fuel lowers emissions.

MOBILE NOW ACT

Mr. President, as a former chairman of the Senate Commerce Committee and current chair of the Commerce Subcommittee on Communications, Technology, Innovation, and the Internet, I have spent a lot of time over the last few years focused on Internet, communications, and data privacy issues.

One big priority of mine has been paving the way for 5G—the next generation of wireless technology—ensuring that rural areas and not just big cities get this technology.

Last year, the President signed the law, my bipartisan MOBILE NOW Act, which was legislation I introduced to help secure adequate spectrum for 5G technology.

STREAMLINE SMALL CELL DEPLOYMENT ACT

Mr. President, earlier this year, Senator SCHATZ and I introduced the STREAMLINE Small Cell Deployment Act to address the other part of the 5G equation. That is infrastructure.

I was thrilled to be home in Sioux Falls to mark a huge milestone for the city and for South Dakota—the unveiling of Sioux Falls' first 5G small cells, which are small antennas that will join traditional cell towers to support 5G technology.

5G has tremendous promise for rural areas, but it will deliver on that promise only if we ensure that 5G cells are actually deployed in these areas. I am proud we have made a good start in

South Dakota. The Sioux Falls mayor, Paul TenHaken, has worked aggressively to remove barriers to telecommunications investment in Sioux Falls.

Advancing 5G will continue to be a priority of mine here in the Senate. We want the United States, not China or South Korea, to win the race to 5G and to seize the economic benefits that 5G will bring.

Another thing I have spent a lot of time working on in the Commerce Committee this year is data privacy. In October, I introduced the Filter Bubble Transparency Act, which is designed to address one aspect of the data privacy problem—the issues that arise from internet companies' use of consumers' personal data to shape what consumers see on their platforms.

I also introduced legislation this year with Senator ED MARKEY to address the problem of annoying, illegal robocalls. I am hopeful that our legislation, the Telephone Robocall Abuse Criminal Enforcement and Deterrence Act—or the TRACED Act—will pass the Senate soon and be on the President's desk before Christmas.

I have worked on a lot of other bills this year to make life better for South Dakotans and American families. I have introduced tax reform bills to help small businesses, update the tax code for the 21st century economy, encourage charitable giving, and permanently protect family farms from the death tax. I have introduced legislation to protect access to healthcare in rural areas, helped Americans repay their student loans, and much more. I will continue to work on these issues in the new year.

As always, my priority will be ensuring that Congress is addressing the challenges facing South Dakota families.

The holidays are a time to reflect on the blessings we have received, and I feel truly blessed to call the great State of South Dakota home. It is an honor and a privilege to represent the people of South Dakota in the U.S. Senate.

To all South Dakotans, I hope you have a wonderful Christmas and a joyous holiday season. I look forward to continuing to represent your priorities here in Washington and in the coming new year.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

CHANGE OF VOTE

Ms. HASSAN. Mr. President, on roll-call vote No. 380, I was recorded as yea. It was my intention to be recorded as

yea. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

Ms. HASSAN. Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE CALENDAR—Continued

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

IMPEACHMENT

Mr. SCHUMER. Mr. President, in response to the limited set of relevant witnesses I proposed for a potential Senate trial earlier this week, the Republican leader gave a lengthy speech on the floor yesterday and another speech today. In neither of those speeches could the Republican leader offer one salient argument as to why the witnesses I proposed—all senior Trump administration officials—shouldn't be allowed to testify. Instead, he made what are, in my view, irrelevant and incomplete comparisons to the 1999 Clinton trial.

When faced with the fact that it is only fair to have these witnesses, who were eyewitnesses to the major, major allegations against the President and who had not testified before, the leader can't talk about 2019. He has to go back to 1999 because he has no good argument as to why they shouldn't testify.

We are not asking to be dilatory. We are not asking for a list of 4,000 witnesses. We are simply asking that those who know the truth best come and talk to us here in the Senate and to the American people.

There is one fact that is impossible for the Senate to ignore. In the two Presidential impeachment trials in the history of this body, the Senate heard from witnesses, but Leader MCCONNELL continues to push for no witnesses in the Senate trial. I have yet to hear an explanation as to why less evidence is better than more evidence, particularly when it comes to something as somber, as serious, and as important as impeachment of the President of the United States of America.

Leader MCCONNELL keeps talking about 1999 because he doesn't want to talk about 2019. The two situations are not analogous. Rather than focus on the past, the Republican leader should focus on the present and offer one good reason why relevant witnesses shouldn't testify in an impeachment trial of President Trump, particularly in light of the fact that we have not

heard from them. They probably have better evidence than anybody, even though the evidence the House has prepared, in the eyes of so many, is overwhelming.

I was disappointed to hear yesterday that Leader MCCONNELL declared that he would not be an impartial juror when it comes to the serious charges against President Trump. He said it proudly. What kind of example does that set for the country, which is looking for fairness and impartiality?

In the event of a trial, every Senator will swear an oath—different from our standard oath of office—to do impartial justice, but yesterday MCCONNELL told reporters: “I’m not an impartial juror. This is a political process. I’m not impartial about this at all.” Let me repeat that. Let the American people hear it loud and clear. The Republican leader said proudly: “I’m not an impartial juror. . . . I’m not impartial about this at all.” This is an astonishing admission of partisanship. The President may demand these public displays of fealty, but they are troubling for the leader of an independent branch of our government. I hope all Senators will take seriously the oath to do impartial justice that we seem likely to take in the near future.

The House of Representatives, of course, will take a historic vote today on the impeachment of President Donald J. Trump. If the articles of impeachment are passed, the focus will quickly move to the Senate, where our Chamber will serve as a court of impeachment. We must, very soon, figure out the rules and procedures that will allow the Senate to rise to this occasion.

Despite our disagreements, I do expect to sit down with Leader MCCONNELL in the near future to discuss these matters. I have proposed a very reasonable structure for a trial based on the grand American tradition of a fair and speedy trial. We propose four witnesses—only those with direct knowledge of the charges made by the House; only those who could provide new, relevant, and potentially illuminating testimony—and place strict time limits on each stage of the process to prevent the trial from dragging out too long. No one is interested in delaying.

The Senate’s goal, above all, should be to conduct a trial with dignity, fairness to both sides, and one that examines all the relevant facts. There are large partisan divisions these days, but I suspect most Senate Republicans would agree with these goals. I suspect that even President Trump would agree with these goals—or at least say that he did. The President has repeatedly complained about a lack of due process and said that he “would love”—his words—“would love” for aides like Mr. Mulvaney to testify in the Senate.

Setting aside for the moment that the President has refused to participate in the House process despite multiple invitations; setting aside for the moment that he has blocked witnesses

from appearing and documents from being produced—Mr. President, we are offering you the due process you sought in your letter last night. Allow your current and former aides—Mulvaney, Blair, Duffey, Bolton—to testify on your behalf. Turn over all the requested documents and show that you and your aides didn’t try to use taxpayer money to force a foreign government to announce an investigation against your political opponent. Let the truth come out.

Mr. President, we are offering you due process. Due process means the right to be heard. Please take it. Don’t ask for it and then refuse to take advantage of it.

President Trump, you have a habit of accusing others of the offenses that you have, in fact, committed. You accuse the House of affording no due process while obstructing the process every step of the way. If you truly want due process to present your side of the case, President Trump, let your aides testify and turn over the documents we requested.

We want to conduct a fair trial—fair to both sides. We don’t know whether the witnesses we propose will incriminate the President or exonerate him. They are the appointees of President Donald J. Trump; they are hardly biased. We don’t know what their testimony will be, but we do know one thing: We should hear from them. We just want the facts—“Just the facts, ma’am,” as Detective Friday says—facts that will allow Senators to make fully informed decisions about something as serious—so serious—as the conviction or acquittal of an impeached President.

Each individual Senator will have the power and will have the responsibility to help shape what an impeachment trial looks like. Do my Republican colleagues want a fair and honest trial that examines all the facts, or do they want to participate in a coverup?

