

Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Katharine MacGregor, of Pennsylvania, to be Deputy Secretary of the Interior.

Mitch McConnell, John Boozman, John Cornyn, Mike Crapo, Kevin Cramer, Tim Scott, Mike Rounds, James E. Risch, Roger F. Wicker, Steve Daines, John Barrasso, John Hoeven, Todd Young, Pat Roberts, John Thune, David Perdue, Lisa Murkowski.

#### LEGISLATIVE SESSION

Mr. MCCONNELL. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session and consider Calendar No. 416.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The clerk will report the nomination. The senior assistant legislative clerk read the nomination of Travis Greaves, of the District of Columbia, to be a Judge of the United States Tax Court for a term of fifteen years.

##### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 Travis Greaves, of the District of Columbia, to be a Judge of the United States Tax Court for a term of fifteen years.

Mitch McConnell, Cindy Hyde-Smith, Thom Tillis, John Thune, Mike Crapo, Mike Rounds, Steve Daines, Kevin Cramer, Richard Burr, John Cornyn, Shelley Moore Capito, Todd Young, John Boozman, David Perdue, James E. Risch, Lindsey Graham, Roger F. Wicker.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum calls with respect to the cloture motions be waived.

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

The PRESIDING OFFICER. For the information of the Senate, the motion to proceed to Calendar No. 420 was not agreed to; it was only made.

The PRESIDING OFFICER. The Senator from Louisiana.

5G

Mr. KENNEDY. Mr. President, I want to talk for a few minutes today about 5G, the Federal Communications Commission, and swamp creatures.

We have all heard a lot about 5G, and 5G is just incredibly fast internet. It will make possible things like driverless cars, telemedicine, and the internet of things.

I want to caution all of us that these things are not going to happen overnight. In fact, some parts of our country already have 5G, and we don't have driverless cars and the internet of things and long-distance surgery.

These innovations are going to happen over a long period of time, and in the meantime, there is going to be a lot of hype from the telecommunications companies. Why? Because they want to sell you 5G. They are going to tell you that 5G can do all these incredible things. They are going to tell you that 5G can grow hair, that 5G can cure erectile dysfunction, that 5G can do this and it can do that.

Look, I want to be on record as saying 5G is going to be extraordinary, but it is not going to happen overnight. The emergency that some of our telecommunications companies are trying to create is not nearly the emergency that really exists because they have something they want to sell you. I am not putting them down. That is free enterprise.

How does 5G work? Well, it is wireless technology. When I have 5G on my phone and you have 5G on your phone, we communicate—whether it is 5G wireless technology or otherwise—through radio waves. Radio waves go from my phone to your phone, and they carry data. It is called electromagnetic radiation, but all it is, is really radio waves. And there are all different kinds of radio waves. It depends on the frequency.

Do you know who owns those radio waves? The FCC doesn't. The telecommunications companies, which use those radio waves, don't. The Federal Government doesn't, except in this sense: You own those radio waves. The American taxpayer owns those radio waves. And they are incredibly valuable because telecommunications companies line up when the FCC has new radio waves available for them. They line up to bid on those radio waves, which they can use. We call that spectrum.

There is a certain type of radio wave going through the air—or spectrum, if you will—that is perfect for 5G. It is like Goldilocks' porridge—it is not too hot; it is not too cold; it is just right. The telecommunications companies want to use that C band, we call it, or midrange spectrum. I am going to call it C band. They want the FCC to license it to them.

Well, right now, using that spectrum, that C band—remember, these are the radio waves, the spectrum, that are just perfect for 5G. Right now, using this C band spectrum are a number of satellite companies, most of which are foreign-owned. The major satellite companies that are using it right now happen to be domiciled in Luxembourg—wonderful country and wonder-

ful people. Do you know what they pay to the American taxpayer to use that spectrum? Nothing. Zero. Nada.

You say: Well, how did that happen, KENNEDY? You just told me that these radio waves are very valuable and that the telecommunications companies are lined up to lease them. How did the foreign satellite companies get the C band for nothing if they are using it right now?

I don't know. It wasn't this FCC, but some FCC just gave it to them and said: Here, use it for free.

I wasn't there. I am not necessarily criticizing them. I am just telling you they got it for nothing. But they didn't get a license. They don't have a lease. They have a privilege to use it. In the fine print of the document that gives them this privilege, at any time, the FCC can take it back because the foreign satellite companies don't have a property interest. They don't own it. They don't have a lease. They didn't pay anything for it. They just have the privilege to use it until the FCC wants to take it back.

Now, the foreign satellite companies—and I am not criticizing them. God bless them. They are making a lot of money using this spectrum that belongs to the American taxpayer for free. Well, that is the way it has been for a while. Now, some telecommunications companies like Verizon and others—good companies—they say: We need that C band, FCC. We need that C band to use for 5G.

