

the ability to retain interest in companies that will be directly affected by the policies of the Department of Education. Representative PRICE, the nominee for HHS, refused to meet with several members of the committee before his nomination is scheduled for a vote.

This is not how nominations should go. Now, I know—with a swamped Cabinet of bankers, billionaires, more wealth, more potential conflicts of interest, more positions way far over from what the American people want—why our Republican colleagues want to rush these nominees through. But let me reiterate that they will have tremendous power over the lives of average Americans. A few extra days to examine and explore what they believe to make sure that they don't have conflicts of interest—who wouldn't be for that, unless they don't want the facts to come out?

So we are not stalling nominations. This isn't sport. This is serious stuff. We have genuine concerns about the qualifications and ethical standards of these nominees, and we are going to continue to seek an open, transparent, and thorough vetting process for the President's Cabinet. These folks are going to be in power for 4 years, maybe. Then they deserve a few days of careful vetting. They should not be all rushed in a day, with hurried debate, hurrying them through in the dark of night—no way. We are going to use whatever abilities we have here to make sure that doesn't happen.

#### TRANS-PACIFIC PARTNERSHIP

Mr. SCHUMER. Fourth, on the Executive action that the President will be withdrawing the United States from the TPP, or the Trans-Pacific Partnership, as you know, my views on trade are probably closer to President Trump's than they were to President Obama and President Bush. I opposed NAFTA and TPP. But the fact that the President announced with fanfare that he will be withdrawing the United States from the Trans-Pacific Partnership is not news. The Trans-Pacific Partnership was dead long ago, before President Trump took office. That is why Leader MCCONNELL didn't bring it up on the floor in the lameduck session. It didn't have the votes and was even further away from getting votes in the Senate. It was over.

We await real action on trade, one of the President's signature campaign issues. Now, what President Trump said in his campaign over and over was that, on his first day as President, he would label China a currency manipulator. That hasn't happened. Even though China is letting their currency float at the moment, you can be sure they will return to manipulating their currency—hurting our exports, helping them unfairly compete with American jobs and businesses—as soon as it is in their best interest to do so.

I worked, frankly, with the nominee for Attorney General, JEFF SESSIONS,

and with many others to try and get both President Bush and President Obama to label China a currency manipulator. It didn't happen, unfortunately. But President Trump promised that he was going to do it on his first day in office, and it has not happened. If President Trump wants to send a shot across the bow that he is getting serious on trade, addressing the currency issue would have been a lot more effective than a meaningless and redundant Executive order on the TPP.

While we are on the subject of trade, I remind the President of the two simple rules he laid out in his inaugural address: buy American and hire American—two rules that his current businesses don't follow. Trump shirts and ties are made in China; Trump furniture is made in Turkey. While he is importuning others to “make it in America”—I don't disagree with that—he should start by demanding it of his own businesses. How can he expect others to do something that he is not doing? He wants the automobile makers to make cars in America. So do I. Then he ought to stop making his ties in China and his furniture in Turkey. He ought to set a good example. Until he totally and completely divests himself from his businesses, which is the right thing to do, he ought to start following the rules himself that he has laid out for the country.

#### REPUBLICAN ALTERNATIVE TO THE AFFORDABLE CARE ACT

Mr. SCHUMER. Finally, this morning, two of my colleagues on the other side of the aisle, the Senator from Maine and the Senator from Louisiana, introduced a proposal purporting to be a Republican alternative to the Affordable Care Act. While I sympathize with my two colleagues, whom I respect a great deal and who understand that repeal without replace would be devastating for our country, their proposal would create chaos, not affordable care for millions of Americans. It is much like the vague Executive order issued by the President on Friday that my friend, the Senator from Maine, Ms. COLLINS, called “confusing.”

Their proposal today illustrates the dilemma that both the Republicans and the White House are in. It is nearly impossible to keep the benefits of the Affordable Care Act without keeping the whole thing. There is an easier way out of the pickle our Republican friends have created for themselves. Republicans can and should stop repeal plans, which are disruptive, and work with Democrats to improve, not gut, the Affordable Care Act and health care system for all Americans.

Thank you. I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the nomination of MIKE POMPEO to be Director of the Central Intelligence Agency, which the clerk will report.

The bill clerk read the nomination of MIKE POMPEO, of Kansas, to be Director of the Central Intelligence Agency.

The PRESIDING OFFICER. Under the previous order, there will now be 6 hours of debate, equally divided in the usual form.

The majority whip is recognized.

#### WELCOMING A NEW DAY IN THE COUNTRY

Mr. CORNYN. Mr. President, I had a chance to listen to our friend, the Democratic leader, and it is becoming clearer exactly what his strategy is for dealing with the aftermath of the November 8 election, in which Republicans retained the majority in both Houses of Congress and picked up the White House to boot. I realize it was a shock to our Democratic friends—the election that occurred on November 8 and the verdict of the American people, given the choices they were presented. What is becoming increasingly clear is that the Democratic leader, the Senator from New York, believes that Democrats and the country are better served by being an opposition party—in other words, opposed to everything that is proposed by either the President or anybody on this side of the aisle.

Rather than working together with us to try to build consensus, to try to address the challenges that face the country, what they are going to do is to sit back and enjoy the failure—which is what they are hoping and praying for—when we try to do this alone. We know our system is built on bipartisan cooperation and consensus building, and I have to tell my friend, the Senator from New York, Mr. SCHUMER, that I doubt his party's political prospects are going to improve as long as people see them as a restoration of the status quo at a time when they voted for change. Rather than working together to find solutions to the challenges that face our country, they have decided to sit back, drag their heels, oppose, and say no to each and every constructive solution offered by either the White House or this side of the aisle. I really do hope they decide that this is a recipe for political failure, continuing to wander in the political wilderness.

At a time when the voters voted for change, they are arguing for a restoration of the status quo—the direction that the country, the majority of voters, and certainly those whose votes are reflected in the Electoral College felt was a wrong direction for our country.

So I believe that most Americans greeted the peaceful transfer of power

as reflected by the inaugural ceremonies of last Friday with relief and welcomed a new day in the country.

My wife and I had the chance to attend those inauguration ceremonies. Let me first say to President Trump, the First Lady, and his family, as they start this journey leading the Nation, that I wish you well and offer my help, because I believe if President Trump succeeds and if his administration succeeds, then there is a better chance that the country will succeed, and it is not going to happen by opposing each and every idea of the administration, which our Democratic colleagues seem bound and determined to do, being seen as merely obstructionist and being naysayers rather than constructive solution finders for the problems that confront the country. I am very hopeful about what the future holds, and I look forward to working with the new President in the years ahead to strengthen our country.

One obvious way all of us can support this peaceful transition of power, which is the hallmark of our democracy, is by making sure that President Trump has the counsel and advice of the men and women he has chosen to serve with him in his Cabinet. Our Democratic colleagues at one point want to criticize the President for not making a smoother transition, while enjoying every difficulty encountered, at the same time by denying him the Cabinet that he has chosen to serve with him to lead the country.

We have said it before, but it bears repetition. On January 20, 2009, when President Obama was sworn into office, people on this side of the aisle weren't necessarily happy with the electoral outcome. Our preferred candidate did not win, but that didn't mean we obstructed President Obama's choice for his Cabinet. Indeed, we agreed to seven Cabinet members being approved on the first day that President Obama took office, on January 20, 2009.

Well, all of these positions are important and are necessary to make the transition of power in our democracy as smooth as possible. Posts such as Secretary of Defense and Homeland Security and the CIA Director, which we will be voting on later today, are particularly critical, given the national security responsibilities associated with them.

While I am glad we confirmed General Mattis and General Kelly on Friday, we should have voted on the nomination of Congressman MIKE POMPEO to head the Central Intelligence Agency.

MIKE POMPEO is well qualified for this position as CIA Director, but unfortunately some of our colleagues want to slow-walk his nomination. How is it that 89 Members could vote to proceed to confirm his nomination for today last Friday but still they denied us the opportunity for an up-or-down vote last Friday, which we should have had?

Our colleague from Oregon said that he wanted some debate during the light

of day. Well, we were willing to stay as late, or into the weekend, as we needed to in order to get Congressman POMPEO confirmed, but, no, he wanted to delay it until today, so presumably there would be less competition for airtime on the evening news. I can't think of another reason he would have delayed that confirmation.

I just want to remind our colleagues that our country continues to face incredible threats, and they are not hitting the pause button. Instead, it is possible that some of our foes could try to test the resolve of President Trump and his new Cabinet during this period of transition, where everybody recognizes this is a period of vulnerability for the United States.

I am reminded of a sobering quote from the Director of National Intelligence during a hearing in 2016. Former Director Clapper, who served our intelligence community for more than half a century, testified: "In my 50-plus years in the intelligence business," he said, "I cannot recall a more diverse array of challenges and crises than we confront today." That is the former Director of National Intelligence, James Clapper, who spent more than half a century in the intelligence community.