APPROPRIATIONS

Mr. President, now on appropriations, before the week concludes, we must pass legislation to keep the government open and provide appropriations for the following year. Luckily, over the weekend, an agreement was reached between appropriators—House and Senate, Democratic and Republican—that would see us achieve that goal.

I am proud to report that the final appropriations agreements include several important Democratic priorities to help American families and to help American security.

Democrats have secured more than \$425 million in election security grants—nearly double the amount Senate Republicans reluctantly supported in earlier legislation. Democrats have secured an increase of \$550 million in grants to help offset the cost of childcare for low-income families. Democrats have made progress on several fronts to combat climate change, record-level funding for clean energy

and energy efficiency programs, record-level funding to provide clean, electric buses, and increased funding for climate change science and research.

For the first time in decades, Democrats have secured \$25 million in gun violence research at the CDC and NIH, breaking through what had been a ridiculous ban on fact—another ban on fact now broken because we can do gun violence research. Medical research, scientific research, environmental protection, and education and housing programs will see significant increases in Federal support.

Of course, we did not achieve everything we wanted. I am particularly and strongly disappointed, for one, that the tax agreement included in the second package omits critical clean energy tax incentives to fight climate change, including incentives for electric vehicles, battery storage, and offshore wind and solar energy. This is a fight we have been waging and we will continue to wage. It is a fight Democrats intend to return to in 2020 when we negotiate the next tax agreement.

I am also sorely and deeply disappointed that we were unable to reach an agreement on the drinking water standard and more resources to clean up PFAS contamination—a toxic chemical that has plagued too many communities in New York and across the country.

People on the other side of the aisle should look at these. The President, who was against many of these proposals, should reexamine them. We need them. Senate Democrats—Senator LEAHY, the appropriators—have done a lot of hard work on this issue. Our disappointment today will in no way diminish our resolve to force Congress to take further actions next year, particularly on PFAS and on clean energy.

I yield the floor.

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 senior assistant legislative 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 Matthew Walden McFarland, of Ohio, to be United States District Judge for the Southern District of Ohio.

Rick Scott, Steve Daines, Mike Crapo, Pat Roberts, Marco Rubio, Lindsey Graham, John Boozman, John Hoeven, Roy Blunt, John Thune, John Cornyn, Deb Fischer, Mike Rounds, John Barrasso, James E. Risch, Tim Scott, Mitch McConnell.

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 Matthew Walden McFarland, of Ohio, to be United States District Judge for the Southern District of Ohio, 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. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. ISAKSON).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER (Mr. SASSE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 38, as follows:

[Rollcall Vote No. 401 Ex.]

YEAS—55

Alexander	Gardner	Portman
Barrasso	Graham	Risch
Blackburn	Grassley	Roberts
Blunt	Hawley	Romney
Boozman	Hoehn	Rounds
Braun	Hyde-Smith	Rubio
Brown	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cassidy	Jones	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sinema
Cotton	Lee	Sullivan
Cramer	Manchin	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	
Fischer	Perdue	

NAYS—38

Baldwin	Hassan	Rosen
Bennet	Heinrich	Schatz
Blumenthal	Hirono	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Smith
Carper	Leahy	Stabenow
Casey	Markey	Tester
Coons	Menendez	Udall
Cortez Masto	Merkley	Van Hollen
Duckworth	Murphy	Warner
Durbin	Murray	Whitehouse
Feinstein	Peters	Wyden
Gillibrand	Reed	

NOT VOTING—7

Booker	Isakson	Warren
Burr	Klobuchar	
Harris	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 38.

The motion is agreed to.

The PRESIDING OFFICER. The Senator from Texas.

HOSTAGE NEGOTIATIONS

Mr. CRUZ. Mr. President, I rise today to talk about one of our most complicated areas where diplomats have to engage when brutal regimes and terror groups seize Americans and use them as hostages, hoping to extract concessions from our government. These are situations that are infuriating, and they are heartbreaking. At the same time, they are immensely complicated. There are no easy solutions when dealing with hostage-takers.

We know what doesn't work. We know that paying ransom for hostages, as the Obama administration did with Iran to the tune of billions of dollars,

only incentivizes more hostage-taking. It is exactly the behavior you would expect from hostage-takers, and it is exactly the behavior we have seen played out over and over. My colleagues and I, along with the Trump administration, have sought other ways of securing the release of American hostages.

Sometimes what is called for is diplomatic pressure. So early in my tenure in the Senate, the very first bill that I passed into law was legislation that kept Iranian regime figures who had seized American hostages in 1979 from receiving diplomatic visas to come into the United States.

I also recently joined with Senator COTTON to introduce the Global Hostage Act, a bill that would require the President to impose sanctions on foreign government officials responsible for taking Americans hostage.

The Trump administration recently secured the release of Americans held hostage in Iran without the need for pallets of cash flown in the darkness of night. Nevertheless, all of these solutions are imperfect. So it is no surprise that even in countries where we enjoy successes, those successes are often heartbreakingly partial, with hostages left behind.

Today, I want to talk about two countries, specifically, where Americans from my home State of Texas are languishing today.

In Syria we have seen some Americans released while others remain away from their families. This summer, American Sam Goodwin and Canadian Kristian Baxter were released by captors in Syria, which were joyful developments on their own and encouraging signs of progress. But Austin Tice remains in captivity after more than 7 agonizing years. Austin is a Texan and a veteran Marine Corps captain who served our country in Iraq and Afghanistan. He was working as a freelance journalist to inform Americans about the horror of the Syrian conflict when he was captured.

I have repeatedly had the opportunity to sit down and visit with Austin's parents, Marc and Debra. Austin's picture sits on my desk in my Senate office, and I remain committed to working with President Trump, with the Trump administration, with my colleagues in Congress to bring Austin home.

I joined with 51 Senators, 120 Representatives to write a letter to President Trump affirming that "the Tice family and your own administration are confident that Austin is alive" and calling on President Trump to redouble our country's efforts to bring him home. No one should doubt the entire U.S. Government's commitment to this task.

Secondly, in Venezuela, we have also seen partial progress but partial progress of a different sort. In the case of the Citgo 6—five American citizens and one permanent American resident—they have been released from

jail, which is a good thing, but they remain under house arrest.

So while Jose Luis Zambrano, Alirio Zambrano, Jorge Toledo, Gustavo Cardenas, Tomeu Vadell, and Jose Angel Pereira are no longer under the constant threat of dying from abuse and neglect, they are still very much held captive and away from their loved ones. Today, here in the gallery, are Gabriela and Alirio Rafael, the daughter and the brother of Alirio Zambrano.

These five Texans and one Louisianan are now 2 years into their nightmarish journey. They had been summoned to Caracas a week shy of Thanksgiving, and upon their arrival, they were summarily detained and remained in jail on orders of the Venezuelan military. They would go days without food and months without sunlight, but the random punishments were nothing if not persistent.

I have met members of the Citgo 6 families many times. Alexandra Forseth, Alirio Zambrano's daughter, shared with me haunting accounts that came from her father. He described exactly how harrowing the experience has been and the physical toll it has taken.

These families have left no stones unturned in their efforts to bring back their loved ones. They have hired lawyers who have grappled with the shifting and inadequate legal institutions in Venezuela, and they have found little recourse.

After years of this literal darkness, just last week the Citgo 6 were released to house arrest. This is progress. It is undeniable progress, but it is far from enough. Here, too, we must redouble our efforts to ensure their full release, to ensure that they can come home to America. Every effort must be made to bring them back to the United States, to their families, to their children, to their homes.

Sergio Cardenas, the son of Gustavo Cardenas, was born with a rare disease, and at the age of 17, he is battling chronic congestive heart failure. The doctors and his family are gravely concerned that he will never see his father.

Jose Toledo's mother is severely handicapped and requires constant medical attention and care. Alirio and Jose Luis both have teenage daughters currently in high school. These families are waiting for their fathers, for their sons, for their husbands to come home.