Well, the satellite companies—I will call them the Luxembourg satellite companies—once again, good people. Luxembourg is a good country. They said: Well, we are using the C band right now. We don't want to give it up to the telecommunications companies, but we will make you a deal.

They went to the FCC. The satellite companies said to the FCC: We are using the C band right now, and even though we didn't pay a single solitary dime for it, we know the telecommunications companies want it to implement 5G, so here is what we will do. You, FCC, give us the C band. Give it to us, and we will turn around and make sure that the telecommunications companies get to use it. We will lease it to them.

The amount of money that the foreign satellite companies would have made was about \$70 billion. I call it "The Bank Job" robbery. Remember that movie that came out in 2008, "The Bank Job"? It was a 2008 heist movie. It was about the 1971 Baker Street robbery in London. I call this proposal "The Bank Job" robbery. I don't see how the foreign satellite companies made the proposal with a straight face. Give us this C band that belongs to the American people. Just give it to us, and we are going to sell it to the telecommunications companies and pocket the \$70 billion.

Do you know what? Our FCC almost did it. They were this close. They said: Oh, we have to do this because we have

to get this C band to the telecommunications companies because it is an emergency. We have to get 5G tomorrow, so let's just give the satellite companies that are using it now—didn't pay a red dime for it—let's give them the spectrum that belongs to the American people and let them sell it to the telecommunications companies and pocket the \$70 billion because our hair is on fire and we have to do it.

Swamp creatures. They came this close to stealing \$70 billion from the American people, but they didn't pull it off because a number of Members of the Senate and the House of Representatives started raising fresh hell—fresh hell.

I went to see the President of the United States.

I said: Mr. President, do you know what is going on here? Here you are every day saying "Buy American. We have to take care of America first." It doesn't mean we don't care about the rest of the world, but we have to buy American, and your FCC over here is giving away this C band to Luxembourg satellite companies.

He said: What in God's name?

He was like Rocketman. He got mad. I don't speak for the President, but I am just telling you what happened.

So the FCC, to its credit, backed off. They said: No, we are not going to give it away. We are going to do what we should have done in the first place; that is, auction it off.

They are going to hold an auction like on eBay, and these satellite companies—rather, these telecommunication companies can come in and bid. If the FCC would do it right, we would take in \$70 billion for the American taxpayer, and we could use that money to implement rural broadband, and then everybody would be happy.

It would have been great, but no, here comes the "Baby Driver" heist. Did you see that movie, "Baby Driver"? Now there is a new proposal on the table. The Chairman of our FCC—who is a good man, by the way; I am going to come back to him—he has come up with a new proposal. To his credit, the Chairman says: We are going to bid it out, but we are going to take \$15 billion of the money that comes in, and we are going to give it to the foreign satellite companies.

For what? They don't own it. They don't have a license; they just have a privilege. He is going to give \$5 billion to them to relocate to different spectrum, and then he is going to give them \$10 billion—that is nine zeros—in walking-around money just to go away. That is why I call it the "Baby Driver" heist. That was a great movie. Did you see that, starring Jamie Foxx? Wonderful movie.

Let me say this about the FCC Chairman: He is a friend of mine, and he is smart as a whip. He went to Harvard undergrad, honors degree, Chicago Law School, Chicago Law Review, and worked as an executive at Verizon Communications for a while. I consider

him a friend, and I have the utmost respect for him, and I thank him for finally agreeing to do a public auction and not give the C band away to the foreign satellite companies. But as much as I respect the Chairman, I wouldn't take him with me if I was going to buy a car because he would pay the full sticker price. If I needed somebody to explain string theory to me or the Doppler effect or quantum engineering or genome sequencing, I would probably go to the Chairman of the FCC because he is that smart. But I don't agree with him that he has made a good deal to give \$10 billion away to these foreign satellite companies—\$10 billion of American taxpayer money that ought to be going to things like rural broadband.

The Chairman is going to present that to the FCC to vote on it on February 28. He says he has the votes to pass it. I can tell you this, it is not going to be unanimous, and it is not going to be noncontroversial to give away \$15 billion to somebody who doesn't have a property interest.

He says: We have to do it because we are in a race with China.

OK. I agree with that. And your point is?

He says: Well, if we don't do it, the satellite companies are going to sue us.

That is another straw man. Let me tell you something. The FCC gets sued every day. Do you know what the FCC Chairman needs to tell the satellite companies? He needs to tell them: Hey, do you need me to draw you a map to the courthouse? Go sue. We get sued every day, but I am not going to give you \$15 billion of taxpayer money to go away because it is wrong.

