Compared with President Trump's one sub-Cabinet nomination sent to our committee in his first 100 days, President Obama made 13 sub-Cabinet nominations in his first 100 days, President George W. Bush made 10, and President Clinton made 14 to our committee.

There are actually nearly 700 more Presidential nominees requiring Senate confirmation who aren't considered key by the Washington Post analysis, so you can see this adds up to be a pretty big number of Presidential nominees whom we have a responsibility to consider and to confirm if we approve them.

Unfortunately, there are ominous signs about how Democrats will treat non-Cabinet nominees. As the Presiding Officer is especially aware, Democrats required the Senate to take nearly a week of floor time to consider the nomination of Iowa Governor Terry Branstad to serve as Ambassador to China. There was absolutely no excuse for this other than obstructionism.

Governor Branstad is the longest serving Governor in American history. He has a well-documented relationship with the Chinese President. He was one of the first appointees that the President announced. He was approved by a voice vote by the Senate Foreign Relations Committee, and ultimately approved by the full Senate earlier this week 82 to 13.

Yet, as a delaying tactic, Senate Democrats forced us to use nearly a week of our floor time to consider Governor Branstad. If Democrats treat other noncontroversial Ambassadors and sub-Cabinet members the same way they treated Governor Branstad, requiring nearly a week of Senate floor time to consider a nominee, then I think President Trump would almost certainly bypass the Senate and name hundreds of acting heads of sub-Cabinet departments. Under our Constitution, he may do that whenever he chooses. There are flexible limits on the time one may serve in an acting position, but if that time expires, the President can simply appoint someone else.

Hopefully, President Trump will speed up his nomination of sub-Cabinet members, and hopefully Democrats will return to the common practice of routine floor approval of Presidential nominations when the confirmation process has determined that the nominee deserves to be approved.

Our Founders created a system of government based on checks and balances of the three coequal branches of government. There has been much complaining recently about the rise of the executive branch at the expense of the legislative branch. Having an executive branch and embassies mostly staffed by acting personnel not confirmed by or accountable to the U.S. Senate undermines the principle of three coequal branches of government.

The President should want his team in place and should speed up recommending key nominees to the U.S. Senate. And Senators, especially those in the minority, should want to have a say in the vetting and accountability that come with the Senate confirmation process.

FRED D. THOMPSON FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. ALEXANDER. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 375, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 375) to designate the Federal building and United States courthouse located at 719 Church Street in Nashville, Tennessee, as the ''Fred D. Thompson Federal Building and United States Courthouse.''

There being no objection, the Senate proceeded to consider the bill.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 375) was ordered to a third reading, was read the third time, and passed.

Mr. ALEXANDER. Mr. President, I am grateful that the Senate has approved that measure naming the Fred D. Thompson Federal Building and United States Courthouse in Nashville.

I stand at the desk of former Senator Thompson. This was a desk that Senator Howard Baker also had. I have the desk myself because Senator Thompson and I were inspired by Senator Baker to be involved in politics and government in our State and the House of Representatives—our delegation.

I think Senator CARPER and his committee all seem to think that it is very appropriate that the new Nashville courthouse be named for Senator Thompson. It gives me a great deal of pride and personal privilege to be able to ask for that to be done. I thank Congresswoman BLACKBURN in the House for her leadership and all the Members of the delegation and the Members of the Senate for their cooperation in this.

I thank the Presiding Officer.

I yield the floor.

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Oregon.

NOMINATION OF COURTNEY ELWOOD

Mr. WYDEN. Madam President, the Senate will shortly consider the nomination of Courtney Elwood to be the CIA's General Counsel. I wanted to take a few minutes this morning to discuss the nomination and put it in the context of the extraordinary national security challenges our country faces.

It is hard to imagine a more despicable act than the terrorist attack in Manchester Monday night, killing innocent teenagers and children who were out to enjoy a concert. The suffering that Americans and all in the Senate have been reading about and watching on television is heartbreaking by any standards. I think it is fair to say that, as Americans, we stand in strong solidarity with our British friends, our allies, as they confront this horror. Our country will, as we have for so many years, stand shoulder to shoulder with them as there is an effort to collect more information about this attack, about what actually happened, and work to prevent future attacks.