Venezuela has a seat on the United Nations Human Rights Council. If human rights means anything, it is that citizens of all countries are entitled to speedy due process and that human rights violations must have human rights remedies. The Citgo 6 have suffered enough. It is past time for them to be released back to their families.

Finally, let me say I believe that the light of truth—calling attention to these human rights atrocities—can overcome the darkness of imprisonment. The voices of the families and

the voices of those who speak out on their behalf resonate and resonate loudly. Those who are keeping Americans wrongfully imprisoned, who are committing evil, should know that we will not give up. We will not rest until these Americans are set free.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

PEARL HARBOR NAVAL SHIPYARD SHOOTING

Ms. HIRONO. Mr. President, 2 weeks ago today, the State of Hawaii was in shock as an active shooter took the lives of two workers at Pearl Harbor Naval Shipyard and wounded a third worker.

Located on Joint Base Pearl Harbor Hickam, the shipyard is a pillar of our community. It employs over 6,400 workers who labor every day to keep our Pacific Fleet "Fit to Fight."

Hawaii is a small place where we have deep connections to one another. Almost everyone in Hawaii either is related to or knows someone who works on base or in the shipyard. In my State office in Honolulu, a member of my staff has a son who is an apprentice at the shipyard and who was there that day. These connections are part of the reason why the shooting has impacted our State so deeply. Too many families were waiting that day for news of their loved ones in harm's way.

The investigation into what happened is ongoing, and there is no easy explanation for what happened and why.

It is clear that no community in our country is immune from the tragedy of gun violence. Today, I rise to honor the lives of those we lost—Roldan A. Agustin and Vincent J. Kapoi, Jr.

Mr. Kapoi and Mr. Agustin were both dedicated Department of Defense—DOD—civilian shipyard workers and members of the International Federation of Professional and Technical Engineers Local 121.

Roldan Agustin was 49 years old and lived in Ewa Beach. He was adored by his family, who describe him as a "true American patriot" who dedicated his career to his country. After serving honorably in the U.S. Navy, Mr. Agustin also served in the Army National Guard, retiring as a staff sergeant, having deployed to Afghanistan and Kuwait.

At Pearl Harbor Naval Shipyard, he served as a DOD civilian employee, working as a shop planner in non-destructive testing and a metals inspector.

In paying tribute to their lost loved one, Mr. Agustin's family said in a statement:

He was a loving son, brother, uncle, and friend to many. Having grown up in Waipahu, Roldan enjoyed working on cars with his friends and spending time with his family and adored his nieces. We will forever remember Roldan to be humble and honest, and a generous and patient man.

Vincent Kapoi was 30 years old and lived in Honolulu. He grew up in Waiānae and graduated from Kameha-

meha schools. His father, brother, sister, and sister-in-law are also civilian employees at the shipyard, where he served as a metals inspector apprentice. He was dearly loved by his family, which includes his wife, parents, siblings, aunts, uncles, grandmother, cousins, and friends.

His wife offered these loving words:

I have been through a lot of tragedy in my life, but nothing compares to losing the love of your life. I will miss you truly, and I will always love you Vincent J. Kapoi Jr.

His sister Theona said in a family statement:

He will always be that easy going, fun loving, "let's do this" man that will remain in our hearts. There are so many unanswered questions. We all have to be honest, it changes nothing because we can't bring him back. What we must do is honor his memory, keep him alive in our hearts.

I also want to honor Roger Nakamine, who was wounded in the attack. Mr. Nakamine was working as a civilian apprentice at the shipyard when he was wounded.

Upon leaving the hospital about a week after the attack, Mr. Nakamine said:

My family and I would like to express our gratitude to the first responders and the expert medical staff at Queen's, as well as to all the friends and extended 'ohana who have been reaching out to offer their support physically, emotionally and spiritually. Our deepest condolences go out to the friends and family of Vincent Kapoi Jr. and Roldan Agustin.

Roldan and Vincent, like thousands of their fellow workers, dedicated themselves to the shipyard's critically important mission of repairing, maintaining, and modernizing the U.S. Pacific Fleet in defense of our country.

In recognition of their service and in keeping with the words of their families, I ask all my colleagues to join me in honoring the lives of those we lost: Roldan Agustin and Vincent Kapoi, Jr.

This is a photograph that depicts the memorial, which was set up the day after this tragedy, where friends and family brought lei to honor their fallen heroes, their loved ones.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

5G

Mr. KENNEDY. Mr. President, I rise briefly today to thank a number of my colleagues—first, the senior Senator from Mississippi, ROGER WICKER, who has offered a bill called the 5G Spectrum Act.

I have offered a bill pertaining to the 5G spectrum, as well, and my two Democratic friends, Senator SCHATZ and Senator CANTWELL, have offered a bill on that subject as well.

We have been working enthusiastically and in good faith for some time to try to work out our differences on this legislation so that we could pass it this calendar year. I regret that we are not going to be able to work out our differences for the moment, but we are going to continue our efforts in good faith.

The good news about all this legislation is that we all agree that the FCC should conduct a public auction of the 5G spectrum.

What does that mean? We all have heard about 5G. It is extraordinarily fast internet—100 times faster than we have right now. But in order for 5G to work, there is a certain part of our spectrum, or our radio waves, if you will, that the telecommunications have to use to deliver the 5G service. It is called the C-band.

Of course, when we communicate between and among each other on the internet or by cell phones through wireless technology, all we are doing is sending electromagnetic radiation or radio waves from my device to your device. It is obviously more complicated than that, but at its fundamental level, that is what it is.

These radio waves and the airwaves through which though radio waves travel—this electromagnetic radiation—belong to the American people. It is called spectrum, and that is what we mean when we talk about 5G spectrum. We can't lose sight of that fact.

The wireless telecommunication companies provide an extraordinary service. They are going to make 5G possible with the help of the U.S. Government and our other forms of government, but we cannot lose sight of the fact that none of this would be possible without that spectrum, and that is owned by the American people. That spectrum is essential.

As a result of the efforts of some swamp creatures both in and out of government, we came that close to having this spectrum, which belongs to the American people and is worth as much as \$30 billion to \$60 billion, given away in a backroom through a private auction to three satellite companies that happen to be domiciled in foreign countries.

The excuse given was that these three foreign satellite companies can conduct an auction themselves and allocate it to the American telecommunication companies that need it for 5G faster than the FCC can, even though the FCC has only conducted about 100 of these public auctions generating about \$123 billion for the American people. Why? Because the American people own the spectrum that is being auctioned off. It is theirs. But there was a proposal that came that close to passing the FCC to just give this spectrum to these three companies and let them keep the \$30 to \$60 billion that the spectrum auction would have generated and let them decide who was going to get to participate in the 5G throughout our country.

I thank the FCC. Fortunately, the FCC, at the last minute, said no, and I want to thank them. Hence, we have the legislation by Senators WICKER, CANTWELL, SCHATZ, and myself, and the good news about the legislation is that it would require a public auction by the FCC of the spectrum that belongs to the American people. The auction

would be open to anybody who wants to bid. There would be a fair and level playing field, and it would be conducted in front of God and country in a public meeting. The best way to resist temptation is a strong set of values, a proper upbringing, and witnesses. There will be witnesses to this auction.

What we cannot agree on is how much money, if any, to give to the foreign satellite companies. You ask: Why should we give them a dime? Well, the foreign satellite companies, the three companies to which this spectrum was almost given, are currently using this spectrum. They don't need all of it. They don't even need close to all of it, but they have been using it for a number of years. The FCC just gave it to them. They didn't pay a dime for it.

Now, I am not criticizing. They put it to good use, but they don't own it. They don't have a license. They have sort of a 30-day, month-to-month lease. That is the way I think of it. And the lease agreement says that the FCC can take it back any time it wants to.

