

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.

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).

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	Sullivan
Cotton	Lee	Thune
Cramer	Manchin	Tillis
Crapo	McConnell	Toomey
Cruz	McSally	Whitehouse
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Murphy	
Feinstein	Paul	

NAYS—31

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

Murray	Shaheen	Van Hollen
Peters	Smith	Warner
Rosen	Stabenow	Wyden
Schatz	Tester	
Schumer	Udall	

NOT VOTING—5

Booker	Klobuchar	Warren
Harris	Sanders	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The 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
Casey	Ernst	Johnson

Jones	Paul	Shelby
Kaine	Perdue	Sinema
Kennedy	Peters	Smith
King	Portman	Sullivan
Lankford	Reed	Tester
Leahy	Risch	Thune
Lee	Roberts	Tillis
Manchin	Romney	Toomey
McConnell	Rounds	Udall
McSally	Rubio	Warner
Menendez	Sasse	Whitehouse
Moran	Scott (FL)	Wicker
Murkowski	Scott (SC)	Young
Murphy	Shaheen	

NAYS—15

Bennet	Hirono	Schatz
Brown	Markey	Schumer
Cantwell	Merkley	Stabenow
Cortez Masto	Murray	Van Hollen
Gillibrand	Rosen	Wyden

NOT VOTING—5

Booker	Klobuchar	Warren
Harris	Sanders	

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

The motion is agreed to.

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

radio wave and the right to send it. Our FCC gets to decide who gets to use those radio waves and who has the right to send those radio waves.

There is a particular type of radio wave that is absolutely perfect for 5G. It is between 180 megahertz and 300 megahertz. Why are these radio waves so perfect for 5G? Well, because they strike a balance. First, the radio waves in that spectrum, as it is called, can go a fairly long distance, and they can carry huge amounts of data. That is going to make driverless cars possible. We have heard about those—the internet of things. That is going to make remote surgery possible, where a doctor who is in one place physically and through the internet, using a robot, can perform surgery on someone 1,000 miles away. 5G going through these special radio waves is going to make all that possible. It is going to change our lives.

Right now, those radio waves—I will call them the C-band spectrum—as I said, are owned by the American people. They are being used by three satellite companies—two from Luxembourg and one from Canada—and some other companies. They are satellite companies. They don't own those radio waves. They don't even have a license to use those radio waves. They didn't pay anything to get to use those radio waves. The FCC said they could use them. It is sort of like a month-to-month lease or rental agreement where you don't have to pay any rent.

Some time ago, those three companies came to the FCC and said: Even though we don't own those radio waves you allow us to use and even though the American people own those radio waves, which are perfect for 5G, we are willing to give them up to use for 5G, but here is what we want you to do.

The three foreign companies said: We want you to give us those radio waves, and then we will auction them off to the telecommunications companies that want to use the radio waves for 5G.

This was the kicker: The three foreign corporations said they want to keep the money.

Investment bankers estimate that through that auction being conducted by those three foreign corporations, as much as \$60 billion would have been generated. That is how much telecommunications companies would pay to get the license to use those radio waves.

Some people encouraged the FCC to do that. They said that we ought to do it because these three foreign companies can do an auction faster than the FCC can—even though the three foreign companies had never done an auction of spectrum and even though the FCC has done over 100 public auctions for other radio waves that the FCC has auctioned off. In doing that, the fine men and women at the FCC in charge of these auctions—they have been doing it for 25 years—have brought in \$123 billion for the American people.

That will build a lot of interstate, it will educate a lot of kids, and it will pay a lot of soldiers.

But our three friends—these foreign satellite companies—still said: Even though we have no experience, we can do it faster. If you let the FCC do it, it will take them 7 years.

Well, that just wasn't accurate. I have spoken to the people in charge of doing auctions at the FCC. In fact, on Thursday, they are going to appear before a subcommittee that I chair. We are going to talk about it some more. I don't know where this figure of 7 years came from, but it is just not accurate.

Nonetheless, the FCC came under—there are swamp creatures in the government; we know that. Some of these swamp creatures in and out of government put an awful lot of pressure on the FCC. These swamp creatures are trying to help some of their friends in the telecommunications business. One of the foreign corporations spent about half a million dollars lobbying. I am not saying there is something wrong with that. We all have the right to petition our government. But that is just the fact. I don't mean it in a pejorative sense.

The FCC was under a lot of pressure, but yesterday, the Chairman of the FCC, Ajit Pai, looked at all this. He resisted the pressure, and he announced that we are going to have a public auction. We are going to let every telecommunications company in America that wants to bid on these valuable air waves come forward and bid. We are going to do an auction within a year and probably less, not 7 years, and the money that is going to be generated is going to go to the owner of those radio waves, not the foreign companies that, through our benevolence, are now using those radio waves. The money is going to go to the American people.

I know what you are thinking. You are thinking: Gosh, how was this ever even an issue? This should have been a no-brainer.

Well, that is part of what is wrong with Washington, DC, in my judgment. Sometimes—not always but sometimes—the American people aren't put first. But yesterday, Ajit Pai, our Chairman at the FCC, put them first, and I just wanted to stand up today and tell him a genuine and heartfelt 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 bill clerk called the roll.

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

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

PREVENT GOVERNMENT SHUTDOWNS ACT

Mr. LANKFORD. Madam President, in the last 40 years, we have had 21 government shutdowns—21. Twenty-one times, Congress and the President have

not been able to agree or the Senate and the House have not been able to agree. As a result of that, Federal workers around the country have faced the consequences of Members of Congress not finding agreement.

Help me understand this. Twenty-one times in 40 years, Federal workers who get up every single day and serve the American people and serve their neighbors have faced the consequences of furloughs because Members of Congress could not come to a resolution. It is not that it has gone unnoticed. For a decade or more, there have been solutions that have been proposed.

Ten years ago, I had a proposal in the House—actually, ROB PORTMAN had a great proposal in the Senate at the same time to deal with government shutdowns. Let's say when we get to the end of the fiscal year, we will just have a continuing resolution, but then we will cut spending every few months to press Congress to get to their work. The problem was, hardly anyone on the other side agreed with that. We couldn't get any bipartisan support for it. So my colleagues on the other side of the aisle proposed that if we get to the end of the fiscal year, we would have a continuing resolution, and every couple of months, the spending would go up, and it would just continue to go up and up and up until it was resolved. Well, they didn't have anyone on my side of the aisle saying "We are going to put in a mechanism that just increases spending over and over again without congressional involvement," so they got no bipartisan support.

An idea was floated to just cut the pay of the Members of Congress. But it really wasn't cutting their pay; it was taking their pay and putting it in an escrow account and just kind of holding it for them, and then when everything was resolved, they would get their money back. So it really wasn't a reduction in pay; it was kind of a shell game—push those dollars off to another side and get them all back later just to make it look like you got a cut in pay. But that hasn't had wide support either. A lot of people have real concerns about that because, quite frankly, some Members of Congress are very wealthy; some Members are not. Some Members don't notice their congressional pay; some do. It is kind of a disproportionate piece of leverage to resolve this.

What is interesting is that all those proposals acknowledged one simple thing: This is a problem. It needs to be resolved. Federal workers are facing the consequences; Members of Congress are not.

About 5 months ago, MAGGIE HASSAN and I—this Chamber knows well the Senator from New Hampshire. She and I started working together on a nonpartisan—not just a bipartisan but a nonpartisan—way to stop government shutdowns. We have two very simple proposals.

There are two problems here. We need to stop Federal workers from getting hurt when there is a shutdown and