Not everything is known about the attack, but one thing Americans do know is that it can happen here. That is why, as I begin this discussion on this important nomination and the challenges in front of our country, I would like to start, as I invariably do when we talk about intelligence matters, by recognizing the extraordinary men and women who work in the intelligence community, who work tirelessly across the government to keep our people safe from terrorist attacks. So much of what they do is in secret, and that is appropriate. It is so important to keep secret what is called the sources and methods that our intelligence community personnel are using. It is important to the American people and it is important to our country to make sure that the people protecting them every day can do their jobs.

The reason I took this time this morning to talk about this nomination is to talk about the broader context of what we owe the American people, and I feel very strongly that we owe the American people security and liberty. The two are not mutually exclusive, and it is possible to protect the people of our country with smart policies that protect both their security and their liberty.

Smart policies ensure that security and liberty are not mutually exclusive. For example, I would cite as a smart policy something I was proud to have been involved in. Section 102 of the USA FREEDOM Act sought to make sure that we weren't just indiscriminately collecting millions of phone records on law-abiding people. A provision, section 102, says that when our government believes there is an emergency where the safety and security and well-being of the American people is at stake, our government can move immediately to deal with the problem and then come back later and settle up with respect to getting a warrant. That was something that, I thought, really solidified what was a smart policy.

Our Founding Fathers had a Fourth Amendment for a reason—to protect the liberties of our people. What we said is that we are going to be sensitive to those liberties, but at the same time, we are going to be sensitive to

the security and well-being of the American people at a dangerous time. We are going to say that, if the government believes there is an emergency, the government can go get that information immediately and come back later and settle up with the warrant process.

Issues ensuring that we have security and liberty are especially important today. We obviously face terrorism. We are challenged by Russia and North Korea, and the list can go on and on. The fact is, there are a host of these challenges, and it seems to me that if we look at the history of how to deal with a climate like this, too often there is almost a kind of easy, practically knee-jerk approach that is billed as dealing with a great security challenge that very often gives our people less security and less liberty. At a time when people want both, they end up getting less. That is what happens so often in crises, and far too often it happens in large part because senior lawyers operating in secret give the intelligence community the green light to conduct operations that are not in the country's interest.

I am going to walk through how misguided and dangerous decisions can be made and how much depends on how the lawyers interpret current law. In past debates people have said: You know, that happened years ago, many years ago, and various steps were taken to correct it. Today, I am going to talk about how misguided and dangerous decisions can be made today.

At the center of this question is the nominee to be the CIA general counsel and what I consider to be very troubling statements that have been made on a number of the key issues that involve decisions that will be made now. In outlining those, I want to explain why it is my intention to vote against the confirmation of Courtney Elwood to be the CIA's general counsel.

The key principle to begin with is that there is a clear distinction between keeping secrets of sources and methods used by the intelligence community, which is essential, and the creation of secret law, which is not. We in the Senate have a responsibility to make sure the public is not kept in the dark about the laws and rules that govern what the intelligence community can and cannot do.

I believe the American people understand that their government cannot always disclose who it is spying on, but they are fed up with having to read in the papers about the government secretly making up the rules. They were fed up when they learned about the illegal, warrantless wiretapping program. They were fed up when they learned about the bulk collection of phone records of millions of law-abiding Americans.

What our people want to know is that the rules are going to be, No. 1, clear to everybody and, No. 2, that the government is operating within those rules. That is why the nominations for the intelligence community are so important. The American people need to know how these men and women understand the laws that authorize what they can and cannot do in secret.

Shortly, the Senate will consider the nominee to be the CIA's general counsel. I believe there are few more important positions in government than this one, when it comes to interpreting key laws. The advice the general counsel provides to the Central Intelligence Agency will be shielded from the American people and possibly from Congress as well. There is almost never accountability before the public, the press, watchdog groups, or other public institutions that help preserve our democracy. There are almost never debates on the floor of the Senate about the legality of the CIA's operations. It is all in secret.

The advice of this general counsel will carry especially important heft, given what CIA Director Mike Pompeo said during his confirmation. Again and again during those confirmation hearings, when asked what boundaries Director Pompeo would draw around the government's surveillance authorities, the Director responded that he was bound by the law. In effect, the Director said to the Senate and this body that he would defer to the lawyers. So if Congress and the American people were to have any clue as to what the Central Intelligence Agency might do under Director Pompeo, we were going to have to ask the nominee to be general counsel. That is why it is critical that she answer questions about her views of the law and that she answer them now before a confirmation vote.

