

get Republicans and Democrats across the political spectrum to set into law what the rules should be. His statements show that he wants to throw it all overboard. So I have concerns.

Mr. President, our intelligence agencies have an enormous task ahead. The challenges they face range from state-sponsored information warfare to countering violent extremists around the world. Among those who will lead these efforts will be the next Director of the Central Intelligence Agency. The importance of the CIA cannot be overstated, and now, perhaps more than ever, we need a Director who will manage the agency with the full confidence of the American people. This confidence is based not only on a future Director's ability to comprehend security challenges, but on his or her ability to safeguard the privacy and civil liberties of all Americans and to uphold and advance United States leadership in protecting human rights.

I have serious concerns with President Trump's nominee to lead the CIA. Congressman POMPEO has called for the reestablishment of the bulk collection of Americans' phone records, and has even argued that the intelligence community should combine that metadata "with publicly available financial and lifestyle information into a comprehensive, searchable database." He went on to say that "[l]egal and bureaucratic impediments to surveillance should be removed." But Congress outright rejected the bulk collection of Americans' records when it passed the USA FREEDOM Act of 2015 on an overwhelming bipartisan basis—the very program that Congressman POMPEO said that he wants to bring back.

During his testimony last week, Congressman POMPEO attempted to diffuse this and other questions about his more alarming positions by affirming his appreciation of the supremacy of law. It sounded to me like the tried and true confirmation conversion. I appreciate that he testified that he understands the responsibility of a Director to uphold the Constitution and the laws passed by Congress. But I remain deeply concerned that he advocated for such dangerous measures in the first place. And I am concerned that he will push to remove "legal and bureaucratic impediments to surveillance"—just as he said last year.

We face grave threats from around the world, whether from Russia, from ISIS, or other adversaries. The director of the CIA must be trusted by all Americans to protect us from these threats, but also to protect our Nation's core values. I don't question Congressman POMPEO's loyalty to our Nation. I do question his stated beliefs that immediate security concerns can be used as a justification for eroding the fundamental rights of Americans. For these reasons, I cannot support Congressman POMPEO's nomination.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. BURR. Mr. President, I ask unanimous consent for 2 additional minutes on each side.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BURR. Mr. President, I would like to respond to the statement of the Senator from Oregon. As chairman of the Intelligence Committee, let me just tell Members that Congressman POMPEO has made himself available to every Member on the Committee for private meetings in their office. For everyone who would take a meeting, he met with them.

He came before the committee in open session and in closed session. In open session, he stayed for as long as Members had questions, and all questions were answered. Congressman POMPEO received from the committee over 150—may have been over 200—questions for the record. Today all questions are answered.

I can't address whether there was ever a CIA Director who was confirmed on inauguration day, but I can't think of a time where the country has been more challenged with threats around the world and at home than we are right now. We carried out military acts last night and the night before. We have just gotten through with one of the highest security events in the history of this country in Washington, DC.

Why aren't we taking up Representative POMPEO today? It is not because there is disagreement, it is not because we haven't had an opportunity to ask enough questions or talk to him face-to-face and get answers. It is because some people don't want to vote on it today. They want to wait until Monday.

I am willing to debate this as long as it needs to be debated. I don't want to cut off anybody's debate, but I think we owe it to the country to have a vote today. That can be in an hour, it can be in 5 hours, but I think we ought to provide this President with a CIA Director who is in charge.

Mr. DURBIN. Will the Senator yield for a question?

Mr. BURR. I will be happy to yield.

Mr. MCCAIN. I object. It is time for the vote.

Mr. DURBIN. Mr. President, there were 2 minutes extended to each side, if I am not mistaken.

The ACTING PRESIDENT pro tempore. The Senator cannot object. There is 2 minutes on both sides.

Mr. BURR. Mr. President, let me conclude and then the Senator can claim his own time.

We ought to do this. We ought to do it for the country, not for ourselves. It is not about us. This is about doing something for the country. An Acting Director of the CIA is just not sufficient, whether it is for a day or whether it is for a week. Right now they need leadership that is permanent. They need to know tomorrow who is heading that Agency. I would urge my col-

leagues, let's confirm him today. We have had enough time to ask every question possible, and now is the time to vote on confirmation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I only want to ask my friend from North Carolina, the chairman of the committee, two questions.

Is it traditional for the Senate Intelligence Committee that you chair to report out a nominee like Congressman POMPEO, and have you reported him out of your committee to the floor?

Mr. BURR. The Senator's question is a very good one.

It is normal for us to report out. We thought we had a deal with the Democratic leader. That is why we didn't discharge him. That is why we didn't have a business meeting this week. I regret that I didn't schedule that, but it certainly could have been, and I will not make that mistake again.

The ACTING PRESIDENT pro tempore. All time for the majority has expired.

Who yields time?

The Senator from Michigan.

Mr. DURBIN. The Democratic side yields back all time.

The ACTING PRESIDENT pro tempore. All time has expired.

VOTE ON MATTIS NOMINATION

The question is, Will the Senate advise and consent to the Mattis nomination?

Mr. MCCAIN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 29 Ex.]