So with that in mind, you would think that we could all agree that the President needs his national security Cabinet at his side, particularly his CIA Director, a Cabinet position integral to keeping our country safe. That is why, in my view, we must confirm Congressman POMPEO as the next Director of the Central Intelligence Agency as soon as possible.

For those who don't know MIKE well, he served in Congress for several years, including as a member of the House Intelligence Committee. And I have no doubt, as Director, he will do all he can to make sure that those serving in the intelligence community have the tools and the respect they need and deserve to keep America safe.

So we need to get this done and to get this done without further delay. Let's not keep the President of the United States from his team, a team that could help him better serve and better protect the people of this country.

And, even more, we need to have our Democratic colleagues recognize that the election is over. The votes have been counted. President Trump has been sworn into office. So we need to end the electioneering that has succeeded all of their activities since November 8. They haven't stopped the campaign.

The campaign is over. The voters have spoken. And we need to get busy governing on behalf of all the American people.

Some of the comments that were made on the floor last week by Senator WYDEN from Oregon—when he objected to voting on the nomination of Congressman POMPEO, he raised the issue of surveillance programs and referred

to the so-called 215 program that was designed to collect metadata, but not content, of foreign nationals. He referred to the USA FREEDOM Act, which Congress passed and which replaced the old 215 program with a new approach. But one thing he overlooked is that both the Senator from Oregon and I voted for final passage of the USA FREEDOM Act, as did Congressman POMPEO. They voted for the same piece of legislation, yet the Senator from Oregon wants to take the new CIA Director to task for apparently having some divergent views from his own, when they both voted for the same reforms in the USA FREEDOM Act. That is why it seems so disingenuous when he suggests on the floor, as he has done, that Congressman POMPEO does not believe that there are any legal boundaries for surveillance programs. Indeed, in the Intelligence Committee last week, Congressman POMPEO, during his open hearing, said he would abide by the law of the land, as I am sure he will, and as we all must.

Surely the Senator from Oregon does not think that support for expanding access to certain metadata is grounds for opposing the nominee. In fact, 59 Members of the Senate and a majority of the Senate's Intelligence Committee last year voted to make clear that the government should be able to access Internet metadata with the use of national security letters.

Just to be clear, we are not talking about content. We are not talking about private information that is subject to a reasonable expectation of privacy under the Fourth Amendment of the U.S. Constitution. When the government wants access to private information, subject to a reasonable expectation of privacy, it requires a search warrant, along with establishing probable cause to believe that a crime or threat is present.

So it is a little disingenuous to be arguing about metadata, which is not content, which is not protected by the Fourth Amendment, which doesn't require a search warrant, as a reason to object to Congressman POMPEO's nomination as CIA Director. Indeed, as I pointed out, the Senator from Oregon and Congressman POMPEO and I all voted for legislation that he believes addressed the concerns he had with the previous metadata collection program.

Then there is the detention and interrogation policies of the U.S. Government post-9/11. It is time to turn the page on this chapter of the CIA's history. We need to focus now on how to defeat the threats of today and tomorrow, not relitigate the battles of yesterday.

But, to be clear, Senator JEFF SESSIONS, the President's choice for Attorney General, has made clear that the enhanced interrogation policies that were used with the approval of the Office of Legal Counsel and the authorities during the Bush administration no longer would be permissible because

the Army Field Manual is now the law of the land. Congressman POMPEO voted for the legislation that made that change to Federal law, and he has pledged to follow it. So I am not sure what more we can ask of a nominee.

Finally, later today, the Senate Foreign Relations Committee will vote on the nomination of Rex Tillerson, President Trump's nominee to serve as the next Secretary of State. I have known Mr. Tillerson for a number of years now. Over time, I have come to admire and respect him for many reasons. He has proven over a decades-long career in the top echelons of a large, global company that he has what it takes to represent not the shareholders that he has been representing but the American people throughout the world in the most sensitive diplomatic and international matters you can imagine. And, most of all, he has proved time and again that he is a man of strong conviction and character.

I have confidence that Mr. Tillerson will help the United States regain our leadership role in the world by unapologetically supporting our allies and our friends while keeping a check on our adversaries. He is, simply stated, the right man to lead our State Department, and I hope that the committee supports his nomination and that the full Senate votes to confirm him soon.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, before my friend, the Senator from Texas, leaves, I am sure he understands that I am rising now in support of the nomination of Congressman MIKE POMPEO to be Director of the Central Intelligence Agency. But before I speak on the nominee, I do want to take a moment to address the criticism that has been leveled against my colleagues who asked for time to debate the nomination.

As Members of the U.S. Senate, we are responsible to the American people to make measured, thoughtful decisions. I will support this nomination, but, again, I fully respect the right of my colleagues to ask for time to debate the nomination on its merits. I know Senator WYDEN and others will be coming to the floor later today to address their issues.

To be clear at the outset, I do not agree with some of the views that Congressman POMPEO has expressed, and our personal and political views are wildly divergent. While Congressman POMPEO and I disagree on many issues, I believe he can be an effective leader of the CIA.

In our private discussions, and in the open and closed hearings, he has convinced me that he will follow the law banning torture. And let me be clear. As the vice chairman of the Intelligence Committee, I will oppose any effort to change law or policy to once again torture detainees, and I will keep a careful watch to ensure that no one ever tries to do so again.

I have also received public and private assurances from Congressman POMPEO that he will accurately represent the unvarnished views of the analysts and folks who work for the CIA and that he will relay those views no matter what the President or others want to hear.

One of the most important jobs of the Intelligence Committee is speaking truth to power.

Congressman POMPEO has also given me assurances that he will support those who work for the CIA and not discriminate against anyone based on their personal views and, not in the least, that he will cooperate with Congress, particularly as we look into Russia's efforts to interfere with our election system.

I heard my friend, the Senator from Texas, call out the former Director of National Intelligence, General Clapper, who has over 50 years in the intelligence business. And again, Mr. Clapper, along with all the other leaders of the intelligence community, basically has said that the Russian efforts to interfere in our elections in this past year were unprecedented.

We all know that President Trump has said some unacceptable things about the intelligence community, accusing them of leaks and of politicizing intelligence. Those of us who serve on the Select Committee on Intelligence—indeed, all of us in Congress, and I know I see my friend, the chairman of the committee, is sitting here on the floor—know that those attacks were unwarranted and should not be continued.

Congressman POMPEO did not participate in those attacks. Instead, throughout his tenure on the House Intelligence Committee, he showed respect for the intelligence community and worked to help make them even better.

His former colleagues and staff on the committee speak highly of him, even when they disagree.

Since he was nominated for the position of Director, Mr. POMPEO has spent a great deal of time at the CIA, working with the professionals there to understand his new role and the challenges he will face. We have had a number of conversations about that.

I have heard nothing that undermines my view that he will treat the employees of the Agency with the decency and fairness they deserve. And since most of those employees also happen to be my constituents, I will watch his actions very carefully.

Under Congressman POMPEO, the CIA will face many challenges. For example, the growth of open source information and big data will supplement and challenge traditional collection means. The Agency has the increasing need to operate in expeditionary and nontraditional environments, which will drive a need for changes in personnel, support, and training. The Agency will have and will need an increasingly diverse workforce which grew up online, which will

create new opportunities but also new problems, for example, in establishing and maintaining cover. And if he is confirmed as Director, Mr. POMPEO will have to complete and sometimes tweak the reorganization begun by his predecessor, John Brennan.

While Congressman POMPEO and I disagree on many issues—and I suspect will disagree on many in the future—I support his nomination. I believe he can be a good leader for the CIA and will cooperate with the oversight of the SSCI and Congress.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I rise today to support MIKE POMPEO as the next Director of the CIA. And I thank my good friend, the vice chairman of the Intelligence Committee, Senator WARNER, for his comments.

I will vary slightly from Senator WARNER in that I think the committee process provided every member of the committee a sufficient amount of time and opportunity to ask and to have answered every question that one can query a four-term Member of the U.S. Congress, a member of the House Intelligence Committee. Representative POMPEO made himself available to every member on the committee for a private meeting in their office, to the best of my knowledge, with no time limit.

Representative POMPEO came to an open hearing—which is unusual for our committee, but we do that with nominees—with no time limit. He made himself available to a closed committee hearing with no time limits. He answered over 150 questions for the record. Every member of the committee was given a tremendous opportunity to ask everything and to have it sufficiently answered by the nominee.

Maybe we won't explain what went through the mind of my colleague from Oregon to claim that he hadn't had sufficient time, that there were more questions that needed to be asked, and he made the statement in the light of day. Trust me, most all of the hearings we had and the meetings the members had were in the light of day—it was before 5 p.m. and after 8 a.m. in the morning.

In fact, there is a little game going on with Representative POMPEO, and I think it is similar to what we are going to see with other nominees. But let me tell you why this ought to be different. This ought to be different because of what is at stake. The Director of the Central Intelligence Agency should be somebody who is above reproach, somebody who understands that integrity is everything—not just with the Congress of the United States but with the employees of the CIA.