I asked those questions, and what I heard in return was either a troubling response or some combination of ''I don't know,'' and ''I will figure it out after I am confirmed.''

Now, without answers, we are left largely to judge Ms. Elwood by her record. So I am going to start by looking back at her previous service and what she says about it now.

With respect to the National Security Agency's illegal warrantless wiretapping, that became public at the end of 2005 when Ms. Elwood was at the Department of Justice. She reviewed public statements about the program and held discussions about those public statements with individuals inside and outside the administration. That includes discussions with the Department of Justice's Office of Legal Counsel about the Department's legal analysis justifying the warrantless wiretapping program. She was especially involved when the Attorney General made public statements about the program. So the committee asked her about some of that Justice Department public analysis, and, in particular, the Department of Justice January 2006 white paper that was thought to justify the warrantless wiretapping program. Ms. Elwood responded that she thought at the time that the Department of Justice's analysis was ''thorough and carefully reasoned and that certain points were compelling.''

This was an illegal program. It violated the Foreign Intelligence Surveillance Act. No interpretation of the law that defended that warrantless wiretapping program is carefully reasoned or compelling. It was an illegal program.

Ms. Elwood also said that some of the analysis ''presented a difficult question'' and that ''reasonable minds could reach different conclusions.'' Of course, the point is not what ''reasonable minds'' might conclude. The point for us in the Senate is what her mind would conclude. Remember, this is the Department of Justice's conclusion that the laws governing wiretapping of Americans inside the United States could be disregarded because the President says so or because the Department of Justice secretly reinterprets the law in a way that no American could recognize. Remember, too, that we are talking about a program that may have begun shortly after 9/11, but it was still going on secretly and without congressional oversight more than 4 years later when it was revealed in the press. That was the context in which the Department of Justice—at the end of 2005 and the beginning of 2006, when Ms. Elwood was at the Department—determined that the warrantless wiretapping program was perfectly legal and constitutional.

This is—to say, in my view—at the least, dangerous, and it could happen again.

I wanted to give Ms. Elwood every opportunity to reconsider and distance herself from these assertions I described. So I asked very specific questions. First, did the Fourth Amendment warrant requirement apply? No, she responded. She endorsed the view that the warrantless wiretapping of Americans on American soil did not require warrants under the Fourth Amendment. That was not very encouraging.

What about the other arguments made to try to justify this illegal program?

The first was the notion that the 2001 authorization for use of military force somehow gave the government the green light to conduct warrantless wiretapping of Americans inside the United States. This argument was ludicrous. The authorization for use of military force said nothing about surveillance. The applicable law governing national security wiretapping was the Foreign Intelligence Surveillance Act—period. If the Bush Administration had wanted the law to conduct warrantless wiretapping after 9/11, it could have asked the Congress to pass it as part of the PATRIOT Act. It didn't. So when they got caught and had to explain to the public what they had been doing all these years, they said that the authorization for use of military force, which the Congress understood as authorizing war in Afghanistan, somehow magically allowed for

wiretapping in the United States. The second argument was that the President had something called ''inherent power'' to disregard the law.

I asked Ms. Elwood if she agreed with either of these arguments. She wouldn't answer the question of whether the authorization for use of military force authorized warrantless wiretapping, and she wouldn't answer the question of whether the President's so-called inherent power authorized the warrantless wiretapping. That was not very encouraging, either.

I did get one answer. Ms. Elwood said that the arguments that the Bush Administration's secret interpretation of the authorization for use of military force, combined with the President's so-called inherent powers, allowed for the warrantless wiretapping, in her view, that ''seemed reasonable.'' That definitely was not encouraging.

Then it occurred to me that having asked her about the past in some of these concerns that I have just raised, I thought maybe that is all part of yesteryear. Maybe that is all in the past. Let bygones be bygones. So I looked for assurances that Ms. Elwood's defense of warrantless wiretapping wasn't relevant now. After all, Ms. Elwood's response to questions about the program referred to the law at the time. Maybe current law makes clear to everyone, including the nominee, that there will never again be warrantless wiretapping of Americans in the United States.

So what does the law actually say now? Back in 2008, Congress took a big part of the warrantless wiretapping program and turned it into the law now known as section 702 of the Foreign Intelligence Surveillance Act. The Congress wanted to make it absolutely clear that our country had really turned the page and that Americans wouldn't have to worry about any more violations of the law. So the Congress included in the law a statement that said: We really mean it. This law is ''the exclusive means'' by which electronic surveillance could be conducted.