I am not sure the FCC has any authority to do this. Last time I checked, it was Congress that appropriates money, not the Federal Communications Commission.

I told you that the FCC Chairman's proposal is to give the foreign satellite companies \$5 billion to buy new satellites and to move to a new spectrum, and \$10 billion just to go away because they say: Oh, we are scared of a lawsuit. We are scared of a lawsuit.

I don't know how he arrived at \$10 billion to give to them. I wish somebody would give me \$10 billion. Why not \$11 billion? Why not \$8 billion? Why not \$7 billion? There is no explanation. We are just going to give them \$10 billion of taxpayer money, and they are going to go away.

Of course, the satellite companies, they are happy as clams. They are as happy as a gopher in soft dirt because they are getting \$10 billion for nothing. And they are also getting \$5 billion to buy new satellites, but if you check, all the satellites now are worn out, so they would have to buy new satellites anyway—5G or not.

The FCC needs to wait. On February 28, they need to announce and vote to have the public auction as they had promised. It will be held in December of this year. There is absolutely not a

single solitary reason why the Chairman of the FCC has to put a vote in front of the FCC to give away \$15 billion of taxpayer money. We can negotiate a better deal. We can negotiate a better deal.

The Chairman of the FCC does not need to become known as the \$15 billion man. He needs to hold up and let us talk to the satellite companies and negotiate a better deal.

Now, if he is not willing to do that, he needs to at least tell President Trump because do you know who is going to get blamed for this? The President. It will not be his fault, but he is going to get blamed for it because it happened on his watch.

Here he is, out there talking about the American economy, we have to protect our economy, and we have to buy American first. It doesn't mean we don't love the rest of the world, but his FCC is just giving away \$15 billion of taxpayer money—of taxpayer money—to our friends and foreign satellite companies, and the President will get blamed. So I am hoping the FCC at least goes to see him and tell him what they are going to do.

When the American public finds out about this, you are not going to be able to find the FCC members who came up with this idea. You are not going to be able to find them with a flashlight, with a map, or with a search party. You will not be able to find them with Google. They are going to be hiding. It is an embarrassment.

They may have the votes to do this, but I am not giving up. I have a bill, along with Senator SCHUMER—yes, CHUCK and I are working on a bill together—Senator CANTWELL, Senator SCHATZ, and we are going to have some others on the bill, that says: Look, this is Congress's decision, not FCC's decision. It would allocate a much more modest sum to these foreign satellite companies. I would like the FCC, if it would, to step back, continue on with its auction planning and give us a chance to negotiate on behalf of the American taxpayer.

I am going to close with this point: Not a single day passes in this Chamber that I don't hear one of us, Democrats and Republicans, talking about the deficits, and, boy, are they high—\$22 trillion and climbing. We borrow \$1 million a minute to run this place. So \$1.4 billion a day, that is how much more we spend than we take in. We are mortgaging our kids' future. Everybody talks about it and says we have to do something about it.

We are like a problem gambler chasing his losses. Some say we are like a drunk sailor, but we are worse than a drunk sailor. A drunk sailor stops spending when he runs out of money. We don't. We just borrow it.

Here we are, in the middle of all of this, and our Federal Communications Commission is going to give away \$15 billion. Our Chairman, henceforth, will be known as the \$15 billion man.

If they do this without telling the President, without consulting with

Congress, and without trying to negotiate a better deal for the American taxpayer, then we ought to change their name from the Federal Communications Commission to the "Federal Sucker Commission" because that is all they are.

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

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

#### BLACK HISTORY MONTH

Mr. LANKFORD. Mr. President, in 1924, when Oklahoma was a very young State, a young lady named Ada was born in Chickasha. Now, you would get that joke if you are from Oklahoma because we have a town in Oklahoma called Ada and a town in Oklahoma called Chickasha. This is a young lady named Ada born in Chickasha.

She thrived. She was an excellent student. In fact, she was the valedictorian of her high school, Lincoln High School. She left that and went to college. She stayed 1 year at one college, then transferred to another college and graduated with honors in 1945.

She dreamed of being a lawyer. She had graduated with honors. She had graduated valedictorian. She had all the credentials and all the capabilities to do it, but she had one big problem: She was Black. In Oklahoma in the 1940s, there were no law schools that would allow a Black student to attend. So, in Oklahoma, the policy was to help Black students who wanted to be a lawyer leave the State to study somewhere else.

She really didn't want to do that. She had graduated from the great Langston University and had a great education there and had every ability to do that. She interviewed with the University of Oklahoma—interviewed, actually, with the president of the school at that time—to go through the process to get into the University of Oklahoma law school.

She was found to be fully qualified, but the problem was, again, she was Black. And it wasn't just a problem with the University of Oklahoma. At that time, there was State law that did not allow Black students and White students to study together—and certainly not to study law together.