This is an agency that operates in the shadows. The President gave a speech there on Saturday, and behind him as a backdrop were the stars of individuals who have no names, who have sacrificed their lives without recognition on behalf of the future of this

country and the security of the United States. So it is absolutely crucial that we put somebody there who understands the value of the individuals but more importantly, the value of what they do for the security of America.

Representative POMPEO has been asked to lead what I believe is our Nation's most treasured asset. It is an agency that works in the shadows and requires a leader to be unwavering in integrity, who will ensure that the organization operates lawfully, ethically, and morally.

Just look at MIKE POMPEO's background. He went to West Point. He graduated No. 1 in his class. He left West Point and went to Harvard, where he became a lawyer, God bless him. He headed the Law Review at Harvard. But he didn't pursue a legal career; he started an aerospace business and became the CEO of an aerospace business. He has had multiple successes in life, yet he ended up in public service. He ended up in the House of Representatives.

When asked by the President on behalf of the security of the American people to serve at the Central Intelligence Agency, MIKE POMPEO said: Yes, sir, I will do it—only to come up here with a biography like I have read, with the trust and the integrity needed to fill the slot.

For Members of Congress to question whether this is the right fit, not because of the content of what he has accomplished but because they wanted to claim they hadn't had enough time—if we don't change this—and I say this in a bipartisan way—if we don't change this, good people will not respond “yes” when asked. If we continue to berate people who come here, because of things in their background that have no real, rational reason for exploration as to whether they can sufficiently do the job, then America stands a chance to lose the best and the brightest, regardless of where they grew up, regardless of the color of their skin, and regardless of their or their family's success. I say that to my colleagues in the hope that we will back off before we have done everlasting damage to our possibilities to get the right people here.

Representative POMPEO has honorably and energetically represented the people of the Fourth District in Kansas for three terms. He is on the House Intelligence Committee. House or Senate, I can't think of a Member of Congress who has traveled more around the world and spent more time at the CIA understanding the ins and outs of what they do, how they do it, and why it is important to the American people and to the security of this country, than MIKE POMPEO. He is well versed on intelligence community operations, capabilities, and their authorities. He understands the nature of the threat we face here at home and abroad.

Some are going to question whether, in fact, his personal views that maybe there are events that will happen that

will challenge Congress to change the laws are important. That is fine for him or me or for the President to question. The important thing is, How would he answer it if you applied it today? And his answer: I would follow the law. I wouldn't circumvent the law, I would follow the law, and the law says this today. Short of Congress changing the law, I will follow the law as it is today.

I am not sure you can have more clarity in an answer than that.

MIKE POMPEO's intellectual rigor, honorable service, and outstanding judgment make him a natural fit for the CIA. As I said earlier, he is one of the most active, most engaged, and most charismatic individuals I have seen nominated in quite a while.

I ask my colleagues to support the nomination of MIKE POMPEO as next Director of the CIA. Do it expeditiously. Treat him fairly. Don't paint him as for something he is not. He is a colleague of ours who worked hard to be here. He has a background of proof as to why the Fourth District of Kansas made an incredibly wise decision, but more importantly, MIKE POMPEO is somebody who can contribute in a significant way to the security of the American people, the security of this country, and can, in fact, manage and lead at the CIA without concerns as to whether there is the integrity of the institution, without concerns as to whether he might step across the legal line of what is appropriate, that every day he is there following the rule of law in this country, someone whose primary focus is to make sure that we as policymakers and the President as Commander in Chief have the best intelligence possible to make decisions about America's future and about America's security.

I hope it won't take 6 hours today, but we are in the first hour of debate. I urge my colleagues to be brief but be thorough, but at the end of the day, make sure that tomorrow morning the CIA has permanent leadership and not acting leadership.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

(The remarks of Mr. CASSIDY and Ms. COLLINS pertaining to the introduction of S. 191 are printed in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Vermont.

Mr. LEAHY. Madam President, I understand the order was for the distinguished senior Senator from Oregon to be recognized next.

Madam President, I see the distinguished Senator from Oregon on the floor. I ask unanimous consent that I be recognized for 5 minutes and then yield to the Senator from Oregon.

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

Mr. LEAHY. Tonight, the Senate will vote on the President's nominee to be the Director of the Central Intelligence

Agency. As I said on Friday, I do not believe the Senate should rush to confirm such a critical position, without the opportunity for debate or discussion. We are having that debate today, and that is why on Friday, I supported a motion to proceed to this nomination.

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. 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 re-establishment 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 overwhelmingly 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 all Americans. For

these reasons, I cannot support his nomination.

I thank the distinguished senior Senator from Oregon for letting me take this time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, before he leaves the floor, I want to thank Senator LEAHY, particularly because, once again, on this issue he showed there was a path forward that was bipartisan. The senior Senator from Vermont got together with our colleague from Utah, Senator LEE, and the two of them set out from the get-go to try to find common ground.

I think most people didn't give us great odds. Senator LEAHY and I used to talk about how when we began the effort, being on the Intelligence Committee and the Judiciary Committee, a group of us could probably have met in a phone booth, but then, under Senator LEAHY's leadership, we began to pick up colleagues from both sides of the aisle.

The Obama administration, which we both remember, had reservations at the beginning. We said: Look, we can find a way. The intelligence community said to go forward with this, but this didn't happen by osmosis. It happened under the leadership of Senator LEAHY and Senator LEE, our colleague on the other side of the aisle. One of the reasons we feel so strongly, as the Senator from Vermont has stated, is that if we are not careful, particularly with this nomination, we could undo, we could unravel a lot of that good bipartisan work.

I know my colleague has a tight schedule, and I so appreciate his coming over and very much recognize that one of the reasons we are here is to make sure we don't undo the good bipartisan work that he has authored.

Madam President, today the Senate is doing something that doesn't happen often around here—having an open debate about the future of the Central Intelligence Agency. The Central Intelligence Agency, in my view, is an enormously important and valuable part of our government. It is staffed by thousands and thousands of patriotic Americans who make extraordinary sacrifices on our behalf. They work so hard to protect our country in so many ways Americans will never find out about. They give up their time. They give up their weekends, family vacations, and all kinds of things that would be scheduled that they would enjoy personally, and they give it up on 1 or 2 hours' worth of notice because they want to protect the security and the well-being of our Nation. The fact is, many at the CIA have risked their lives defending us and some have made the ultimate sacrifice with their lives.

When you talk about the CIA on the Senate floor, it is especially important to protect the people I have just mentioned and to protect what are called their sources and methods. Sources and methods are the secret means by which

the CIA gets the information that is needed for our national security, and it needs to stay classified. While sources and methods need to stay classified, the debate about our laws and those who execute them is a public matter. The policies that guide what the CIA does in its important work—the debate about policies always has to be public. The nomination of a CIA Director is a rare and important chance to talk about what the nominee thinks those policies ought to be.

In the beginning, I am going to offer my guiding principle. Smart national security policies protect both our security and our liberty, and they recognize that security and liberty are not mutually exclusive; that it is possible to have both; that it is essential to have both. Nothing illustrates the need for policies that promote security and liberty more clearly than the issue of encryption, which we will be talking about—in my view—at length in this Congress as part of the intelligence debate.

Strong encryption protects Americans from foreign hackers, criminals, identity thieves, stalkers, and other bad actors. It is the key to protecting our cyber security. Yet there are some in government and some in the Congress who think it would make sense to require American companies to build backdoors into their products so the government can get access to that information. My own view is this would be an enormous mistake, a mistake from a security standpoint, a mistake from a liberty standpoint, and also very damaging to our companies—companies that produce jobs with good wages. I have been fighting against ill-advised encryption proposals because they would be bad for security for the reason I mentioned. It would be a big gift to foreign hackers and bad for liberty. The reality is, if we require our companies to build backdoors into their products, the first thing that is going to happen is all the companies overseas, where they will not have such rules, will benefit enormously. A lot of good-paying jobs—high-skill, high-wage jobs—would be at risk. I bring this up only by way of stressing how important it is that we get this right; that we advance policies that promote security and liberty and we recognize right at the get-go that they are not mutually exclusive.

With that in mind, we turn to the nomination of Congressman MIKE POMPEO to be the Director of the Central Intelligence Agency. After consideration of his testimony and a review of his past statements—and response to written questions—I have concluded that he is the wrong man for the job. He has endorsed extreme policies that would fundamentally erode the liberties and freedoms of our people without making us safer. He has been unwilling to provide meaningful responses to my questions with respect to these views. When he has provided responses, they have often either been

so vague or so contradictory that it is impossible to determine what his core beliefs are or what he might actually do if he is confirmed.

On issue after issue, the Congressman has taken two, three, or four positions, depending on when he says it and whom he is talking to. He has done this with surveillance, with torture, with Russia, and a number of other subjects. So now we are at the end of the confirmation process. There has been a hearing. I met with the nominee in private. We submitted two sets of questions, both before and after the hearing. Despite it all, it has been impossible to walk away with consistent answers on the Congressman's beliefs on how he would lead the Central Intelligence Agency.

