

out by 2019. So 20 years after the subsidies were supposed to end, we are now on a glide path to phasing this out and having these taxpayer subsidies expire at the end of this year.

At the time the Wind Energy Association looked at this in 2015, they said: “Growth in the wind industry is expected to remain strong when the PTC is fully phased out.” PTC is the production tax credit. That is what we are talking about. Lo and behold, we get to the end of 2019, or nearly so, and, sure enough, some folks in Congress are saying: Well, let’s not stick to that deal. Let’s continue this subsidy even longer. So we had a markup in the Ways and Means Committee of the other Chamber to add yet another year’s extension to the wind tax credit that will cost another \$2 billion.

I just don’t think we should break the deal that we had in 2015. This is an inefficient use of taxpayers’ money. This makes our economy less efficient. This lowers our standard of living and is disruptive to the ongoing base sources of electricity that we need across the country.

The last point I want to make is that it is not as though we have an energy shortage in this country. It is not as though we are going to have to turn to hostile foreign sources to get the energy to replace if we don’t continue heavily subsidizing wind production. The fact is we have staggering amounts of natural gas—enough natural gas to serve our electricity generation needs for the indefinite future. In 2017, the United States became a net exporter of natural gas. It is a huge, growing source of electricity generation that is clean, that is reliable, and that is incredibly abundant. We came to the right conclusion some years ago. Now is our opportunity to stick to it.

I yield the floor.

The PRESIDING OFFICER (Mr. CRUZ). The Senator from Texas.

SENATE LEGISLATIVE AGENDA

Mr. CORNYN. Mr. President, history has taught us that the closer you get to election day, the harder it gets to pass legislation here in the Congress. It is hard, anyway, by design. You have to pass a bill through committees in the House and in the Senate. Both bodies have to pass a bill if they are different. They have to reconcile those in a conference committee. Then, you have to negotiate with the White House in order to get the President’s signature. So, by design, it is hard to pass legislation, but it shouldn’t be this hard.

With less than a year to go before the 2020 election, we are racing against the clock. We started this year with bipartisan ambitions to address healthcare costs, to bolster international trade, and to get the appropriations process back on track and avoid unnecessary government shutdowns. Yet, somewhere along the way, politics hijacked the process.

Our colleagues across the aisle decided that no matter how critical legislation may be, foiling President Trump

was even more important. They are so outraged by the President and so consumed by his every word and every tweet that they have brought the work of this body to a screeching halt in an effort to remove him from office less than a year before the next general election. It seems they have no desire whatsoever to pass legislation that would benefit the American people, let alone any urgency to get things moving. The only thing our Democratic colleagues seem to care about is stopping the President from getting anything that could be construed as a win.

Over in the House, the Democrats have put legislating on the back burner and are spending their days trying to nullify the results of the 2016 election. They are slow-walking negotiations on the National Defense Authorization Act, which has passed every year without fail since 1961. Their negotiations with the administration over the USMCA—that is the successor to NAFTA, which helped to benefit the employment of roughly 13 million Americans—have kept farmers, ranchers, and manufacturers in limbo for months. Along with the necessary funding to help to make up for the lack of funds in the highway trust fund, they have also complicated efforts to get a long-term highway bill reauthorization passed.

Despite the partisan frenzy in the House, I have always believed the Senate should do its best to stay above the fray, but the minority leader has proven me wrong. In fact, last week, I came to the floor to ask unanimous consent to pass a bill that Senator RICHARD BLUMENTHAL, of Connecticut, a Democrat, and I, a Republican, introduced together. Incredibly, this bill passed unanimously out of the Committee on the Judiciary.

Our legislation is designed to do what all here in Washington say they want to do, which is to reduce drug prices—in this case, by stopping drug makers from gaming the patent system. Our bill strikes a delicate balance of protecting innovation, which is very, very important—we must not lose sight of that—while it increases competition, and you know competition helps to bring down prices. As an added bonus, it would lower Federal spending by more than a half a billion dollars over 10 years. That is not even talking about what it would do in the non-governmental sector for sayings.

Senator BLUMENTHAL and I have done what you are expected to do here in a legislative body, which is to work hard to build consensus and come up with a bill that could gain bipartisan support. By any measure, we have succeeded in doing that, as it has a dozen bipartisan cosponsors. As I mentioned, when this legislation was reviewed by the Committee on the Judiciary—a committee that, notably, can be pretty contentious at times—the committee passed it unanimously. Every Republican and every Democrat voted for it.