So she did a radical thing. On April 6, 1946, she filed a lawsuit against the State of Oklahoma saying that she wanted to study law at the very good University of Oklahoma law school. A young lawyer took up her case, a gentleman named Thurgood Marshall, a young lawyer who later became Supreme Court Justice Thurgood Marshall. Young Thurgood Marshall took up her case to argue in front of Oklahoma district court, where they lost, arguing it all the way to the State supreme court, where they lost, lost, lost.

Then they took it into Federal court, saying that, constitutionally, neither the United States of America nor any State in the United States could block a student from studying law simply because they were Black. They won that case.

Probably returning back to Oklahoma to study, the Oklahoma Legislature hurriedly put together a new law school and called it Langston Law School and opened up a room in the State capitol and put a few books there and said: There is your law school.

Thurgood Marshall and Ada Fisher did not accept that—nor should they have—and started the process again of saying: We can't have a separate but "equal" law school in Oklahoma. They argued again in State courts, eventually ending up again heading all the way back to the Supreme Court.

Before it got to the Supreme Court and Oklahoma would lose again in front of the same nine Justices, they determined that they would break, and they would give. On June 18, 1949, more than 3 years after she started the process of getting into law school, she was admitted into the University of Oklahoma College of Law, where she was given a seat in the back of the room with a sign directly in front of her that read "coloreds only," and she could sit in that row in the back of the room.

In 1950, just the next year, those barriers would come down, and in August of 1952, Ada Fisher graduated from the University of Oklahoma law school and became a lawyer. She set the pace for thousands and thousands of others who are lawyers behind her now and get the chance of having that same joy.

Interestingly enough, if you were to visit the courthouse in Oklahoma City, the Federal district court there—if you were there a couple years ago, you would have bumped into Vicki Miles-LaGrange. That African-American judge, the pace was set for her by Ada Fisher. If you drop by and visit it today, you would bump into Bernard Jones, that African-American judge who serves there for the Western District of Oklahoma. The pace was set for him by Ada Fisher decades before.

Quite frankly, we can't even fathom, in this current time period, how different things really are, but it is interesting to notice that time period and that generation and some ladies who really stood up and made a difference in Oklahoma because at the same time that Ada was at Langston University, another lady named Clara was at Langston University.

We know her affectionately in Oklahoma as Clara Luper. Now, some folks may not know Clara Luper's name, but they know what she did. Clara Luper was at Langston University as well in the early 1940s. She finished her study, got her bachelor's degree there, went and got a master's degree, and continued on through the process. She became the Youth Council leader for the NAACP in 1957, and in 1958 she helped her students—her youth whom she

worked with—do a really, really radical thing to deal with segregation in Oklahoma. She talked about non-violence, and she talked about how to step out and take a stand. She and a group of kids went to Katz Drug Store in Oklahoma City and sat down at the counter and ordered Cokes. And they sat there all day, never being served—all day. It was the birth nationwide of what we know of as the sit-in movement, where young men and women who were African American would go and sit down at a place and just wait to be served. It started a movement that shook the Nation into this issue of segregation. Those two ladies made a remarkable change for the better in our history: Clara Luper and what she did; Ada Fisher and what she did.

As we look back on tomorrow, Frederick Douglass's birthday, and we celebrate February as Black History Month, we realize how much history has really happened around us—just in the past 100 years even. We can go back as far as we want to and talk about the great Frederick Douglass and the influence he had on Abraham Lincoln and the influence he had on the Nation.

Quite frankly, in Oklahoma, there are Black leaders today who are making history, and 50 years from now and 100 years from now we will be talking about them like we talk about Clara Luper and like we talk about Ada Fisher.

We will be, 100 years from now, still talking about Russell Perry and the business work that he and his son Kevin have done in radio, what they have done in real estate, and what they have done in leadership in our State. Russell Perry was a barrier breaker. He was a cabinet member for a Governor. He has been a great leader and is a great leader in our State.

We will still be talking, years and years from now, of Dr. Kent Smith, the current president of Langston University, and what he has done at Langston and the leadership model that he has in our State.

For years, we will be talking about the members of the 1921 Race Massacre Commission and those individuals around Tulsa who have gathered around to say: What are we doing to help bring a community together and break down the barriers of segregation and of racism that still exist?

We will be talking for years about Hannibal Johnson. He is a lawyer and a brilliant man, a historian, and a leader in his community.

We will be talking for years about Wayland Cuban, an Oklahoma City police officer and a person who has spent a tremendous amount of time helping those around him and helping youth, especially those in trouble, to have a radical turnaround.

We will talk for years about Terry Munday and what he has done on the radio.

We will talk for years about pastors scattered all over our State that, in the African-American community,