Since the satellite companies have been using the spectrum and they have customers, we want to be fair to these companies. Certainly, when we decide how to allocate the proceeds of the public auction in front of God and country, which the FCC is going to conduct, we certainly want to consider the satellite companies' interests. But I am not going to support giving them half of the money this auction generates because this money belongs to the American people. It can be used to extend 5G and other forms of broadband to those of us who don't live in major cities but happen to live in rural areas and are all still very much Americans.

So I rise today to say thanks to Senator WICKER, and I mean that from the bottom of my heart. I learned so much from working with him. I thank Senators CANTWELL and SCHATZ. We are going to keep working toward a compromise in a way that will allocate this money to everybody fairly and efficiently.

I am going to end as I began—that first and foremost in my mind is the American people because the American people own this spectrum.

I don't own this spectrum. The U.S. Senate doesn't own the spectrum. The three foreign satellite companies don't own the spectrum. The FCC doesn't own the spectrum. The telecommunications companies, for which we are grateful, don't own the spectrum. The American people own the spectrum, and the vast majority of the money generated by this public auction should go to them.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CRAMER. Mr. President, before I begin my comments about an upcoming nominee, I want to say in response to Senator KENNEDY that I agree 100 percent. Thank you.

NOMINATION OF DANIEL MACK TRAYNOR

Mr. President, later today the Senate will have the opportunity to vote on President Trump's second nomination to the U.S. District Court for North Dakota. My friend, Dan Traynor, has been nominated and we will be voting on his confirmation to be district judge for our district.

I have known Dan for a long time. That is why I was honored to recommend him to the President and pleased when the President nominated him earlier this year.

Dan received his bachelor's degree from the University of North Dakota and his jurist doctorate from the University of North Dakota School of Law. He clerked for the legendary chief justice of the North Dakota Supreme Court, Gerald VandeWalle, before heading to Devils Lake, ND, where he joined his family's law firm and where he works today.

Since that time, he has spent a couple of decades in various capacities, practicing various types of law, including being the assistant city attorney for Devils Lake. His extensive criminal and civil experience both as a prosecutor and defender in State and Federal courts and also in Tribal court are the main qualifications I think he brings to this important position. Again, I am honored to support him.

He has tried about 80-plus cases to a verdict or judgment or to a final decision, which I think is very good experience for somebody who is then going to stand in judgment. In addition, the ABA gave him a unanimous "well qualified" rating. He has also been recognized since 2015 as a "super lawyer." In 2017 he received Martindale-Hubbell's "AV Preeminent Rating."

So Dan's academic record, experience, and qualifications are more than adequate to be a good district judge. What makes him an exception is that Dan and his wife Trish, who is an Air Force veteran, are raising a beautiful family and are what we call pillars of their community and our State. As for Dan's family, his mom and dad, Jack and Jane, I know quite well, and they are what we would call legends in their community and in our State.

The bottom line is that Dan is eminently qualified in every way, including possessing the character, demeanor, and temperament, as well as the intellectual capacity, to be an excellent judge. I look forward to voting for him, and I urge my colleagues to do the same.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. LANKFORD). Without objection, it is so ordered.

BIPARTISAN AMERICAN MINERS ACT

Mr. MANCHIN. Mr. President, I rise today to talk about something very

rare in Congress these days. On Monday—on Monday, after 4 long years of working hard through many uncertainties, Congress came together—Democrats and Republicans—to secure healthcare and pensions for our Nation's coal miners. We did our job. This confirms to me that we can do so much more. This is so important.

It was the coal miners of America who made us look beyond politics. These were hard-working people. They weren't Democrats or Republicans; they were hard-working Americans who built America.

I want to give my sincere thanks to all of my colleagues for putting partisan politics aside and for rising above the divisiveness and tribalism in order to keep the promise that was made in 1946.

Over 70 years ago, President Harry Truman recognized the importance of the workers who produced the coal for this country. After World War II, we had to keep this economy moving, we had to keep it churning, and we couldn't do it without the energy. Coal was basically the driver of this at that time, and there was a promise that the government would guarantee our brave coal miners benefits in return for their services. This agreement was a sacred promise between workers and our country, and it captured the very best of our American values.

This week, we kept the promise by including the Bipartisan American Miners Act in the end-of-the-year funding bill. We kept our promise to 13,000 retired coal miners and their families who will not lose their healthcare by the end of the year. We kept our promise to the 92,000 coal miners and their families who will not see their pensions drastically reduced starting next year.

Coal miners are the most patriotic people in America. They have done the heavy lifting. They have done everything that has been asked of them by this country. They provided the energy that made us the greatest country on Earth and the superpower—the only superpower in the world today.

Because of what they have done for our country, we have won two World Wars. We have built iconic American cities, and we have a strong middle class. They continue to provide the resources that make us the energy leader of the world, all while advancing the American dream.

The journey has not been short, and it sure hasn't been easy. In 2015, we knew the United Mineworkers of America's 1974 pension plan was severely underfunded. Unlike other public and private pension plans, the 1974 pension plan was well managed and funded prior to the crash in 2008—the economic financial crisis we had—which hit at a time when the plan was being drawn down more than ever because more people were retiring. The mining of coal, with the new automation, was being replaced, and a lot of miners were retiring out of it. This was coupled with the fact that many of the

beneficiaries are often retirees whose employers are no longer in the coal business—companies would shut down. In fact, there are only 10,000 active workers for 120,000 retirees. It doesn't take a mathematician to figure out that this is not going to work.

It placed the plan on the road to insolvency, and that was what started the collapse. If the plan became insolvent, these coal miners would have had their pensions cut, and the government Pension Benefit Guaranty Corporation would have had to step in and assume billions of dollars in liabilities. That would have started a tumbling effect on all of our privately insured and private pension plans. That is what we were trying to prevent from happening.

That is why I wrote the Miners Protection Act and introduced it with my fellow Senator from West Virginia, SHELLEY MOORE CAPITO, and Senators BOB CASEY and SHERROD BROWN. It was bipartisan from day one.

I was told to go through the regular order, which I did. In March of 2016, Cecil Roberts, the President of the UMWA, testified in front of the Senate Finance Committee, and the Miners Protection Act was passed out of the Finance Committee in September with strong bipartisan support and the chairman of the majority.

A month later, 16,300 retired coal miners and their widows received notices that their healthcare would be terminated by the end of that year. I knew—I knew we could not let Congress leave for Christmas without fixing it. This is a tactic that I haven't used. It is one of the rules and one of the privileges as a U.S. Senator that each one of us has. In December of 2016, at that time, I said I will shut down the government. I will make us go through the process and stay here as long as it will take to get this taken care of. I wanted to make sure that not one coal miner would lose their healthcare.

MITCH MCCONNELL would agree to nothing more than a 4-month extension on healthcare at that time. So 16,300 coal miners would have been forced to sit through the holidays and another 4 months of uncertainty, not knowing when it was going to come to an end. You talk about cruel and unusual punishment—that was it.

Things started to look up, though. In January of 2017, I received assurances from then-President-elect Donald Trump that he was committed to finding a fix, but by March, 22,600 coal miners received letters telling them their healthcare would be terminated by the end of April. By the end of April, it would be gone.

In typical fashion, Congress waited until the very last minute, but on May 1, we secured a permanent healthcare fix for 22,600 retired coal miners and their families.

Although this was a huge win, we still needed to fulfill other obligations and secure the miners' pension because it was in dire need, and it was in jeopardy of being cut drastically. Now I

was more determined than ever. I turned around and immediately introduced the America Miners Protection Act with Senator CAPITO, Congressman MCKINLEY, and Congressman WELCH to secure pensions for 92,000 coal miners. Now it was not only bipartisan; it was bicameral.

In February of 2018, I was appointed to the bipartisan, bicameral Joint Select Committee. I had the task of solving the country's pension crisis, including our coal miners, with all of our other pensioners in our Central States who are in dire need of our help too.

The United Mine Workers pension fund was the first fund in jeopardy. So I made it very clear during that—I said: If this starts tumbling, if this goes down, we will have to count on the PBGC, which basically is Federal Government funded, and if that happens, we are going to put that in insolvency. Then everything starts tumbling at a much faster rate, and it would be an absolute financial calamity for this country.