I had hoped that would have been some indication that this bill would

have quickly passed the full Senate when brought to the Senate floor. Apparently, the minority leader, the Senator from New York, had other plans in mind, because when I, along with Senator BLUMENTHAL, came to the floor last week to try to get this legislation passed, he objected—hence, the Schumer graveyard.

On November 18, 2019, when referring to S. 1416, regarding the lowering of drug prices, Senator SCHUMER said: “Democrats are happy and eager to work on those issues.”

One thing I have learned around here is that it is not just what people say but what they do that counts, and he objected to this virtually unanimously supported bill, on a bipartisan basis, to lower drug prices. He actually called it a good bill. He said it was well-intentioned, but he said there were other ideas that had to be included before he would lift his objection. So he doesn’t have any objection to our bill. He understands it is a good bill but that it may not be as comprehensive as he would like.

Another thing I have learned in my time in the Senate is that if you demand everything and are not willing to compromise, you are going to end up with nothing. Apparently, that is what the Democratic leader is happy with, including for his constituents in New York, by the way, who will have to pay more money out-of-pocket as a result of his objection to this commonsense bill.

I would hope that he would talk to his own Members who have cosponsored this bill. Most notably, the Democratic whip, Senator DURBIN, of Illinois, has cosponsored the bill as well as Senator MURRAY, of Washington, who is the ranking member on the Committee on Health, Education, Labor, and Pensions. They are both cosponsors of this bill that the Democratic leader objected to.

While all Senators have said they want to address rising drug prices, Senator SCHUMER has the distinction of being the only Senator to have actually blocked a bill that would do exactly that. Why would he do that? He claims—I think, mistakenly so—that passing my bill would somehow render the Senate incapable of passing any other drug pricing legislation. That is, obviously, ridiculous and untrue.

I happen to sit not only on the Committee on the Judiciary but on the Committee on Finance. There is a significant bipartisan Committee on Finance bill, together with the Health, Education, Labor, and Pensions Committee’s bill, that has been produced by Senator ALEXANDER and Senator MURRAY. Both of those contain many good ideas. I wish we had the time and the bandwidth to debate and vote on those on the Senate floor and in the House. But for the fact that our House colleagues are so obsessed with impeachment and seem incapable of doing anything else, I think we could do that.

Of course, even though the Democratic leader himself is the reason this

bill did not pass last week, it hasn't stopped him from complaining about the lack of progress on other legislation. Yesterday evening, for example, he came to the floor and said: "Democrats are happy and eager to work on those issues." I would suggest, when he says they "are happy and eager to work on those issues," that it is just happy talk, not our actually rolling up our sleeves and working together to get the work of the American people done, which is the reason I thought we were here.

The Democratic leader went on to say that the Senate Democrats are waiting with bated breath for the Republican leader to put any of these bills on the floor and for any Republican to speak out and demand they go on the floor. Yet, when I asked for this bill to be passed on the floor, it was not a Republican who blocked it. It was the same person who said he would be happy and eager to work on those issues. Again, what people say in Washington, DC, is not what they actually do sometimes. I suggest it is important to see what people do, not just listen to what they say.

Sadly, this isn't the only time the Democratic leader has blocked progress on bipartisan priorities. It is just the latest. Here are some other tombstones in the Schumer graveyard.

Over the summer, our colleagues on the Committee on Appropriations had the foresight to prepare for the funding fight that we expected this fall. That was a normal part of the process. They negotiated a spending caps agreement to make the appropriations process much more straightforward in both Chambers of Congress, and the House and the Senate approved the terms. We agreed to that top-line funding level both for defense and nondefense spending. There was also a promise not to derail the process with poison pills in the form of policy riders. We got all of it done with plenty of time to spare.

After we voted on that, there was reason for hope and optimism in that, somehow, we had made it much easier for us to do the Nation's business when it had come to the spending bills. While there was still a lot of work to do, we thought this put us on a strong footing to get funding bills passed before the end of the fiscal year. Yet here we are today, on November 19—a long time from those votes in August—and we still don't have those spending bills passed.

Our Democratic colleagues have, on two instances, actually objected to even debating the Defense appropriations bill, which provides a pay raise for our troops. They will not even talk about it. They will not offer amendments. They just blocked it. They just stopped it dead in its tracks. You would have thought everybody would have learned not to play politics with the appropriations bills. Our Democratic colleagues have held up government funding due to a disagreement that is equal to about 0.3 percent of the

discretionary spending budget, and they are trying to reopen the very budget agreement that they agreed to last summer that has become law.