Let me begin with surveillance. Just over a year ago, after the USA FREEDOM Act had become law, Congressman POMPEO wrote in an op-ed that Congress should pass a law reestablishing collection of all metadata. This was a reference to the program in which the government collected and kept the records of tens of millions of innocent Americans. When the American people found out about this program, they were rightly horrified and they rejected it, which was why—as we touched on this afternoon on a bipartisan basis—Congress abolished the program through the USA FREEDOM Act. That law got the government out of the business of collecting these millions of phone records on law-abiding people, and it did nothing to harm our security. For example, I am very proud that I was able to work in a bipartisan way to author a provision that allowed the government, in emergency circumstances, to get phone records immediately and then go back later and seek court approval. I wrote that provision to make sure that when the security of our great Nation was on the line, it would be possible for our national security officials to move immediately, without delay, to get the information that was needed. Congressman POMPEO himself voted for the USA FREEDOM Act before he turned around 8 months later and wrote that he wanted to reestablish this sweeping and unnecessary program. So understand the timeline. The Congressman talks about voting for the USA FREEDOM Act, but after he cast that vote, he came out in a widely circulated article in the Wall Street Journal for a proposal that really makes all the earlier collection of phone records about law-abiding people look like small potatoes. I am going to discuss that this afternoon.

The question really is, What does the Congressman believe? Does he stand by his vote to abolish the NSA phone records dragnet? Was that what he was suggesting when he brought up that vote during his hearing or does he stand by what he wrote in his major opinion article that came out well after the law he voted for? In response to questions, the Congressman wrote

that he believes the collection of tens of millions of Americans' phone records provided a significant tool for the intelligence community and that "I have not changed my position." That sounds like an endorsement of the mass surveillance of phone records.

Again, in the hearing, the nominee said something else. Senator HEINRICH asked him whether he had been briefed on whether the current process—where the government collects phone records on an individual basis rather than in bulk from millions of Americans, even if they are not suspected of a crime—protects our Nation as well as the liberty of millions of innocent Americans. The Congressman is a member of the House Intelligence Committee so he has had the opportunity to be briefed on this topic, but here is his response to Senator HEINRICH: "Senator, I have not had a chance to have a complete briefing on that, but I can say I have not heard anything that suggests that there is a need for change today." In other words, in just a matter of days, Congressman POMPEO has taken the position, first, that the bulk collection of American phone records was a significant tool and that it should be reestablished, and, second, while testifying to the committee, that he has no basis on which to believe that is necessary. That is such a head scratcher, I just don't know how to go about squaring these truly conflicting statements.

What troubles me especially is if the Congressman were to be confirmed as CIA Director, the doors would close and he would operate in secret. Yet Americans do not know which position he would take in running the CIA. The American people have no idea how Congressman POMPEO would advise the President and his national security team on what is truly necessary to protect the Nation.

Phone records are not the only communication records we need to be concerned about. Until a few years ago, the NSA also ran a program in which millions of Americans' email records were collected. Since the Congressman wrote that he wanted to reestablish collecting all of the metadata, I asked him whether he would support the resumption of that program as well and whether he believed that millions of Americans' email records should be combined with millions of American phone records. He could have said no. He could have clarified that he was only talking about phone records. Instead, he ducked taking a position. In fact, he even indicated that he would be open to including email records in his new database. His exact words were: "If I am confirmed and agency officials inform me that they believe the current programs and legal framework are insufficient to protect the country, I would make appropriate recommendations for any needed changes to laws and regulations."

What is especially troubling about this is that the bulk email program was discontinued because it wasn't ef-

fective. I spent a lot of time pressing intelligence officials to give us some evidence that you had to go out and collect all of these email records from law-abiding Americans. In the end, the Agency decided to look at it, and they came to the same conclusion I did; that it wasn't needed. That is not a judgment about whether the program violated Americans' privacy because it definitely did that. The NSA determined that—in its words, not mine—the program did not meet their "operational expectations." This is public information. All the details are available to the House Intelligence Committee on which the Congressman sits. This should have been an easy answer for the nominee, but he refused to rule out the inclusion of millions of Americans' email records—records the NSA has said it doesn't need—in what would be his idea of a massive new government database.

The collection of phone and email records of millions of innocent Americans is small potatoes compared to what the nominee wrote next. His proposal was to combine all of the communications metadata, and these are his words, with "publicly available financial and lifestyle information into a comprehensive searchable data base." This is far bigger and more encompassing than any such data collection program that the Bush-Cheney administration ever imagined.

I have been a member of the Senate Intelligence Committee since before 9/11. I have been in a lot of debates about the appropriate scope of government surveillance. I have never heard ever—not from anyone—an idea so extreme, so overarching, and so intrusive on Americans' privacy. I wanted to give the Congressman the opportunity to explain what he was actually proposing. So during the confirmation hearing—and later in what are questions that are submitted to him—I tried to find out what his database would include and what, if anything, it wouldn't include. I could not get substantive answers. What we basically got was a big word salad with a liberal helping of words that just kind of skirted the issue. My folks would call them weasel words.

The Congressman did mention social media in his answers. But it is one thing for the government to read the social media postings of Americans because there is a specific reason to do so; it is something else entirely to create a giant government database of everyone's social media postings and to match that up with everyone's phone records. We asked where the nominee would draw the line. He wouldn't say.

Congressman POMPEO's vision of this vast government database doesn't stop, by the way, with social media. What he wrote in his responses to my questions was that he was "generally" referring to publicly available information on the Internet or other "public databases." I will repeat that. He was generally talking about information al-

ready in the public domain. That raised the question of what else the nominee wanted to enter into a giant government database of information on millions of innocent Americans. For example, did he have in mind information on Americans that the government could obtain or purchase from third parties, such as data brokers who collect information on the purchasing history of our people? Imagine putting every American's purchases into a government database, along with their social media postings and all of their phone records.

After two rounds of submitted questions and a hearing, it was not clear what the Congressman meant when he referred to "all metadata" or how he defined "publicly available financial and lifestyle information." What we do know for sure is that he wouldn't give us any real sense of what he wanted to do with this proposal. He was unwilling to talk about it.

The responses I got from the Congressman on this and other topics generally fell into three categories. The first was, I will do what is legal. The second one was, when it comes to Americans' privacy, that is the FBI's problem, not the CIA's. And third, as CIA Director, I won't do policy. I am going to briefly state why these are unacceptable answers.

First, I asked the Congressman if there were any boundaries to his proposed new, vast database on Americans. His response was, "Of course there are boundaries; any collection and retention must be conducted in accordance with the Constitution, statutes, and applicable presidential directives." That is not a response. Just because the government may be able to legally obtain information on Americans on an individualized or limited basis doesn't necessarily make it legal, much less appropriate, to create this vast database with all kinds of information on law-abiding Americans. If you take his response to mean that the only boundaries are those established by law, then it is worth considering how the intelligence community has frequently interpreted the legal limits in which it operates: flexibly and in secret.

Even if we imagine that there are established legal boundaries that would rein in the Congressman's CIA, consider what he himself has said about those legal boundaries. He wrote in his op-ed—and these are his words, not mine—that "legal and bureaucratic impediments to surveillance should be removed." It is also significant that throughout his response to questions, he refers to CIA policies, procedures, and regulations. As CIA Director, he would be in a position to change those.

It seems to me that the Congressman can't have it both ways—he can't say he is bound only by legal restrictions and avoid saying what he thinks those restrictions should be.

The nominee's second way to avoid answering these questions was by arguing that concerns about the privacy of



Americans are the business of the FBI, not the CIA. That is just not the case. There is a long and unfortunate history related to the CIA and domestic intelligence, which the Church Committee documented in the 1970s. I will be clear—I don't believe the CIA is up to anything like this today, but the possibility of returning to those days is certainly a possibility if the Director of the CIA takes the flexible approach to the rules that are intended to keep the CIA out of the lives of American citizens. I will give just a few examples.

On January 3, the Director of National Intelligence put out new procedures about the distribution within the intelligence community of what is called raw signals intelligence. These are the actual content of communications, as opposed to an analyst's report about these communications. According to the new procedures, these communications can be provided to the CIA if the CIA Director asks for them and explains to the NSA why the CIA needs them.

Here is why this matters to the privacy of Americans: When raw communications are distributed to the CIA, they include the communications of Americans that have been sucked up in the overall collection. So at this point, the CIA would have these communications. According to the new procedures, in some instances the Director of the CIA can approve CIA searches of that data for the communications of Americans. The Director of the CIA can also approve the use of Americans' communications. The question is, How would the Congressman exercise these authorities? We just don't know.

Another example would be the CIA's own procedures for dealing with information on Americans. Last week, the CIA updated these procedures in a 41-page public document. They covered, for example, the CIA's collection of vast amounts of information that includes the communications of or information about Americans—what can be collected by the CIA, what can be kept by the CIA, what can be distributed by the CIA. The new procedures also cover when CIA officers are required and when they are not required to identify themselves when participating in organizations in our country.