YEAS—98

Alexander	Cruz	Johnson
Baldwin	Daines	Kaine
Barrasso	Donnelly	Kennedy
Bennet	Duckworth	King
Blumenthal	Durbin	Klobuchar
Blunt	Enzi	Lankford
Booker	Ernst	Leahy
Boozman	Feinstein	Lee
Brown	Fischer	Manchin
Burr	Flake	Markley
Cantwell	Franken	McCain
Capito	Gardner	McCaskill
Cardin	Graham	McConnell
Carper	Grassley	Menendez
Casey	Harris	Merkeley
Cassidy	Hassan	Moran
Cochran	Hatch	Murkowski
Collins	Heinrich	Murphy
Coons	Heitkamp	Murray
Corker	Heller	Nelson
Cornyn	Hirono	Paul
Cortez Masto	Hoeven	Perdue
Cotton	Inhofe	Peters
Crapo	Isakson	Portman

Reed	Scott	Udall
Risch	Shaheen	Van Hollen
Roberts	Shelby	Warner
Rounds	Stabenow	Warren
Rubio	Sullivan	Whitehouse
Sanders	Tester	Wicker
Sasse	Thune	Wyden
Schatz	Tillis	Young
Schumer	Toomey	

NAYS—1

Gillibrand

NOT VOTING—1

Sessions

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MCCONNELL. Madam President, I think under the circumstances the Democratic leader and I have come up with a solution that I think at least moves the ball in the right direction. First, I want to implore our colleagues on the other side to give us a vote on POMPEO today.

UNANIMOUS CONSENT REQUEST—PRESIDENTIAL NOMINATION

Therefore, following disposition of the Kelly nomination, I ask unanimous consent that the Intelligence Committee be discharged and the Senate proceed to the consideration of the following nomination received today: MIKE POMPEO to be Director of the Central Intelligence Agency. I ask that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, and the President be notified of the Senate's action.

The PRESIDING OFFICER. Is there objection to the request?

Mr. WYDEN. I object, Madam President.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Madam President, it is pretty obvious the Senator from Oregon is not interested in approving this CIA nomination today. I would remind everyone the previous Director is gone. The Deputy, the No. 2 person, is gone. I don't think it is a great idea for Senate Democrats to be holding this vacant over the weekend.

UNANIMOUS CONSENT AGREEMENT—PRESIDENTIAL NOMINATION

Mr. President, given what we have heard, following disposition of the Kelly nomination, I ask unanimous consent that the Intelligence Committee be discharged and the Senate vote on the motion to proceed to the consideration of the following nomination received today: MIKE POMPEO to be Director of the Central Intelligence Agency—the motion to proceed. I further ask consent that following leader remarks on Monday, January 23, there be 6 hours of debate on the nomination, equally divided in the usual form, and that following the use or yielding back of time, the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, this would ensure that there would be a debate about the CIA and its future Director in the light of day. I am not going to object, and I withdraw my reservation.

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

The question now occurs on the Kelly nomination.

Mr. MCCAIN. Madam President, I ask for 1 minute on the nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I know it is unnecessary, but I urge an "aye" vote on General Kelly. He is experienced. He is talented. He understands borders. He understands the challenges we face for our national security throughout the world. I strongly urge an "aye" vote for General Kelly.

VOTE ON KELLY NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Kelly nomination?

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Mr. ROUNDS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 11, as follows:

[Rollcall Vote No. 30 Ex.]

YEAS—88

Alexander	Fischer	Murkowski
Baldwin	Flake	Murphy
Barrasso	Franken	Murray
Bennet	Gardner	Nelson
Blunt	Graham	Paul
Boozman	Grassley	Perdue
Brown	Hassan	Peters
Burr	Hatch	Portman
Cantwell	Heitkamp	Reed
Capito	Heller	Risch
Cardin	Hirono	Roberts
Carper	Hoeven	Rounds
Casey	Inhofe	Rubio
Cassidy	Isakson	Sasse
Cochran	Johnson	Schumer
Collins	Kaine	Scott
Coons	Kennedy	Schumer
Corker	King	Scott
Cornyn	Klobuchar	Shaheen
Cotton	Lankford	Shelby
Crapo	Leahy	Stabenow
Cruz	Lee	Sullivan
Daines	Manchin	Tester
Donnelly	Markey	Thune
Duckworth	McCain	Tillis
Durbin	McCaskill	Toomey
Enzi	McConnell	
Ernst	Menendez	
Feinstein	Moran	

Warner
Whitehouse

Wicker
Young

NAYS—11

Blumenthal	Harris	Van Hollen
Booker	Heinrich	Warren
Cortez Masto	Merkley	Wyden
Gillibrand	Udall	

NOT VOTING—1

Sessions

The nomination was confirmed.

The PRESIDING OFFICER. With respect to the Mattis and Kelly nominations, under the previous order, the motions to reconsider are considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

PRESIDENTIAL NOMINATION—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Select Committee on Intelligence is discharged from further consideration of the nomination of MIKE POMPEO, of Kansas, to be Director of the Central Intelligence Agency, and the question is on agreeing to the motion to proceed to the nomination.

Mr. CORNYN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Virginia (Mr. KAINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 8, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—89

Alexander	Fischer	Murphy
Baldwin	Flake	Murray
Barrasso	Franken	Nelson
Bennet	Gardner	Paul
Blunt	Graham	Perdue
Boozman	Grassley	Peters
Brown	Harris	Portman
Burr	Hassan	Reed
Cantwell	Hatch	Risch
Capito	Heinrich	Roberts
Cardin	Heitkamp	Rounds
Carper	Heller	Rubio
Casey	Hirono	Sasse
Cassidy	Hoeven	Schatz
Cochran	Inhofe	Schumer
Collins	Johnson	Scott
Coons	Kennedy	Shaheen
Corker	King	Shelby
Cornyn	Klobuchar	Stabenow
Cortez Masto	Lankford	Sullivan
Cotton	Leahy	Tester
Crapo	Lee	Thune
Cruz	Manchin	Tillis
Daines	Markey	Toomey
Donnelly	McCain	Van Hollen
Duckworth	McCaskill	Warner
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Ernst	Moran	Young
Feinstein	Murkowski	