

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

nay. 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 Barasso, 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?