

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 | Hoeven | 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