Just reading these procedures makes it clear that the CIA's activities bump up against the liberties of Americans all the time. That is why the regulations exist. But if a CIA Director has extreme views with regard to the liberties and freedoms of our people, that could very well be reflected in how the Agency implements these procedures or whether they get rewritten. How would the Congressman apply these rules? Would he propose new ones to make it easier for the CIA to look at more information about Americans? Again, we just don't know.

One thing is clear: The views of the CIA Director about the liberties and freedoms of Americans are just as relevant as those of the FBI Director.

The nominee's third effort to avoid discussing his position was to say that as the CIA Director, he wouldn't be responsible for policy. As he asserted in his opening statement at the hearing, he would "change roles from policy-maker to information provider." But anyone who is familiar with the role of the CIA Director knows that is just not what happens at the Agency.

First, the CIA Director does far more than deliver analysis to government officials. Collection priorities, methods of collection, relationships with foreign services, covert action, and many other responsibilities of the office are policy matters.

In addition, the CIA Director and other leaders of the intelligence community are asked repeatedly what they think is necessary and appropriate to keep our Nation safe. At a moment of crisis, these questions are especially pressing. We now know what happens in those moments when leaders give wrong answers. After September 11, the Directors of the NSA and the CIA offered their views of what should be done. We all thought they had time stamps on them because we came back to look at them after the immediate crisis was over, but our country ended up for a fair amount of time with programs that ripped at the very fabric of our democracy. There were warrantless wiretappings and torture.

The Director of the CIA is a unique position. When someone is nominated to lead a department that operates more or less openly, at least the public can assess his or her performance, and at least a fully-informed Congress can respond when he or she implements wrongheaded policies. But the CIA Director operates in secret. What the public finds out is entirely up to the CIA and the administration.

When it comes to deciding whether this is the right person for the job, there is nothing for the public and most of the Congress to go on other than what the nominee has said and done before and during the confirmation process. Unless this is going to be a rare exception and the Congressman would be a historically transparent CIA Director—and there aren't any indications of that—then what we are talking about in this confirmation debate today and why I thought it was important to have a real debate today is that what we are talking about in terms of much of the future of the CIA and the person who heads it—this is a one-time shot for that discussion. That is why I don't consider the vetting process to be finished.

(Mr. MORAN assumed the Chair.)

On the topic of the proposed massive new database and on a range of other topics both classified and unclassified, the Congressman did not provide substantive responses, so I have resubmitted my questions to him.

Now, some—I heard this mentioned today—have said the Congressman answered every question. They claim that somehow we are stalling, that stalling

is taking place for political reasons, so I want to be very specific about what I mean when I say the Senate has not gotten responsive answers.

The facts show that the nominee has gone to great lengths to dodge, evade, and in effect tiptoe around a significant number of the questions that were put to him. We held our hearing on January 12. I asked the Congressman about what information that he would put in his comprehensive, searchable database. I didn't get a meaningful response, so I said at the hearing that I would like the nominee to furnish in writing what limits, what safeguards, what railings would exist with regard to this massive new database, far more encompassing than the one the Congress voted to sideline.

The next day, I sent over specific questions. I asked him in writing, as I had at the hearing: What are the boundaries for collection on Americans who aren't connected to a specific investigation? This is fundamental. What are the boundaries on collecting information on Americans who aren't connected to a specific investigation? It is particularly relevant since the nominee proposed this vast and sweeping new database.

I wanted to know, and I believe the American people would like to know because, as I said at the beginning, I think the public wants security and liberty. That is what I am committed to doing. That is what we did in the debate about the FREEDOM Act, where we stopped collecting all of these phone records of law-abiding people, but I wrote the provision that increased government's authority in emergency situations.

People want to know: Are there any kind of limits and safeguards, particularly if you are proposing something brandnew, a centralized database, after the Congress voted to curtail something much more limited?

The Congressman responded by saying that publicly available information can be useful in stopping terrorist attacks and that publicly available information involves fewer privacy concerns compared to surveillance.

I agree on both counts. Nobody, no sensible person would dispute these matters.

The question which remains unanswered is whether publicly available information on every American should be gathered up into what the Congressman describes as a "comprehensive, searchable database."

Since I had trouble getting an answer at that point, I also sent a written question about whether—if information on an American is legally available to the government on an individualized or limited basis, does that make it legal or appropriate to compile it into a bulk, giant database?

The Congressman testified that the boundaries of his database of "publicly available financial and lifestyle information" were legal. That raised the question: Is this whole database, this huge, new database legal or not?

He responded: "I have not consulted legal experts."

That is it. That was his answer.

So, again, when you have this sweeping new proposal, far more encompassing than anything I have heard people talk about, the Congressman, when asked whether the database was even legal, said that he had not consulted legal experts.

Here is another question I submitted. I asked if his comprehensive database should include information from third parties, such as data brokers. And I think the distinguished Presiding Officer, who has a great interest in these issues in the private sector, knows about the possibilities of abuses with data brokers. I wanted to know whether this database was going to include this kind of information.

Here is the Congressman's response in full: "I have not studied what information is available from third parties and the applicable legal restrictions on obtaining such information."

That is it. Nothing more. He could have said, for example, that he wasn't contemplating including information from data brokers in this database. He could have elaborated on what he actually meant. He didn't do either. It was just more stonewalling.

Now, I want to make it clear. The question that I have asked—and I heard a comment about why would we be taking this time. The questions were prompted because of the Congressman's own words. He is the one who proposed a vast database on innocent Americans. He is the one who will not articulate the boundaries of what is a very extreme proposal. These are basic questions that are directly relevant to this nomination. They are questions that Americans need answered, and they go right to the heart of how, in the future, we will have smart national security policies that protect both our security and our liberty.

The American people thought after the USA FREEDOM Act was passed—this was before, as I mentioned, the Congressman's new idea, something vastly more involved. The public thought when the FREEDOM Act was passed that the government was out of the business of collecting millions and millions of phone records on law-abiding Americans. Now we are talking about a nominee to be CIA Director who not only wants to bring this back but proposes something that makes the collection of millions of phone records on law-abiding people look like nothing.

That is why I wanted this debate. That is why I wanted us to have a chance to talk about it in the light of day, rather than late Friday night in the middle of inauguration parties. I wanted the public to understand what the issues were and these questions I had about the Congressman's own words. That is what this debate is about: What is the Congressman really talking about with his own words?

When I receive meaningful answers to these and other questions, I will consider the confirmation process complete. Until then, I don't believe our work in reviewing the nominee and his views is done. That, in my view, is the only way to pin down a nominee who has taken multiple positions with regard to some of the most important issues.

By the way, I think it is worth noting, with respect to trying to get some guardrails and protections into the most sweeping new surveillance program I have ever heard of, that the Congressman said in his testimony to the committee: "I take a back seat to no one with respect to protecting Americans' privacy."

Now I want to turn to several other issues. I tried to get answers from the Congressman about the outsourcing of surveillance against Americans. During the campaign, the President invited the Russian Government to continue hacking operations against his political opponent. The President also said, with regard to Russian hacking, that he would "love to have that power." That is his quote, not mine.

So the question I wanted answered is: What would happen if the Russians, or some other foreign entity, collected the communications of Americans and, instead of giving them to WikiLeaks, provided them directly to our government? This could be information about our political leaders, journalists, religious leaders, business people, typical innocent Americans.

At the hearing, the Congressman testified that it is not lawful to outsource collection that the Agency isn't authorized to conduct itself. That sounds like a reassuring statement to me. The problem is, we are in a world in which the President of the United States has already openly encouraged a foreign adversary to use its hacking capabilities to attack our democracy.

What if a foreign adversary does it again and provides the fruits of that hacking to the government without waiting for a specific invitation from the CIA? What happens then?

In response to questions, the nominee wrote that only in "very limited circumstances" would the collection of Americans' communications be so improper that it would be inappropriate for the CIA to receive, use, or disseminate them.

So I asked what those circumstances would be. The response was that it was "highly fact-specific."

The vagueness here also is very troubling, so I tried to follow up. What if the information came from an adversary, rather than an ally? Did it matter what the intent of the foreign partner was—to support our national security or further disrupt our democracy? Did it matter if the information was about Americans engaged in First Amendment-protected activities, rather than about terror suspects? What if the information provided to the government involved thousands or millions of U.S.

persons? I received no substantive answer other than all of these issues were "relevant."

Other members of the committee and I asked other questions relating to the collection and use of information on law-abiding Americans. First, I asked the Congressman about section 702 of the Foreign Intelligence Surveillance Act, specifically about the government's backdoor searches of data for information on Americans.

He responded that the CIA can conduct these warrantless searches if they are "reasonably likely to return foreign intelligence information." This is certainly potentially troublesome and is an issue that the Senate is going to need to take up when considering the reauthorization of that part of the Foreign Intelligence Surveillance Act.

Perhaps more concerning, however, was the Congressman's statement that when we are talking about collection outside of the Foreign Intelligence Surveillance Act, the rules of what the CIA can access, query, use, and retain should be even more broad and more flexible. And I will just say, I don't know how you get much broader and more flexible than the standard that currently applies to section 702.