I asked Ms. Elwood about whether the President's supposed powers under the Constitution could trump the current statutory framework in the Foreign Intelligence Surveillance Act. Specifically, I asked her whether that provision in law—the one passed in 2008 that explicitly states that the Foreign Intelligence Surveillance Act is the exclusive means for conducting wiretapping—would keep the President from asserting some other constitutional authority in this area.

She said she had not studied the question. This was the most troubling answer of all because this is about how the law stands today. This is not talking about yesteryear. This is about how the law stands today, and this was the nominee to be general counsel to the Central Intelligence Agency's not ruling out another assertion of so-called inherent Presidential power to override the law.

My fear is that if the public cannot get reassuring answers now to these fundamental questions of law, then Americans could end up learning about the nominee's views when it is too late—when our people open up the newspapers someday and learn about an intelligence program that is based on a dangerous and secret interpretation of the law. It happened repeatedly in the past, and my message today is that the Senate cannot let it happen again.

One of the reasons Ms. Elwood's views on whether the government was obligated to respect the Foreign Intelligence Surveillance Act is so important is that, for the most part, the Central Intelligence Agency operates under authorities that are actually more vague than is the Foreign Intelligence Surveillance Act. In fact, those authorities are not even established in a statute that people in Iowa and Oregon could just go and read. The CIA's authorities to collect and use information on Americans and even to secretly participate in organizations in the United States are conducted under an Executive order, Executive Order No. 12333.

In January, during the last 2 weeks of the Obama administration, the intelligence community released two documents that offered a little bit of insight into how intelligence is collected and used under this Executive order. It was good that the Obama administration released the documents. More transparency is why I can come to the floor and be part of this conversation.

These and other publicly available documents demonstrate the extent to which the CIA deals with information on Americans all of the time. Right now, the CIA is authorized to conduct signals intelligence as well as the human intelligence that is generally associated with the Agency, and the intelligence the CIA obtains from various sources, which can be collected in bulk, inevitably includes information on law-abiding Americans.

What do the rules say that apply to all of this information on Americans? What these rules say is, under this Executive order, the CIA can mostly do what it wants. If Ms. Elwood could find wiggle room in the airtight restrictions of the Foreign Intelligence Surveillance Act, I think the Senate ought to be asking: What might she do with the flexibility in the rules that govern what the CIA can do under this Executive order?

In fact, even when this Executive order includes limitations, there are usually exceptions. Guess who decides what the exceptions are. The CIA Director and the CIA General Counsel.

In short, the rules look like an invitation for the CIA Director and the general counsel to conduct secret programs and operations that rely on case-by-case decisions that have no clear or consistent legal framework. That is why it is so important that these nominees give us some sense of where they stand before they are confirmed.

I started with Mike Pompeo, who is now the Director of the Central Intelligence Agency. He wrote an article—an op-ed piece as it is called in the press—that called for the government to collect the bulk records of law-abiding Americans' communications and to combine all of those records—''publicly available financial and lifestyle information into a comprehensive, searchable database.''

That, in my view, is breathtaking. It makes what everybody was talking about with regard to the old phone records collection effort look like small potatoes.

At his hearing, I asked then-Congressman Pompeo whether this database would have any boundaries. In other words, he is setting up a brandnew database—bigger than anything people have seen. He is going to collect people's lifestyle information and who knows what else.

He said ''of course there are boundaries. Any collection and retention must be conducted in accordance with the Constitution's statutes and applicable Presidential directives.''

The real question is, What does that mean?

It means the person who is deciding what, if anything, Director Pompeo's CIA cannot do is the lawyer, and that is where the nominee—Ms. Elwood to be general counsel—comes in.

We might ask: How would these questions come up at the CIA?

As a hypothetical, one question I asked Director Pompeo was: What happens when a foreign partner provides the CIA with information that is known to include the communications of law-abiding Americans?

For example, what if the Russians collected information on Americans and, instead of providing it to WikiLeaks, gave it to the CIA? It could be sensitive information about political leaders and our country and journalists and religious leaders and just regular, law-abiding Americans. What would Director Pompeo do in that situation? When, if ever, would it be inappropriate for the CIA to receive, use, or distribute this information?

His answer was that it is highly fact-specific. He said he would consult with lawyers.