Things came to a head in October of this year. Murray Energy declared bankruptcy just this October. The largest coal producer we have for union workers was the Murray coal company. They declared bankruptcy. Basically, that significantly sped up the deadline for pensions and truly put us in a debt spiral.

Instead of going insolvent in 2022, which is what was predicted, the UMWA pension fund would now expedite—speed up to insolvency by 2020, next year. Not only that, but in between the time of securing healthcare and now three coal companies had gone bankrupt, putting another 13,000 more coal miners in jeopardy of losing their healthcare, 1,000 would have lost theirs at the end of this month and another 12,000 at the end of March.

This bankruptcy, in particular, got the attention of many of my colleagues. I appreciate all of you so much, knowing how difficult this was going to be on so many people and their families.

It was a call to action for Congress to step up to the plate and honor the promises made to our miners. In 1946, that was the only pension system in America that had the silver approval of Congress and the President of the United States—the only one.

In November, I was proud to partner with a bipartisan group of my colleagues again, including the majority leader this time, which I am so appreciative of. It is an act that would introduce the Bipartisan American Miners Act that would secure pensions for 92,000 coal miners and their families and 13,000 coal miners and their families who would get healthcare. Even though that was good news, we still weren't over the finish line.

On December 11, for the first time since I have been here—9 years—I put a hold on all Senate legislation. I said there is no way I am going to go home or anyone else is going to go home and

enjoy Christmas with their family and New Year's when you have this many people in dire straits in jeopardy—people who built America. If we can't stand up for them, whom do we stand up for? So I said: This is what we are going to do. I was very clear. I telegraphed it by December 11. There were no surprises.

After many negotiations with the House of Representatives and the White House, we finally secured a permanent fix in the spending deal, ensuring retired coal miners will not lose their healthcare or pensions.

Throughout all of these years, thousands of retired coal miners from all across the country have come to Congress. I know you have seen them walking around. They have their shirts on, their proud green shirts, if they are working. They are walking the halls, meeting with every person in Congress they possibly can to tell their stories and meeting with every Member. The reason for that is, these are people who have truly given their heart and soul, their blood, and their sweat to this country, and they are just saying: This is something we negotiated. We didn't take the money home. We basically invested this money into our pension and our healthcare, and now because of a bankruptcy loophole, we are the last in line, and we lose everything. Something is wrong. It is not who we are as Americans.

So we worked through all of this. They walked the halls tirelessly, fighting for what they earned, for what they paid for, and truly for what they deserved.

This would have never happened without their relentless dedication. I have said this. They dedicated themselves religiously, for almost 4 years, day in and day out, coming here—coming here at their expense. It has been the honor of my life to fight alongside them. I can't be more proud of anything I have been able to do in public service than to stand shoulder to shoulder with the people who have made America great. I feel so honored to have had that opportunity.

I thank all of my colleagues, current and former Members of this body, who have stood with them throughout the years, even when the going got extremely tough.

I ask unanimous consent to have printed in the RECORD a list of all of those who have cosponsored these bills.

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

SENATE COSPONSORS OF SENATOR MANCHIN'S
MINERS PENSIONS AND HEALTHCARE BILLS
S.2788—BIPARTISAN AMERICAN MINERS ACT OF
2019 (116TH CONGRESS)

1. Capito
2. McConnell
3. Jones
4. Kaine
5. Duckworth
6. Brown
7. Casey
8. Durbin
9. Warner

10. Portman
11. Sinema
12. Van Hollen
13. Reed
14. Carper

S. 27 AS AMENDMENT TO NDAA—AMERICAN MINERS ACT (116TH CONGRESS)

Entire Democratic Caucus

S. 27—AMERICAN MINERS ACT (116TH CONGRESS)

1. Kaine
2. Warner
3. Brown
4. Jones
5. Casey
6. Durbin
7. Sanders
8. Warren
9. Van Hollen
10. Blumenthal
11. Harris
12. Gillibrand
13. Markey
14. Sinema
15. Duckworth

S. 1105—MINERS PENSION PROTECTION ACT (115TH CONGRESS)

1. Capito
2. Brown
3. Casey
4. Warner
5. Franken
6. McCaskill
7. Nelson
8. Warren
9. Murray
10. Kaine
11. Donnelly
12. Heitkamp
13. Portman
14. Whitehouse
15. Durbin
16. Heinrich
17. Burr
18. Sanders
19. Booker
20. Duckworth
21. Wyden

S. 175—MINERS PROTECTION ACT OF 2017 (115TH CONGRESS)

1. Capito
2. Casey
3. Brown
4. Kaine
5. Warner
6. Portman
7. Tester
8. Murray
9. Sanders
10. Durbin
11. Franken
12. Booker
13. Donnelly
14. Heinrich
15. McCaskill
16. Heitkamp
17. Nelson
18. Burr
19. Sullivan
20. Whitehouse
21. Murkowski
22. Warren
23. Risch
24. Duckworth
25. Cotton
26. Udall
27. Harris

S. 1714—MINERS PROTECTION ACT OF 2015 (114TH CONGRESS)

1. Capito
2. Casey
3. Brown
4. Kaine
5. Warner
6. Roberts
7. Cotton

8. Risch
9. Rounds
10. Burr
11. Durbin
12. Tester
13. Kirk
14. Portman
15. Murray
16. Sanders
17. Boxer
18. Franken
19. Moran
20. Sullivan
21. Murkowski
22. Booker
23. Donnelly
24. Heinrich
25. Coons
26. McCaskill

Mr. MANCHIN. Mr. President, they have all recognized, just like President Truman, that our country would not be where it is today without them and that we needed to get this done—and we did.

I want to give you a little bit of a background and history of why this is so near and dear to me.

My grandfather came to this country—this wonderful country, the United States of America—in 1900 as a baby. He started working in the coal mines at 9 years of age. So he was able to get a fourth grade education before he had to go help support his family.

In 1927, he and my grandmother had four children, and my grandmother was pregnant with my uncle. So she would have had four and three-fourths of a child at that time. My grandfather would always tell me: JOEY, we couldn't pay the bills at the end of the month. He said: I never did see any money because it was all script, and it went to the company house or the company store. So the old song lyrics, "I owe my soul to the company store"—he truly did. He just said: We can't make it.

He would go out, and he would tell people: We have to do better than this. We have no healthcare. We have nothing to look forward to and we can't pay our bills and we are working 6 days like dogs. He had a mule. Poppa had a mule; he had a buggy; and he had a car-bide light.

He would go in and have to do everything. He would have to, as he would say—he loved to say: Fire in the hole. He would always tell me that. Basically, what he meant by that is, he would have to go back into the mine. He would have to get a block of coal he was assigned to, and he would have to drill it. He would have to tamp it and put the dynamite in it, and he would pack it. Then he had to go back, and he would fire it. Then everything would blast away, and he had to get all the coal and load it by hand. This is what he did from 9 years of age.

He was trying to improve the quality of life for all coal miners. He said: This is not right. Well, he fought for those rights of coal miners. It is engrained in my family history.

The rest of the story is, in 1927—with those four children and being pregnant with Uncle Jimmy, because he was

talking about improving the quality of life for the people who did this unbelievable work for this great country, at a time when this country needed it, and the industrial age was coming—on Christmas Eve, they came to the company house where he lived and rented, took all of their furniture and threw it in the middle of the street. They threw them out because they said he was an organizer.

Papa was a survivor. He was just trying to survive, and he wanted other people to have the same quality of opportunity to survive. I know this is ingrained in me. Let me just tell you, when you saw these miners and you saw the fight they had in them, that is why. There is still more that we have to do. We have to do much more.

If you want to stop this from continuing and repeating itself in so many different professions, we have to change the bankruptcy laws in America. We cannot allow the bankruptcy laws in this country that put hard-working people—that take money out of the paychecks of hard-working people and let people from Wall Street come in and take over—through hedge funds or whatever they do—and rob them and put them at the back of the line.