Then I asked the Congressman about encryption, and, frankly, I did because I had gotten the sense that maybe he held moderate positions, and, as I said earlier, I am very troubled about the possibility that American companies would be required to build back doors into their products and that strong encryption would be weakened. I think this is a massive gift to foreign hackers. I think it is a huge gift, by the way, to pedophiles because if you weaken strong encryption, you weaken that feature that parents use to make sure they are watching their child and their child is safe.

I think it is very important not to weaken strong encryption from a security standpoint, from a liberty standpoint. And I think it is just flatout nuts to do it to our companies because our companies wouldn't be able to compete with the companies overseas that would continue to rely on strong encryption to be able to assure that their customers' data was protected.

So I had kind of gotten the thought that the Congressman had moderate positions. I asked him about that. And all he would say was that it was a complicated issue, and he said that he might begin to form some judgments.

This is an issue that has been discussed extensively in the Congress. It has been discussed in this body. It has been discussed in the other body. There are Members of both the Senate and the House, high-ranking senior Members, who have a difference of opinion with me on encryption. They want to weaken strong encryption. They think this is what the government needs to get this data. I think that is a flawed view, but people can have differences of opinion. That is why we have our unique system of government; we have



real debates, unlike what goes on in most of the world.

But here is a topic that has been discussed extensively in Congress. And it was my hope that the nominee would at least have some sort of judgment about this issue and could express that to the American people prior to a confirmation vote.

Instead, what I got was: It is complicated. I think everybody understands that.

Now I would like to turn to the question of torture. I simply have not been reassured by the shifting statements about torture that the nominee has given, so I would like to walk through this.

I happen to share the views of our very, very widely respected and acclaimed senior Senator from Arizona that it is just not effective, and he makes the case more eloquently than I. But that is not what is at issue here specifically. It is about trying to sort out the nominee's shifting statements about torture.

As late as 2014, he cited ending the CIA's torture program as purported evidence that President Obama had refused to take counterterrorism seriously. That is a pretty extreme view. By then, even Members of Congress who had previously supported the program believed it was best left in the past, but not our nominee to head the CIA.

Now we come to this hearing when he emphasizes commitment to the 2015 law that limits interrogation techniques to those authorized by the Army Field Manual. That sounds pretty good, but a review of his responses to the committee's questions revealed more troubling views. For example, he was asked about his statements in 2014 and whether he believed the CIA's interrogation program should be resumed. He responded that he would have consultations about whether there should be "changes to current interrogation or detention programs involving CIA." Understand the implications of that. He was asked: Should this interrogation program be resumed? And he was going to have consultations about whether there ought to be changes in it.

With respect to the Army Field Manual, he wrote that these consultations, including "with experts at the Agency" on "whether the Army Field Manual uniform application is an impediment to gathering vital intelligence to protect the country or whether any rewrite of the Army Field Manual is needed," certainly suggest again that there are open questions with respect to the field manual and torture. The fact is that the Army Field Manual could be improved to further clarify, in my view, that the U.S. Government should rely on noncoercive techniques that are the most effective. The statute states clearly that revisions to the Army Field Manual cannot "involve the use of threat or force." But given the Congressman's statements in sup-

port of torture, it is not clear that is what he has on his mind. Consistently, on this issue, there is a difference between what he says and the fine print when he is required to state his views about interrogation in writing. Moreover, the nominee is not just talking about changes in the Army Field Manual, he is expressing openness to ditching the whole thing, at least as far as the CIA is concerned.

The fundamental premise of the McCain-Feinstein legislation in 2015 was that the Army Field Manual would apply uniformly across the U.S. Government, including the Department of Defense and the CIA. So while he may have testified that McCain-Feinstein is the law, he plans on questioning whether the whole thing ought to be tossed out.

Who are the experts at the Agency he wants to ask? There are certainly CIA officers who understand the importance of uniform standards and recognize the effectiveness of noncoercive interrogation techniques. But if he is talking about going back to individuals associated with the CIA's torture program, everybody ought to be very apprehensive about what he is going to hear.

In other words, reading the nominee's response to written questions is very different than listening to his testimony. His written responses indicate both an openness to resuming the CIA's interrogation program and questions about whether the Army Field Manual should apply to the CIA.

I come back to that point. The nominee is a very skilled lawyer, and he has been involved in intelligence for quite some time, but I have been concerned that he has consistently said things that are different than his written responses with respect to this issue. Part of what concerns me about all this hedging is that the Congressman doesn't seem familiar with the broad consensus that torture, in addition to being contrary to our values, does not work. This is what was documented extensively in the Intelligence Committee's torture report—not just the 500-page summary but the 6,700-page full report. But there is a growing body of additional evidence.

For example, the role of interrogating high-level terrorist suspects in present years has been given to the High-value Detainee Interrogation Group, which does not torture. The Congressman was asked whether he believed this program was effective, a topic with which he should be familiar as a member of the committee. He said he hadn't studied the question. He was asked about their report last year that detailed how noncoercive interrogation techniques are more effective. He refused to give an opinion on this as well.

All of this is problematic because, as in the case of surveillance, the Congressman has not considered whether we can do without highly problematic programs at no cost to our security. Just as we have security and liberty,

we can have smart security policies that maintain our national values.

His troubling views on torture were most apparent in the inflammatory statements made in December 2014, when the Intelligence Committee released the torture report. The nominee referred to criticism of the CIA torture program as a "liberal game," as if this view hadn't also been expressed by some of the most conservative Members of Congress and dozens of retired U.S. generals and admirals.

Many Senators from both parties supported the release of that report. In my view, his statement was a direct attack on the patriotism of people who had a different view. The nominee said that the release of the report "will ultimately cause Americans to be killed." The torture report was not some leak. The CIA engaged in what is called redaction, where they take out provisions that could put Americans at risk. They took out names, pseudonyms, and, in some cases, titles.

I asked the Congressman whether he thought the Agency had failed to protect Americans. He said he hadn't looked into it. In other words, he just asserted that the release of the report would cause Americans to be killed without having considered whether the CIA had adequately protected against that. When an intelligence program such as the CIA's torture program raises so many questions about our laws, our policies, and our fundamental values, the American people deserve to know about it. When the President of the United States has repeatedly advocated for torture, it is especially critical that it be a public debate based on facts.

If that can be done while protecting sources and methods, openness is an imperative. That is why the Congressman's statements about the release of the torture report are still so relevant. In my view, they call into question his commitment to the principles of transparency and accountability when our country needs both.

Finally, his responses to a number of other questions I proposed raised additional concerns about the lack of transparency. I asked him if he would commit to correct inaccurate public statements. He said that wouldn't always be possible, and it would be his "bias" to correct his own inaccurate statements.

I don't think that is good enough. As we saw in the case of the public testimony by the Director of National Intelligence about surveillance, when the American people learn that intelligence officials have not been straight with them, it fundamentally erodes the trust between the public and the government, and that is not good for anyone.

I also asked the Congressman whether, if a U.S. Ambassador tells the CIA to cease activities in his or her country, the Agency is obligated to comply. Despite a clear statute that establishes this authority, the nominee refused to

answer. In my view, this raises questions about whether the CIA is going to retain secret interpretations of the law. Without taking a lot of time, sources and methods have to be classified in secret, but the law ought to be public. Going back to secret laws, we saw that the phone records program would be a big mistake.

I will wrap up by mentioning the Congressman's shifting views on the intelligence community's assessment with regard to Russia and the U.S. election.

On January 3 he submitted responses to prehearing questions. At the time, then President-Elect Trump was still dismissing the intelligence community's assessment, including the October 7 statement from the Director of National Intelligence and Homeland Security that the Russian Government had interfered in our election. The nominee is a member of the House Intelligence Committee. So he had every opportunity to judge the assessment for himself. But when he was asked about the intelligence community's assessment by the committee, all he would say is that it was a "serious assessment of attribution and charge against another country" and that it "should be taken seriously." That is it. He didn't say whether he agreed with the Director of National Intelligence or Homeland Security. In fact, he even defended the President-elect's dismissal of the intelligence community's assessment, saying that the "context" for the President-elect's statements was political criticism of him and the election. Whatever politics are going on have nothing to do with whether the intelligence community's assessments about Russia made by the Director of National Intelligence and made by the head of Homeland Security were or weren't accurate.

But then everything changed. On January 11, the President-elect said: "As far as [the] hacking, I think it was Russia." The next day at our hearing, the nominee changed. He said the analysis was sound, but that was a position he could have taken before, when the President-elect didn't yet want to hear it.

We are headed into dangerous times. We need a CIA Director who is direct about his beliefs and his assessments. The Congressman's evolution on whether he agreed with the intelligence community's assessment on Russia and our election is just one of the problematic aspects of this nomination. Time and again, the nominee has taken multiple positions on the same issue, which is why I have given him a number of opportunities to explain where he stands.

But as I have explained this evening, that has been impossible. I haven't gotten adequate responses. I resubmitted them. I also note that I sent him classified questions as well. They were also unresponsive.