So, when she came for her nomination hearing, I said this is our chance. Let's ask the lawyer, Ms. Elwood, who is the nominee to be general counsel.

She said, like Director Pompeo, it would be based on all of the facts and circumstances. She said she had no personal experience with such a decision and was unable to offer an opinion.

This, in my view, is a prescription for trouble. We have a CIA Director and a nominee to be general counsel of the Agency, and neither of these two individuals will tell the Congress and the American people what the CIA will do under these circumstances which relate directly to the privacy of law-abiding and innocent Americans.

In her responses to committee questions, Ms. Elwood referred to one of the

documents that was released in January—the revised Attorney General guidelines—which she said imposed ''stringent and detailed restrictions'' on what the CIA can do with the intelligence it collects that is known to include information about Americans.

We are not talking about an insignificant amount of information on Americans. We are talking about bulk collection. We are talking about information on Americans that the rules, themselves, describe as ''significant in volume, proportion, or sensitivity.'' Obviously, the mere fact that the CIA collects and keeps this kind of information raises a lot of concerns about infringements of Americans' privacy.

I wanted to know what these stringent restrictions were that Ms. Elwood was talking about that she said would, again, just sort of magically protect the rights of Americans.

One of the issues our people are especially concerned about is whether the government, after it has collected lots of information on Americans, can conduct warrantless, backdoor searches for information about specific Americans. Those who dismiss the concerns about these backdoor searches argue that if the intelligence has already been collected, it is just no big deal to search it, even if the search is intended to obtain information on innocent, law-abiding Americans. The problem is, the more collection that is going on, the bigger the pool of Americans' information that is being searched.

This has come up with regard to section 702 of the Foreign Intelligence Surveillance Act, which we are going to debate in the coming months. As my colleagues know, a bipartisan coalition—a bipartisan group of Senators and House Members—has been trying for years to get the intelligence community to tell us how many innocent, law-abiding Americans are being swept up in the section 702 collection. That number, if we can ever get it, is directly related to whether the intelligence community should be allowed to conduct warrantless searches on particular Americans, and it is directly related to the point I offered at the outset, which is that we must have policies that promote security and liberty. If we do it smartly, we can have both.

These questions I have described also apply to information that is collected under the Executive order. In the case of the Executive order, there is not even a discussion about how much information about Americans gets swept up.

So what do the rules say about backdoor searches that have been conducted by the CIA under this Executive order?

It turns out, the CIA can conduct searches through all of this information on law-abiding Americans if the search is ''reasonably designed to retrieve information related to a duly authorized activity of the CIA.''

Ms. Elwood has told the Intelligence Committee that there are really stringent requirements on this, but as I just read—''reasonably designed to retrieve information related to a duly authorized activity of the CIA''—that sure does not sound like it has much teeth in it to me. It does not sound very stringent to me.

I asked Ms. Elwood at the hearing what other restrictions might apply.

In a written response, she referred to training requirements, to record-keeping, and to the rule that the information must be destroyed after 5 years. None of that changes the fact that there is no meaningful standard for the searches. There is no check. There is no balance. Even the CIA's rule that the information can only be kept for 5 years has a huge loophole in that it can be extended by the CIA Director after consultation with—guess who again—the general counsel.

Again, we have rules that are vague to begin with, whose implementation is up to the discretion of the CIA Director and the general counsel. At this point, the Senate has virtually nothing to go on in terms of how this nominee for this critical general counsel position would exercise all of this power.

Another aspect of CIA activities that are authorized by the Executive order is that of the secret participation by someone who is working on behalf of the CIA and organizations in our country.

These activities would obviously be concerning to a lot of Americans. Most Americans probably believe the CIA is not even allowed to do this anymore, but it is. The question is, whether there are going to be rules that prevent abuses.

Since that is yet another modern-day, present-time topic, I said I am going to ask Ms. Elwood some questions on this. For example, for what purposes could the CIA secretly join a private organization in the United States?

The rules say the CIA Director can make case-by-case decisions with the concurrence of the general counsel, so I thought it would be appropriate to ask what the view is of the nominee to be the general counsel. Ms. Elwood's response was that she had no experience with this matter and looked forward to learning about it. And that, of course, is typical of so many of her answers. Repeatedly, she declined to provide any clarity on how she would interpret the CIA's authorities under this sweeping Executive order, but these are the calls she could make every single day if confirmed. At this point, the Senate has no clue how she would make them. It is my view that we cannot vote to confirm a nominee—particularly one who will operate entirely in secret—and just hope for the best.