Every working person in America who pays in out of their paychecks and their sweat and their blood and their hard work should be at the front of the line getting equal treatment, not just the financial institutions. That is why I am asking in a bipartisan way that we make sure we protect the people who continue to make this country go and make this economy turn. We can do that in this body and nowhere else.

In January, when we get back from recess, I will be working with my colleagues to move this legislation through Congress because if we cannot continue to stand for American workers ahead of the almighty dollar and Wall Street greed, what in the world are we here for? What is our purpose? How do you go home and look at people? "So sorry you lost everything. I wish we could do more." Well, we can do more. We just showed them we can do more for the miners. Let's make sure every working person is protected.

I have always said that we must set our priorities based on our values. If you can't set your priorities based on your values, you better check the box in the morning before you go to work. We have done that with the fight for our coal miners, and we will continue to do that for all American workers.

By working together across party lines since 2016, we have been able to secure lifetime healthcare benefits for 36,000 coal miners and their families. We have also secured pensions for 92,000 miners and their families. Most of these pensions are going to widows. Their husbands have passed away. Do you know what the average pension for a coal miner's widow is today? It is less than \$600. She doesn't have a portfolio. She doesn't have investments in the

stock market. She has Social Security and that \$590 pension, and they want to take that away.

That is what we fought for. That is why every one of us should be proud, Democrats and Republicans. We did our job because we stood here as Americans. We stood here representing America, not representing our parties and our tribal interests and not condemning each other. We did this working together, and we can continue to do a lot more.

Again, I thank all of my colleagues. I thank Cecil Roberts, president of the United Mine Workers, for being shoulder to shoulder all the way with us. I thank all the coal miners and their families, my colleagues in the House and the Senate, and President Trump for coming together to keep the promise that we have all made and that we should continue to make and keep.

I thank you all very much from the bottom of my heart. Merry Christmas to all, and to all, a good night. This has been very emotional, as you can tell. I know what this place can do. I have been here long enough that I have heard enough.

When I was Governor of the State and BOB BURR was sitting in his seat over there, I saw the good that came from him. It was basically all of us. Everybody in here has good in them or they wouldn't be here. Everybody came here for the right reason or they wouldn't have gotten here. This is not an easy place to get to, and by golly, when we get here, we try to do the right thing, and we did it. I can go home and you can go home, and we can be proud of what we did here. We finally did the job we were asked to do, and I want to continue doing that with you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

RECOGNIZING GOVERNMENT EMPLOYEES

Mr. VAN HOLLEN. Mr. President, I start by thanking my friend and colleague from West Virginia, Senator MANCHIN, for his remarks and for his steadfast support for workers throughout the United States of America and for working to try to bring us together in a bipartisan manner to get things done in the United States.

I rise today to give thanks to all who serve our country in uniform and as civilians. Even as partisan division and anger seem to reach new depths every day, Democrats and Republicans have remained united in our support and our high regard for our fellow Americans who honorably serve in the U.S. Armed Forces. Those who serve have earned every measure of gratitude shown to them by friends and neighbors and by all of us here in the Congress.

Other public servants deserve our thanks as well, but unfortunately, support for them is not nearly as unanimous or as universal. I will focus the remainder of my remarks on them. While they do not go into combat, they share the same dedication and love of

country as those who do. Many of them also go into harm's way—law enforcement officers, diplomats in war-torn lands, smokejumpers fighting forest fires—and all of them swear an oath to our Constitution, just like our troops and just like Members of Congress.

I am talking about Federal civil servants. These dedicated public servants, men and women, are not normally public figures, but the Nation saw their strength and their character at the witness table in last month's House impeachment hearings, Americans like Laura Cooper, David Hale, George Kent, Bill Taylor, Jennifer Williams, Marie Yovanovitch, all of whom have served in nonpolitical positions for all or most of their careers. All of them testified before Congress under subpoena.

These are just a few of the 2.1 million Americans who make up the Federal civil service and the Foreign Service. They work together here at home and abroad in every field of endeavor and on behalf of all of us. For example, budding entrepreneurs can call on Small Business Administration loan officers for help accessing capital and foreign commercial service officers to help sell their inventions to the world. Farmers know that the Natural Resources Conservation Service employees can help them keep their land productive for the long term. Foreign agricultural service diplomats help American farmers make a living feeding the world.

Yet, too many of our colleagues, including many on the other side of the aisle, have defamed public servants and now accuse those who testified in the House of attacking the President. That accusation has it exactly backward. The modern civil service was created after an attack on a President in order to prevent future attacks on Presidents. Yes, President Garfield was assassinated in 1883 by a disgruntled job seeker.

In those days, each President handed out most of the Federal jobs, often based on political allegiance more than skill. Imagine if that system still existed today—small business loans going only to campaign aides, law enforcement protecting only certain communities that voted for the President, and farm assistance being denied to those who backed the wrong Presidential candidate. Countries today with corrupt systems like that are among the poorest on Earth. None of this came to pass in America because the President who came after Garfield, Chester A. Arthur, signed a law creating the modern civil service.

Today, the President still has the authority to make political appointments to the most senior positions in the executive branch, but the overwhelming majority of positions are career civil servants who are hired based on merit, not political connections. The diplomatic corps was similarly professionalized in the decades that followed.

Put simply, that swamp was drained. Now other swamps have arisen, and ac-

tions like campaign finance reform are badly needed to address them, but professional civil servants are not the problem. In fact, since the civil service and Foreign Service were created, they have risen to every challenge. They mobilized America's resources to protect the public health and to beat back the Great Depression and wage war on fascism and on poverty.

Over the last half century, as the number of Americans they are serving has grown by more than 120 million, the number of civil servants has remained flat. That is doing a lot more with less.

If problems arise in the conception or execution of Federal programs, they must always be acknowledged and they must be fixed. Congress works hard to do that, often with the help of whistleblowers who raise the alarm about great fraud, waste, and abuse.

But some of my colleagues and our predecessors have made the terrible mistake over the last 40 years of systematically disparaging all "bureaucrats." This causes incalculable harm by turning good people away from public service and demoralizing those who are there. It hurts dedicated public servants to hear "bureaucrat" spat out as some kind of insult when the Senator or candidate doing so was probably more upset by the policies they were directed to implement than the civil servants implementing those policies.

Of course, the attacks and criticism leveled against Federal employees in the past were a lovefest compared to the hostility demonstrated by this administration and this President—asaulting them with name calling, assaulting bargaining rights, and even moving offices 1,000 miles away to get people to quit.

A new report by the Partnership for Public Service finds plummeting morale at the U.S. Department of Agriculture driven by a huge decline in scores at the USDA's Economic Research Service and the National Institute of Food and Agriculture. The Trump administration did not like the reports that those researchers at those agencies were publishing, and they punished them by suddenly moving their jobs halfway across the country and in the process lost hundreds of experienced, knowledgeable Federal employees in the area of agriculture. The vast majority of staff at those agencies lost their jobs when they decided not to move, and many of their jobs now remain unfilled. This has needlessly caused an upheaval that is delaying all sorts of reports on which those in the farming economy rely.

This administration's hostile atmosphere has been cited as contributing to a 61-percent increase in civil servants resigning during the first 18 months of this administration, including almost 1,600 leaving the EPA. Nearly half of our most senior Foreign Service officers left the government during President Trump's first 2 years, along with

many midcareer diplomats. Applications to the Foreign Service are at a 10-year low during this Presidency—a hollowing out at every level. It will take a generation to recover.

But as vicious as the attacks on Federal employees have been during the first 3 years of this administration, in recent months, we faced an even more insidious threat from a President who incites his followers to violence in one breath or tweet and spews venom against individual—individual—public servants by name in the next. These verbal assaults have led to harassment of government employees, like those who appeared as witnesses in the House. The President's supporters have acted, in many cases, on his incitements. There have been at least 29 criminal attacks or threats prosecuted in our courts where the attacker was echoing the President's rhetoric, according to one analysis.