Frankly, I don't consider this nomination to have been fully vetted, but

we are going to vote. What I have heard leads me to conclude that the Congressman should not be confirmed. He has held extreme views on surveillance, torture, and other issues. His positions on surveillance have failed to recognize that it is possible to have security and liberty. I see virtually no commitment toward real transparency. His views on the most fundamental analysis issue of the day—the involvement of Russia in our election—seemed to shift with those of the President. His changing positions on all these matters suggest that, at this rare moment when the American people actually have an opportunity to know who it is we are entrusting with some of the most important, weighty, and secret positions in government, they are going to be denied that chance.

That is why I oppose this nomination. I urge my colleagues to do so as well.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, today I urge all Senators to confirm MIKE POMPEO as Director of the Central Intelligence Agency. MIKE is a distinguished Congressman, a successful businessman, an Army veteran, and he is my friend.

I served with MIKE for 2 years in the House of Representatives. Over the last 2 years, we both served on our respective intelligence committees. I cannot count the hours we have spent together reviewing analytic products, assessing the needs of the intelligence community, conducting oversight of that community, and we have traveled the world together to do those things. From personal experience, I can tell you this is a man who understands exactly what it takes to keep America safe.

He understands it because he has dedicated his life to it. When he was 19, MIKE decided to join the Army, writing a blank check to his country for any amount, up to his life. He graduated first in his class at West Point and afterward joined the 1st Squadron, 2nd Cavalry, patrolling the Iron Curtain in Germany.

For some people—including not a few in this Chamber—the Cold War is little more than ancient history and mostly the unfortunate result of American provocation and misunderstanding, but for MIKE POMPEO, it was real life. He saw for himself the tank divisions, the gunships, and the eastern frontier of freedom. He knows, from personal experience, that conflict is rarely just a big misunderstanding, something you can clear up with reset buttons, open hands, and nice gestures. Our enemies have made a deliberate choice to oppose our way of life, and if we are to protect it, we must be equally deliberate, clear-eyed, and hard-nosed in our defense.

I have every confidence that MIKE POMPEO will do that. He has succeeded in everything he has ever done. After his military service, he excelled at

Harvard Law School. Later, he started his own company and went on to serve as president of another. He is a community leader in his adopted home of Wichita, where Kansans have elected him in repeated landslides to serve them in the House of Representatives. In the House, MIKE is a sober, respected voice.

In short, MIKE has spent his entire life preparing for a moment like this. It is clear why President Trump didn't interview anyone else for the job after meeting MIKE.

It is a big job, and the CIA will benefit from new blood and fresh leadership. MIKE is ready for the job. As he said himself, he doesn't take a backseat to anyone when it comes to protecting our security and our privacy. Some politicians may say things like that, but it is all talk. It is nothing but talk. With MIKE, it is the real deal.

Don't take my word for it. Here is what prominent Democrats are saying about MIKE POMPEO. Leon Panetta, a respected public servant and former CIA Director himself, says MIKE POMPEO "is somebody who understands the intelligence agencies, is smart, and somebody I think will be a good director."

John Brennan, who just departed as CIA Director, says he "looks forward to being able to hand this baton over to somebody who is as dedicated an American as MIKE POMPEO."

ADAM SCHIFF, the senior Democrat on the House Intelligence Committee, says MIKE POMPEO "is bright and hard-working" and "he is willing to listen and engage, both key qualities in a CIA director."

I couldn't agree more. It seems, among the people who actually know MIKE POMPEO—and who actually know the job—there are no last-minute political stunts or petty delaying tactics. They understand intelligence is deadly serious business and ought not be treated like a political football. In a world as dangerous as ours, with threats gathering every day, there is no more time for dithering. We need a CIA Director of the highest caliber, and MIKE POMPEO is the man for the job.

I commend President Trump for this inspired nomination. I thank MIKE for once again answering the call of duty, and I also thank his wife Susan for her love and steadfast support of MIKE in the trying times and sacrifices that inevitably will lie ahead.

The time has come to put aside partisan politics and do the right thing for our country and the brave men and women of the CIA. I call on every Senator to vote for confirmation and to send to the CIA a strong leader, a wise counselor, and a fierce patriot.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Kansas for giving me the opportunity to make some remarks for the record.

I support MIKE POMPEO to be Director of the CIA. I want to make clear that Congressman POMPEO has committed to following the law with respect to torture. He committed, during his open hearing, to a question I asked, to refuse any orders to restart the CIA's use of enhanced interrogation techniques that fall outside of the Army Field Manual.

However, what has happened is that his written answers to my questions for the record on torture appear to leave open the possibility that he would be open to the CIA carrying out these practices again in the future. I have had an opportunity to discuss this with Congressman POMPEO, and I asked him today to give me some statements from him that I could put directly into the record in that regard, and I wish to share these responses. I received them today, prepared by his staff.

Let me quote. "By law, any agency interrogations will be limited to techniques in the Army Field Manual."

"The Army Field Manual explicitly prohibits waterboarding and other techniques."

He further recommitted to the promise he made at his hearing that he "would 'absolutely not' comply with an order that violates the law, including an order to restart a program with techniques that violated the limitations in the Army Field Manual."

Additionally, he clarified his comments regarding which experts he intends to consult at the CIA and other organizations in the government regarding the Army Field Manual. This is where there was particularly—I think in the *Daily Beast*, this question was raised, as well as in other places, so I want to clear it up. Here is his statement: He "would listen to any items raised by the High-Value detainee Interrogation Group"—which we call the HIG—"or other career intelligence professionals that any improvements were needed to the Army Field Manual based on their professional experience."

Moreover, he promised to provide objective analysis of Iran's compliance with the nuclear agreement and insisted that he would keep the Senate informed of all CIA activities in that regard.

Additionally, he has promised to put aside his previous political considerations, and he has committed to providing the President and the Congress with independent, objective intelligence analysis.

Certainly, I, and certainly others, intend to hold him to these commitments. For these reasons, I am clearly voting for his confirmation and look forward to working closely with him on the Senate Intelligence Committee to make sure strong congressional oversight of the CIA continues.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I believe that to continue to delay con-

firmation of Congressman MIKE POMPEO to serve as Director of the Central Intelligence Agency would be a real disservice to the Nation and to the security of the American people.

It was 2 weeks ago that I had the honor and privilege of introducing my colleague from Kansas during his confirmation hearing before the Senate Intelligence Committee—a committee I once had the privilege of chairing. More than enough time has passed for all Senators to really acquaint themselves with the pertinent qualifications of the President's nominee.

As a long-serving Member of the House Intelligence Committee, MIKE has the merits for the job. He has the experience, he has the knowledge, the judgment, and the skills necessary to lead the Central Intelligence Agency. MIKE is Army strong. He graduated at the top of his class at West Point and then served as a cavalry officer patrolling the Iron Curtain before the fall of the Berlin Wall.

After completing his military service, MIKE attended Harvard Law School, where he was an editor of the *Harvard Law Review*. Because he is an attorney, MIKE understands the law, as emphasized by my distinguished colleague from California, a long-serving member of the Intelligence Committee, Senator FEINSTEIN.

Aside from the many questions posed to Congressman POMPEO, this is the salient point. He will respect the limitations we have placed upon our intelligence services, and he will preserve our constitutional values.

After practicing law, MIKE returned to his mother's roots in South Central Kansas, running several very successful businesses in Wichita before making the decision to run for Congress in 2010.

MIKE came to Washington with a strong desire to serve the people of the Fourth District. Ready for a challenge, he sought a seat on the House Intelligence Committee at a time when intelligence-gathering methods were under fire.

Again, a salient point, as an experienced legislator, MIKE POMPEO understands and respects the role of Congress and the need for vigorous oversight, again demonstrated by the remarks of the distinguished Senator from California, Mrs. FEINSTEIN.

I know he will provide the House and Senate Intelligence Committees with candid and honest assessments and provide the information the committee needs necessary to fulfill their oversight responsibilities. I know he will also demand that of everyone who serves at the CIA. In so doing, I know—and he knows—the difference between intelligence reporting and an intelligence product with salient input from all within the intelligence community, thus making sure our intel community does not become mired in assessment failure or any political controversy. We have certainly seen enough of that.

There are few positions in government of greater importance than that

of the Director of the Central Intelligence Agency. At a time when democracy and freedom are under assault by radical elements fueled by hatred, our intelligence-gathering services must have a strong leader who will guide their mission and ensure the safety of the American people and not be swayed by any political interference.

We must demonstrate the respect we have—all of us in this Chamber have—for the men and women of the intelligence community by giving them a leader that will have their backs while, at the same time, will demand excellence of each and every one of them. MIKE POMPEO will be that kind of leader. I strongly urge every one of my colleagues to support his nomination. We have had ample time for debate. Now it is time to confirm.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Mr. President, I rise to oppose the confirmation of Congressman MIKE POMPEO as Director of the Central Intelligence Agency. I respect Congressman POMPEO's background and service to our Nation. However, I strongly believe that his positions on at least three key issues undermine his qualifications to lead the Central Intelligence Agency.