I have other concerns about the Elwood nomination, particularly some of her views with respect to torture.

I asked Ms. Elwood whether the torture techniques the CIA had used violated the Detainee Treatment Act, often referred to as the McCain amendment. She had no opinion. I asked her whether those techniques violated the statutory prohibition on torture. She had no opinion. I asked her whether the torture techniques violated the War Crimes Act. She had no opinion. I asked her whether the torture techniques violated U.S. obligations under the Convention Against Torture, the Geneva Convention and other U.S. treaty obligations. She had no opinion.

How could she have no opinion? She has said that she read the 500-page executive summary of the Intelligence Committee's Torture Report. The horrific details of waterboarding, extended sleep deprivation, stress positions, and other torture techniques are known to everyone, but the nominee to be the CIA's General Counsel has no opinion on these matters.

Ms. Elwood did, however, commit to complying with the 2015 law prohibiting interrogation techniques not authorized by the Army Field Manual. That gets us again to the question of what decisions she would make now, based on current law. Everyone agrees that waterboarding is prohibited by the Army Field Manual, but the Army Field Manual can be changed. Fortunately, the 2015 law also prohibits any changes to the Army Field Manual that involve the use or threat of force. I asked her whether the CIA's torture techniques fell safely outside of anything the Army Field Manual could legally authorize. Her response, again, was that she had not studied the techniques.

So that was her position. She said she will comply with the law and agreed that the law prohibits interrogation techniques that involve the use or threat of force, but she refused to say whether waterboarding or any of the other CIA torture techniques falls outside that prohibition.

Finally, I asked the nominee how the constitutional rights of Americans would apply when the government seeks to kill them overseas. She responded that she had not considered the matter. Do these rights apply to legal permanent residents of the United States who are overseas? She did not have an opinion on that either.

To fully understand why this kind of avoidance is such a problem, we need to consider again what the CIA general counsel does and how she does it. I have been on the Senate Intelligence Committee since 2001. I have seen far too many intelligence programs go on for years before we find out about them. In so many of these cases, the problem lies in how senior lawyers interpreted their authorities. These interpretations are made in secret. They are made by a handful of people, and they are revealed to almost no one. We place almost immeasurable trust in the people who make these decisions. We cannot take this lightly.

The Senate and the American people have one shot—and one shot only—to get some insight into how those lawyers will make their decisions and how

they view the laws that apply to them. That one shot is the confirmation process. So when a nominee refused to take positions, it short-circuits the process. This is not acceptable. We cannot just confirm someone to be the CIA's general counsel without knowing what she will do in that position. That would be an abdication of our duty.

I want to close by saying that, at this extraordinary time in American history, a time when our country—and if you sit on the Intelligence Committee, as I have for a number of years, you go into the Intelligence Committee room, and it is all behind closed doors, and you often walk out of there very concerned about the well-being of our people, given some of the grave national security threats we hear about once or twice a week.

The point is that our choice is not between security and liberty; it is between smart policies and ones that are not so smart. For example, on this floor, when the leadership of the committee was interested in weakening strong encryption, which is what keeps our people safe—we have our whole lives wrapped up in a smartphone, and smart encryption ensures that terrorists and hackers can't get at that information. It ensures that pedophiles can't get access to the location tracker and pick up where your child might be. We all know how much our parents care about the well-being of kids.

People are saying: Let's just build backdoors into our products, and I said I am going to fight that. I will fight it with everything I have whenever it is proposed because it is bad for security, bad for liberty, bad for our companies that are trying to continue to offer high-skill, high-wage jobs because our competitors won't do it, and so far we have been able to hold it off.

As we seek in the days ahead to come up with smart policies that protect security and liberty, we have to get answers from those in the government who are going to have these key positions. Given the fact that the CIA Director, Mike Pompeo, made it clear in his hearing that he was going to rely on the person chosen by the Senate as his general counsel, I felt it was very important that we get some answers from the person we will be voting on shortly.

I regret to say to the Senate that this morning we are largely in the dark with respect to Ms. Elwood's views on the key questions I have outlined today.

I yield the floor.