They blocked vital education funding, which would have provided more than \$71 billion to the Department of Education. This spending bill would bolster a number of the grant programs that our students and our schools rely on, and it would promote college access and affordability to help more prospective college students. That same funding bill would have invested nearly \$4 billion in our fight against the opioid epidemic, supported workforce training programs, and strengthened our nationwide mental health system.

Could the majority leader put aside politics just long enough to let this funding bill, which would do so much good, pass? Well, apparently not.

If you think that is bad, it just gets worse. Our most fundamental responsibility in Congress is to provide for the common defense. Before we can worry about anything else, we need the safety and security that our military provides to fight, if necessary, our Nation's wars and to defend our democracy. Actually, the strength of our military is directly related to our ability to live in peace because when our adversaries see us as tentative or weak or withdrawing or unwilling to fund our military training and readiness, they view that as a sign of weakness, which itself can be a provocation, which, again, ignores our most basic job as Members of the Congress.

There have always been disagreements about exact dollar figures; we are not talking about that. But the top-line figures were agreed upon last summer, so I thought we were ready to fund our military on time.

Well, shame on me for being an optimist or at least optimistic enough to believe that people would keep their commitments, keep their word, and we would somehow head down this path to funding the U.S. Government.

Here we are, with one continuing resolution expiring in 3 days' time. I believe the House will vote on an additional continuing resolution that will take us to December 20, and then the Senate will have to do that just to keep the lights on here in Washington, DC—just to make sure that government actually functions.

None of this is necessary, and all of it is directly related to hyperpartisan conflict, which we all understand, but it simply is getting in the way of our ability to do our business.

The one that strikes me as the most indefensible, beyond the prescription drug objection, is blocking funding for our troops. We depend on an all-volunteer military, and obviously many of our military members are not just single; they have families who depend on them and on the funding that Congress provides. But our colleagues blocked it two different times—again, voting against the motion to proceed to the bill which, in plain English, is just saying that they didn't even want to start

talking about or amending the underlying bill, which each Senator would have the opportunity to do if they would allow us to begin that process, which they blocked.

Well, the Democratic leader loves to talk about the legislative graveyard here in the Senate. What he really means is that he wants to control the agenda, even in his seat as the minority leader. Well, he knows the rules of the Senate don't permit the minority to control the agenda. That is why it is so important that Senator MCCONNELL is where he is and that Republicans have a majority.

We are not saying that you have to do it our way or the highway. We are saying: Let's engage in the legislative process. Let's take up legislation on the floor of the Senate and let Senators offer their amendments, their suggestions, and then let's vote on them. But let's not just stop things dead in their tracks because of partisan politics or because somebody doesn't want somebody who happens to be on the ballot in 2020 to get a "win." That is really beneath the dignity of the Senate or any Senator. It is less than what the American people have a right to expect of us.

I would ask the Democratic leader again: Please don't head down this path by creating a graveyard of your own for bipartisan legislation that could and should become law. It is not my way or the highway. We have to work on this together, and we are willing to do our part.

Let's work on bills that strengthen our military, lower drug prices, help students, assist in the fight against the opioid crisis, and so much, much more.

I think it is a shame that our Democratic colleagues seem to be unable to compartmentalize their feelings about the President from the urgent need for them to do the jobs they were elected to do here in the Congress. They have been given countless opportunities to engage with us on a bipartisan basis to pass meaningful legislation that would make the American people's lives better. Again, that is why I think we are here, but they refuse to do anything that could be construed as giving somebody a victory because of political considerations. While Senator SCHUMER continues to kill bipartisan bill after bipartisan bill—really, because of it—the work of this Congress has become paralyzed.

We are not going to give up, though. We will keep fighting to ensure that the American people are not the ultimate victims of our Democratic colleagues' war against this President—again, less than a year before the election. Why can't they channel all of their anger, all of their energy into the election rather than invoking the impeachment process? This would be the fourth time that has been initiated in American history, and it has never been successful in getting a Senate conviction and a removal of any President in American history. Our Democratic colleagues know they are likely

headed to the same conclusion here, but they nonetheless want to occupy all of our time and all of our attention on something that they know, ultimately, will likely be futile, will be unsuccessful, and in the meantime leave the American people on the sideline and not care or do anything that would help make their lives just a little bit easier and our country just a little bit stronger.