This need to maintain support for our Federal employees is going to be especially important in the next several months when events will unfold that are sure to evoke strong passions across the political spectrum and around the country.

First, the election season is heating up, as will, no doubt, the President's criticisms of those with whom he disagrees, and we are going to consider the question in this body of impeachment, as they are doing so today in the House.

I know it is hard, but I ask my fellow Americans to set aside for a moment how they feel about the impeachment case. Set that aside, and think about the particular individuals who testified, what they did and what they did not say. Think about Ambassador Taylor and Mr. Kemp, who learned four languages, not to seek personal wealth or personal glory but to advocate for our country. Think about being raised on stories of Nazi and Soviet oppression of your parents, like Marie Yovanovitch. No one could have faulted her for seeking a more comfortable life here. Instead, she ventured back out to some of the most dangerous parts of the world and sometimes at significant personal risk to herself. She went abroad to extend the American people's hand of friendship and to pursue our interests. She went as the direct, chosen representative of three Presidents.

These public servants don't have the luxury of choosing the policies they pursue or of just speaking their own minds at any time. Setting aside the personal beliefs they may hold, all the public servants I have spoken to so far served America under both administrations of both parties. Even last month, they did not have the luxury of speaking their minds on subjects of their choice or at a time of their choosing, as we do right here in the U.S. Senate. No, congressional subpoenas and their duty to our constitutional laws compelled them to testify, not to opinions but to facts.

The witnesses spoke about their love of country and pride in serving it. They did not speak about political affiliations or show any desire to undermine, let alone overthrow, this or any other President. They honored their oath of office, just as other dedicated civil servants and Foreign Service Officers do every day, striving to accomplish what Congress, the President, and their agency leaders ask of them.

Nobody—nobody—who swears the same oath to the Constitution, as we do in this Chamber, should criticize them for honoring their oath.

Far from a nefarious deep state, the depth of knowledge, the expertise, and the diligence of public servants show the depth of our agencies of government, the depth of our state. They are the ballast that keeps the ship of state on course.

We believe that America's strength springs not only from the undisputed benefits of a free people pursuing their ambitions and dreams but also from sometimes harnessing those talents for important national purposes.

We believe that America's greatness has resulted not only from a collection of individuals acting alone but from our capacity to work together for the common good. We should not see government as the enemy but as the imperfect instrument by which we can accomplish together, as a people, what no individual or corporation can accomplish alone.

I ask my colleagues to stop, to think about what we have built in this country—a system of government that has helped eradicate many diseases, sent mankind to the Moon, built the infrastructure to connect the continent, and so much more. American ingenuity, harnessed to common purpose through government, powered these achievements.

As we look to the future, let's consider what it will take to maintain our momentum and maintain our greatness as a united country. It takes people. It takes skilled people, and it takes, among others working in our free society, a dedicated public service. We will lose those public servants, as we are already seeing, if people keep attacking them.

Let's ask ourselves a simple question. What kind of country do we want to be—a country that embraces all who serve, in uniform and out of uniform, or a country that retreats even further into tribalism and political echo chambers?

I am proud to stand with our civil servants. In 2017, Senator SULLIVAN and I cofounded the Foreign Service Caucus to support our diplomats, a bipartisan start toward turning the tide.

This week, we have taken additional steps forward with the passage of paid parental leave for Federal employees, and we will pass a well-deserved pay raise shortly. There is so much more we can do. Senators can start right now and take personal responsibility for ushering in a new era of respect for

all of our public servants. I ask my colleagues on both sides of the Capitol to stop the insults, stop the verbal assaults, and stop questioning the patriotism of these fine Americans.

We can fight over programs; we can fight over budgets; but let's not speak ill of civilians who serve. Let's not hurl the term "bureaucrat" as a slur. Let's not call people in certain government agencies "scum." Let's disagree with witnesses without questioning their patriotism.

Let's remember that those who join the Federal service do so out of a desire to help their fellow Americans and that they deserve our respect and our thanks. If we want to know what is really going on with the Federal program, we should be talking to our civil servants to get ideas about what is working and what needs to be fixed. They are always willing to offer their opinions for those purposes. If you want to root out waste, fraud, and abuse, let's keep open the lines of communication with Federal employees and whistleblowers. Remember that Federal employees cannot bargain for wages or benefits, so, instead, they bargain for a workplace that works better for the American people.

On April 19, we will mark 25 years since the bombing of the Alfred P. Murrah Federal Building in Oklahoma City—America's deadliest domestic terror attack, where 168 people perished, many of them Federal workers. As we honor all those who were killed that day, we must come together, across the aisle. We must reject the idea of politically motivated violence. And we must do it every day, not just on the anniversary of that tragedy.

We can do this. I have confidence we can do it because we have done something like it before. I mentioned at the outset of my remarks our universal respect for our fellow citizens and aspiring citizens who serve in the military. But it wasn't always universally so.

During the war in Vietnam, many of us remember how polarized and divided our country was and how in some cases disagreement over the war morphed, for some, into directing anger at our troops. This country learned from that mistake. We turned the tide. We came together. Now we have nearly universal agreement that it is wrong to blame servicemembers for carrying out decisions to go to war that they had no part in making themselves; that you can disagree with the war but still embrace the warrior.

For too many of our colleagues, especially as we witness what is happening on the other side of the Capitol, that fallacy is playing out again today; people are blaming and attacking public servants for following the laws they are sworn to uphold, for obeying lawful subpoenas, and for doing their duty to tell the truth.

I am an optimist, and I believe today's critics will learn from our past mistakes and correct our approach in the future, just as we learned after the

Vietnam war that it was wrong to criticize or focus our anger on our soldiers, even if we disagreed with the war they were deployed to undertake and fight.

I hope we will take that same approach with respect to our civil servants; that we will understand and honor their service. I hope we will all then jointly proclaim that alongside the greatest military in the world, we have the greatest civil service and the greatest Foreign Service the world has ever seen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

FIRST STEP ACT ANNIVERSARY

Mr. GRASSLEY. Mr. President, I am here today to commemorate and celebrate the 1-year anniversary of a groundbreaking achievement. On December 18, 2018, the Senate passed the FIRST STEP Act. Three days later, President Trump signed this far-reaching legislation into law. The FIRST STEP Act is the most significant criminal justice reform law in a generation.

I am proud of the work we accomplished 1 year ago on the Senate floor by voting it out of this Chamber with a rollcall vote of 87 to 12. This historic vote means a lot to this Senator, who then was chairman of the Judiciary Committee. In fact, in one of the conference rooms in my office in Washington, I have the official tally sheet from this bill's vote framed and hung on a wall. Now Iowans, advocates, and those who visit my office can see this piece of history.

Our criminal justice system is based on the rule of law. That means when you commit a crime, you should be punished. But the punishment should fit the crime. If the penalty is too harsh, it doesn't do any more to deter criminal activity, and it is a bad value for our taxpayers when you keep people in prison if it doesn't do any good to have them there.

Overly harsh penalties can also make it harder for prisoners who are trying to change their lives to turn over a new leaf. It is worth noting that almost all criminals are eventually released from prison.

Our criminal justice system must do much more than punish and deter. It should rehabilitate and prepare prisoners to reenter society. That is exactly what the FIRST STEP Act does. It gives nonviolent prisoners an incentive to participate in programs in prison, such as job training, drug treatment programs, and counseling, which have been shown to reduce recidivism.

The FIRST STEP Act also makes sentencing more fair. It leaves tough penalties in place for the worst criminals, but it reduces mandatory minimum sentences, giving judges the ability to tailor punishment to fit the crime.

Today marks a very happy occasion and a time of reflection. However, we must remain focused on the future and

implementation of that law. With vigilant and consistent oversight into the implementation of the FIRST STEP Act, we can ensure these goals of reducing recidivism and improving our criminal justice system are met.