Mr. VAN HOLLEN. Madam President, President Trump has routinely attacked basic American freedoms—of the press, of peaceful assembly, of religion, of speech. When he lost the popular vote, President-elect Trump assailed the integrity of our electoral process and falsely claimed that millions of people voted illegally. When the press exposed those falsehoods, Mr. Trump dismissed credible reporting as ''fake news.'' When the courts ruled that his travel ban was unlawful, President Trump accused judges of abetting terrorists.

These actions have consequences beyond our own borders and embolden dictators around the world. President Trump displays a worldview that favors the military over diplomacy and transactional relationships over strategic alliances. President Trump's uncritical embrace of autocrats like Russian President Putin, Egyptian President Sisi, Turkish President Erdogan, and Philippine President Duterte is a repudiation of every reformer and activist seeking freedom from tyranny. It is a repudiation of America's values and founding principles.

President Trump's approach to the world is shortsighted and self-defeating. The greatest threats to U.S. national security come from countries that are corrupt, poorly governed, and fraught with poverty and disease. These countries require sustained engagement and assistance to prevent the kind of threats that could require American soldiers to go into war. These countries require American leadership and the American example to help address the root causes of conflict and to give a voice to the aspirations of their people.

That is why President Trump's proposed 32 percent cut to the budget of the State Department, his failure to put forward nominees for leadership positions, and his disrespect for the career employees who serve our country are so dangerous. By undermining American influence abroad, President Trump erodes American strength.

While John Sullivan has an extensive career in public service, I am concerned that he lacks experience at the State Department. An understanding of the institution is, in many ways, as important as an understanding of our complex diplomatic terrain. Despite these concerns, I was encouraged by the statements and commitments he made at his confirmation hearing.

In his testimony before the Senate Foreign Relations Committee, Mr. Sullivan committed to promoting American values abroad, saying: ''Our greatest asset is our commitment to the fundamental values expressed at the founding of our nation; the rights to life, liberty, and the pursuit of happiness. These basic human rights are the bedrock of our republic and at the heart of American leadership in the world.''

He underscored that our alliances and partnerships ''have been the cornerstone of our national security in the post-war era.'' He commended the foreign service officers, civil servants, and locally employed staff who faithfully serve our country every day.

These statements are a rejection of the worldview proposed by President Trump. I hope that Mr. Sullivan honors these statements in office. For this reason, I support his nomination for Deputy Secretary of State.

Mr. WYDEN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PERDUE). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

PUERTO RICO'S FISCAL CRISIS

Mr. GRASSLEY. Mr. President, I rise today to discuss the significance of the unprecedented events now occurring in Puerto Rico.

According to the May 16 editorial in the Wall Street Journal, ''The legal brawl over Puerto Rico's bankruptcy begins this week, and it will be long and ugly.''

As we have seen in Greece and Detroit, what is happening in Puerto Rico should be a wake-up call for fiscally distressed States—meaning our 50 States, our cities, and our territories—to get their own houses in order. It is the canary in the mine that ought to be available to everybody. At the same time, it should be a cautionary tale for those who seek to extend similar bankruptcy authority to our own 50 States.

In 2015, after years of fiscal mismanagement and borrowing to finance their operations, Puerto Rico declared that its debt was unpayable and had to be restructured; however, because Puerto Rico lacked access to chapter 9 of the Bankruptcy Code, restructuring its complex debt outside of the court presented a challenge.

I held a hearing in the Judiciary Committee to examine this issue in December of 2015. We learned at that hearing that while bankruptcy is an effective tool to restructure debt, it merely treats the symptom and it doesn't solve the disease. I told you so, in that vein. I shared my views and the views of many others that unless Puerto Rico addressed its fiscal mismanagement woes, extending bankruptcy authority alone couldn't fix the problem. I told you so that, instead, it would merely kick the can down the road and harm thousands of retirees in Iowa and elsewhere who would bear the costs of Puerto Rico's irresponsible fiscal behavior. The Obama administration, though, pressed Congress to act and to provide Puerto Rico with an orderly bankruptcy-like process to restructure its debt.

According to the testimony of one Treasury official, ''Without a comprehensive restructuring framework, Puerto Rico will continue to default on its debt, and litigation will intensify. . . . As the cascading defaults and litigation unfold, there is real risk of another lost decade, this one more damaging than the last.'' So now, even with a comprehensive restructuring framework, there is still a real risk of another lost decade.

Ultimately, this debt restructuring framework was coupled with an independent oversight board and adopted as the Puerto Rico Oversight, Management, and Economic Stability Act, referred to as PROMESA. This approach,