I yield the floor.

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RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

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EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

Mr. LEE. I ask for the yeas and nays.

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

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. 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 64, nays 31, as follows:

[Rollcall Vote No. 358 Ex.]

YEAS—64

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

NAYS—31

Bennet	Cortez Masto	Hirono
Blumenthal	Duckworth	Kaine
Brown	Durbin	King
Cantwell	Gillibrand	Markey
Cardin	Hassan	Menendez
Casey	Heinrich	Merkley

Murray  
Peters  
Rosen  
Schatz  
Schumer

Shaheen  
Smith  
Stabenow  
Tester  
Udall

Van Hollen  
Warner  
Wyden

Jones  
Kaine  
Kennedy  
King  
Lankford

Paul  
Perdue  
Peters  
Portman  
Reed

Shelby  
Sinema  
Smith  
Sullivan  
Tester

NOT VOTING—5

Booker  
Harris

Klobuchar  
Sanders

Warren

Leahy  
Lee  
Manchin  
McConnell  
McSally  
Menendez  
Moran  
Murkowski  
Murphy

Risch  
Roberts  
Romney  
Rounds  
Rubio  
Sasse  
Scott (FL)  
Scott (SC)  
Shaneen

NAYS—15

Bennet  
Brown  
Cantwell  
Cortez Masto  
Gillibrand

Hirono  
Markey  
Merkley  
Murray  
Rosen

Schatz  
Schumer  
Stabenow  
Van Hollen  
Wyden

NOT VOTING—5

Booker  
Harris

Klobuchar  
Sanders

Warren

The PRESIDING OFFICER. On this vote, the yeas are 80, the nays are 15.

The motion is agreed to.

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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 Barbara Lagoa, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

Rick Scott, Steve Daines, Mike Crapo, Pat Roberts, Marco Rubio, Lindsey Graham, John Hoeven, Roy Blunt, Mike Rounds, John Thune, John Cornyn, Deb Fischer, John Barrasso, James E. Risch, John Boozman, 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 Barbara Lagoa, of Florida, to be United States Circuit Judge for the Eleventh Circuit, 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. 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 (Mrs. BLACKBURN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 80, nays 15, as follows:

[Rollcall Vote No. 359 Ex.]

YEAS—80

Alexander	Cassidy	Feinstein
Baldwin	Collins	Fischer
Barrasso	Coons	Gardner
Blackburn	Cornyn	Graham
Blumenthal	Cotton	Grassley
Blunt	Cramer	Hassan
Boozman	Crapo	Hawley
Braun	Cruz	Heinrich
Burr	Daines	Hoeven
Capito	Duckworth	Hyde-Smith
Cardin	Durbin	Inhofe
Carper	Enzi	Isakson
Casper	Ernst	Johnson
Crapo	Feinstein	
Cruz	Gillibrand	
Daines	Hassan	
Enzi	Heinrich	
Ernst	Hirono	
Feinstein	Kaine	
	King	
	Markey	
	Menendez	
	Sanders	
	Whitehouse	

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EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Barbara Lagoa, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. The Senator from Louisiana.

FCC AND C-BAND AUCTION

Mr. KENNEDY. Madam President, I want to spend a very few minutes today to say thanks. I want to thank Chairman Ajit Pai and his colleagues at the Federal Communications Commission. The Chairman announced yesterday that he was going to put 5G technology and the American taxpayer first by holding a public auction, as opposed to a private auction, of what we call the C-band. It was a courageous decision that he made against a lot of pressure.

Allow me, for just a few minutes, to explain why that is important. We have all heard about 5G, which stands for fifth generation. It is a brandnew wireless technology. It means incredibly fast internet and cell phone calls. It means the ability to deliver as much as 100 times more data through wireless technology than we can do today.

We will notice it in our iPads; we will notice it in our computers; but we will notice it also in our cell phones.

As you know, a cell phone is really a sophisticated walkie-talkie. I will use the cell phone as an example to explain 5G. A cell phone is just a very sophisticated, much more complicated walkie-talkie. How does a walkie-talkie work? How does a cell phone work? Radio waves. The scientific term is “electromagnetic radiation.”

A radio wave is just what it says, a wave that goes from my cell phone, say, to the President’s cell phone through an antenna, a transmitter, and a receiver. A radio wave and the air through which it travels and the right to send a radio wave is a sovereign asset. It belongs to the American people. The American people own that