I have had the opportunity to meet with dozens of former prisoners who have been released because of the reforms in the FIRST STEP Act, and I also had a chance to meet with some of the families. These former prisoners are inspiring. They are finding jobs. They are taking care of their families. They are paying their taxes and contributing to their communities. They have told me that the FIRST STEP Act gave them hope. It reminded them that the rest of the country had not forgotten about them but wanted them to succeed.

The FIRST STEP Act gives former prisoners a better chance at changing their lives. Every day, there are more success stories. No doubt, there will be some prisoners who don't learn a lesson and return to a life of crime, but the reforms we put into place have been shown at the State level to reduce crime by reducing recidivism. It is the right thing to do for people in the criminal justice system, but it is a good value for the taxpayers, as well, because it costs tens of thousands of dollars to keep people in prisons.

As we commemorate the FIRST STEP Act, it is important to acknowledge that this was a bipartisan effort. A lot of people didn't think it was even possible, but we did it by working together and finding a way to work out a reasonable compromise.

First and foremost, I want to acknowledge Senator DURBIN. I guess you would call the two of us partners in crime. There is no better advocate for criminal justice reform than Senator DURBIN, and this bill would never have passed without his hard work and willingness to forge this bipartisan compromise.

I point especially to Senator LEE because he knows the criminal justice code inside out, and when we needed people to tell us what we could or could not do, what was reasonable, he had an answer. So I want to thank Senator LEE.

I also thank Senators CORNYN, SCOTT, WHITEHOUSE, BOOKER, and LEAHY, among others.

I also want to recognize President Trump and give a sincere thank-you to him and his team, particularly Jared Kushner, for the support and leadership in this space.

Today, December 18, will always be an important day for me as a legislator. I look forward to making sure that this law is implemented successfully and to finding additional ways to improve our criminal justice system.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ROMNEY). Without objection, it is so ordered.

Mr. YOUNG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the McFarland nomination?

The yeas and nays were previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 38, as follows:

[Rollcall Vote No. 402 Ex.]

YEAS—56

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Brown	Hyde-Smith	Rubio
Burr	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cassidy	Jones	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sinema
Cotton	Lee	Sullivan
Cramer	Manchin	Thune
Crapo	McConnell	Thune
Cruz	McSally	Tillis
Daines	Moran	Toomey
Enzi	Murkowski	Wicker
Ernst	Paul	Young

NAYS—38

Baldwin	Hassan	Rosen
Bennet	Heinrich	Schatz
Blumenthal	Hirono	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Smith
Carper	Leahy	Stabenow
Casey	Markey	Tester
Coons	Menendez	Udall
Cortez Masto	Merkley	Van Hollen
Duckworth	Murphy	Warner
Durbin	Murray	Whitehouse
Feinstein	Peters	Wyden
Gillibrand	Reed	

NOT VOTING—6

Booker	Isakson	Sanders
Harris	Klobuchar	Warren

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I ask unanimous consent that with respect to the McFarland 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.

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 senior assistant legislative 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 Anuraag Singhal, of Florida, to be United States District Judge for the Southern District of Florida.

Mitch McConnell, John Boozman, Richard Burr, Shelley Moore Capito, John Cornyn, Mike Crapo, John Barrasso, Roy Blunt, John Thune, Steve Daines, Thom Tillis, Kevin Cramer, Chuck Grassley, Tom Cotton, Rick Scott, Roger F. Wicker, Cindy Hyde-Smith.

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 Anuraag Singhal, of Florida, to be United States District Judge for the Southern District of Florida, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER (Mr. PERDUE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—76 yeas, nays 18, as follows:

[Rollcall Vote No. 403 Ex.]

YEAS—76

Alexander	Duckworth	Manchin
Barrasso	Durbin	McConnell
Blackburn	Enzi	McSally
Blumenthal	Ernst	Menendez
Blunt	Feinstein	Moran
Boozman	Fischer	Murkowski
Braun	Gardner	Murphy
Burr	Graham	Paul
Capito	Grassley	Perdue
Cardin	Hassan	Peters
Carper	Hawley	Portman
Casey	Hoeben	Reed
Cassidy	Hyde-Smith	Risch
Collins	Inhofe	Roberts
Coons	Johnson	Romney
Cornyn	Jones	Rosen
Cortez Masto	Kaine	Rounds
Cotton	Kennedy	Rubio
Cramer	King	Sasse
Crapo	Lankford	Scott (FL)
Cruz	Leahy	Scott (SC)
Daines	Lee	Shaheen

Shelby	Thune	Wicker
Sinema	Tillis	Young
Sullivan	Toomey	
Tester	Warner	

NAYS—18

Baldwin	Hirono	Smith
Bennet	Markey	Stabenow
Brown	Merkeley	Udall
Cantwell	Murray	Van Hollen
Gillibrand	Schatz	Whitehouse
Heinrich	Schumer	Wyden

NOT VOTING—6

Booker	Isakson	Sanders
Harris	Klobuchar	Warren

The PRESIDING OFFICER. On this vote, the yeas are 76, the nays are 18.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Anuraag Singhal, of Florida, to be United States District Judge for the Southern District of Florida.

ORDER OF PROCEDURE

Mr. THUNE. Mr. President, I ask unanimous consent that notwithstanding provisions of rule XXII, at 4 p.m. today, the Senate vote on the motions to invoke cloture filed on Monday's session of the Senate in the order filed. I further ask that if cloture is invoked, the Senate vote on confirmation of Executive Calendar No. 465 and the nominations at a time to be determined by the majority leader in consultation with the Democratic leader; that if confirmed, the motions 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.

The PRESIDING OFFICER. The Senator from Florida.

CONDEMNING THE TERRORIST ATTACK AT NAVAL AIR STATION PENSACOLA ON FRIDAY, DECEMBER 6, 2019, HONORING THE MEMBERS OF THE NAVY WHO LOST THEIR LIVES IN THE ATTACK, AND EXPRESSING SUPPORT AND PRAYERS FOR ALL INDIVIDUALS AFFECTED BY THE ATTACK

Mr. SCOTT of Florida. Today we come together to honor the courage of our brave men and women in uniform—our heroes—and remember the victims of the tragic terrorist attack that took place at Naval Air Station Pensacola on the morning of Friday, December 6.

I would like to thank my colleagues, Senators RUBIO, PERDUE, ISAKSON, SHELBY, and JONES, for standing with me today as we honor the sacrifice and memory of the three victims and their families.

Amn Mohammed Sameh Haitham, known to friends and family as "Mo," was just 19 years old from St. Petersburg, FL. He was a great athlete who loved to make others laugh.

ENS Joshua Kaleb Watson of Alabama was a 23-year-old natural born leader and selfless volunteer who had lifted others up. Joshua died a hero after giving first responders information on the shooter's location while he was mortally wounded.

Ann Apprentice Cameron Scott Walters of Richmond, GA, was just 21 years old, with a contagious smile. His dream was to serve our country.

Our sailors and law enforcement officials showed heroism and bravery in the face of evil as they ran toward the shooter that day, saving lives. To our first responders who came to the swift aid of those in need, I would like to thank each one of them.

Today, the State of Florida stands united around the community of Pensacola and the families of victims as we pray for healing. I join my colleagues as we do everything we can to prevent future terrorist attacks.

Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 457, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 457) condemning the terrorist attack at Naval Air Station Pensacola on Friday, December 6, 2019, honoring the members of the Navy who lost their lives in the attack, and expressing support and prayers for all individuals affected by the attack.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCOTT of Florida. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 457) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

Mr. SCOTT of Florida. I yield the floor to Senator RUBIO.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I want to thank my colleague Senator SCOTT for offering this and all of our colleagues and, of course, all of the Senators who voted for it unanimously.

My colleague from Florida has already mentioned the three names of those in the service of our country who lost their lives in Pensacola. I will talk about them more in a moment.

I do want to say a couple of things. First, Pensacola really is one of the hidden gems of the State that Senator SCOTT and I represent. To understand Pensacola, you must understand that it is not just a city in which a naval facility is located. The Navy is very