First, he has supported broad surveillance programs that allow the government to spy on the American people—programs that were far-reaching, invasive, and violated law-abiding citizens' constitutional rights to privacy.

These programs were hastily passed as a part of the PATRIOT Act in the wake of the 9/11 terrorist attacks. I was one of only 66 Members in the House of Representatives to vote against the PATRIOT Act.

Since then, we have learned through reviews by the Privacy and Civil Liberties Oversight Board, as well as the unauthorized disclosure of programs by Edward Snowden, that these programs did go too far. There is no doubt about it. They did go too far.

The government collected massive amounts of personal cell phone information, with no probable or reasonable cause to justify the collection, and the PATRIOT Act was used to obtain hotel records, car rental records, apartment leasing records, credit card records, and other personal information. While the government collected personal information from innocent Americans, there is no credible evidence that it made us more secure.

The majority of the American people opposed the surveillance program. They understood it went too far and violated our basic American right to privacy. So Congress responded and passed the USA FREEDOM Act—bipartisan legislation to rein in the surveillance programs.

Congressman POMPEO was skeptical of the USA FREEDOM Act, and he introduced his own bill to resume and expand the spying programs.

I believe in strong national security, and I have consistently supported our

military and our National Labs to ensure that we have the strongest and most effective defense in the world. However, in the United States of America, we protect national security and our constitutional rights. The United States is not a police State. The U.S. Constitution protects us from overreaching invasions of our privacy. Congress struck an appropriate balance in the USA FREEDOM Act between security and civil liberties. I hope the new administration will not try to return to mass surveillance programs that don't work, aren't supported by the American people, and invade our civil liberties.

Second, Congressman POMPEO's views on torture are deeply concerning. He has stated that the so-called enhanced interrogation programs used by the CIA in the Bush administration "were within the law" and "within the Constitution." That is his quote, "were within the law" and "within the Constitution." They were not. They violated Federal law prohibiting torture, and they violated the U.N. Convention on Torture and the Geneva Conventions—treaties the United States signed and that became Federal law. Programs of torture were a stain on our Nation's history and contrary to our value as Americans.

Beyond the legality of these programs, any CIA Director must understand that the use of torture is ineffective. It yields bad intelligence, which makes it harder for our analysts to do their jobs. The Senate Intelligence Committee's 6,000-page classified report, issued in December 2014, concludes: "The CIA's use of its enhanced interrogation techniques was not an effective means of acquiring intelligence or gaining cooperation from detainees." This finding is from the publicly available executive summary from the report.

On key national security issues, like the use of torture, the new administration's top appointees must speak with one voice. Secretary of Defense Mattis has disavowed the use of torture. His many years of experience, training, and leading troops have taught him that torture does not work. Americans go to war—and risk and sacrifice their lives—to preserve our deeply held values. We cannot be engaged in conduct antithetical to those values at the same time. We must lead by example.

Finally, if America uses torture, we have no moral authority to stop foreign countries or terrorists from torturing Americans. We can never give implicit license to others to brutalize our soldiers. President Obama banned the use of torture in 2009. Again, I hope we will not be forced into debate about whether to return to the use of inhumane interrogation techniques that don't work and that undermine what we stand for as a nation.

Third, Congressman POMPEO has expressed that the Guantanamo Bay detention center should remain open, and he has said he believes detainees can be

imprisoned indefinitely. The continued use of Guantanamo Bay prison and indefinite detention are at odds with our Nation's commitment to human rights and rule of law. There is no place in America's traditions under the Constitution and under international norms for indefinite detention without trial or adjudication. Guantanamo Bay hurts America's standing around the world, it is a recruiting tool for terrorists, and it is a huge waste of taxpayer dollars. Again, we must strike an appropriate balance between national security and America's fundamental principles. We cannot take actions to preserve American values that at the same time are opposite those very same values.

Finally, Congressman POMPEO's views on Muslims are troubling. He has stated that Muslim leaders are "potentially complicit" in acts of terrorism if they don't condemn it. Muslim leaders around the world have condemned extremists' violence. Muslims around the world strongly condemn such acts. Accusing Muslim leaders of complicity and acts of terrorism that they have nothing to do with, that they oppose, is not acceptable speech from a Director of a national security agency.

In conclusion, I want to underscore that I have nothing but respect for the men and women who work in the Central Intelligence Agency. They are true patriots who work hard every day, at personal risk, to keep our Nation secure. These patriots deserve a leader who will keep our Nation secure and secure our Nation's basic values.

In defense of America, in the name of national security, we must protect Americans' constitutional rights, the rule of law, and human rights. I believe Congressman POMPEO's views do not hold with American values. His positions will not keep America safe. I think they could undermine our security. For these reasons, I must oppose Congressman POMPEO's nomination as Director of the Central Intelligence Agency.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, in less than 2 hours, the United States will have a new Director of the Central Intelligence Agency. Those watching may conclude that perhaps there is still debate going on about how we are going to vote. Everyone in the Senate knows how they are going to vote on this confirmation. Quite frankly, the President deserves the right to have someone at the CIA whom he trusts and is going to do a good job at a very critical agency. This is a critical component of our national security apparatus. It is unfortunate that the first weekend as President he had to have that position vacant. Nevertheless, that ill will be remedied here in about an hour and a half.

I am proud to stand in support of Congressman POMPEO, whom I got to know well. He was very supportive of

my efforts earlier last year when I chose to pursue the Presidency. I got to know a lot about him in that endeavor. So I want to take a few moments to tell the people of Florida and those who may be watching this, now or in the future, a little bit about their next Director of the CIA.

First of all, he is an incredibly respected leader. Anyone who has interacted with him, anyone who watched the hearing before the Intelligence Committee would conclude that he was a star in terms of the way he presented himself. That is in line with his honorable service during his time on the House Intelligence Committee, which he has been on for over 6 years.

He is a graduate of West Point. He is an Army veteran. He finished at the top of his class at Harvard Law. I don't think anyone here would say that someone who went to West Point, who served in the Armed Forces, and who finished at the top of his class at one of the most exclusive law schools in the world does not qualify for the job. He certainly has the intellect for it, but he also has a very keen understanding of our national security issues, both as a Congressman but also from a practical perspective, having operated in that space in the Army.

Senate Democrats, unfortunately, have delayed his confirmation for political reasons. As I said earlier, we could have voted on this last Friday, as the Senate Democratic leader had promised the chairman of the Intelligence Committee. That word was not kept. Nevertheless, we are here today, and we are going to move forward.

Our new Commander in Chief deserves and needs the Director of the CIA in this job as soon as possible because we face a complex number of dangerous threats, perhaps more than at any time in our recent memory. These include the threat of radical Islamic terrorism—in Iraq, Syria, Southeast Asia, North Africa, even here at home; Russian aggression toward our friends and allies in Eastern Europe and elsewhere. We face the savage Assad regime in Syria, which continues to slaughter innocent men, women, and children, targeting civilians in Aleppo and other places. We, of course, face an increasingly unstable dictator in North Korea who continues to develop long-range missiles, soon capable of reaching the west coast of the United States—at least according to his claims. We face an emboldened China which, in pursuing their illegitimate territorial claims in the South China Sea, threatens to destabilize the region. We face Iranian leaders—an Iranian leader who still leads the chant of "Death to America" every week as they cheat on the lax requirements of President Obama's flawed nuclear deal. We face illicit trafficking in the Western Hemisphere, right here in our own backyard, that destabilizes governments in the region and floods the streets of our country with narcotics.

Quite frankly, Congressman POMPEO's national security experience makes supporting his nomination one of the easiest nomination decisions I have faced in the 6 years and 1 month that I have had the honor of serving the people of Florida in the U.S. Senate.

As a military veteran, as a West Point graduate, as I said earlier, he knows firsthand. We can read about this in a book. He knows firsthand the role intelligence plays in helping the President and other policymakers formulate both U.S. foreign policy and U.S. national security policy and in turn protecting the American people.

Quite frankly, I believe any delay in approving this nomination weakens America and strengthens our adversaries. It sends the wrong message to the men and women of the Central Intelligence Agency who are our first line of defense and among our finest public servants.

Congressman POMPEO served our country in the gulf war, and since 2011 he has served the country in Congress. I truly hope many of my colleagues are willing to cross the aisle and support his nomination. He is extraordinarily well qualified. It is a phenomenal thing for our country that he will, in a few hours, be the new Director of the Central Intelligence Agency.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I wish to start my remarks by saying I have tremendous respect for anybody who will go through the process of confirmation. It is a tough, rigorous process, but it is a process that is very important to this country. The Senate needs to confirm the nominees, and we need to do our work as Senators to make sure the people in the positions in the Cabinet are well-suited to those positions.

In that regard, I am going to rise today in opposition to the nomination of MIKE POMPEO to lead the Central Intelligence Agency.

As our Nation's top intelligence agency, the CIA plays a critical role in keeping our country safe from those who want to do us harm, but Mr. POMPEO envisions American intelligence-gathering that does much more than keep us safe from our adversaries. He wants to collect the private information of law-abiding citizens. Mr. POMPEO has advocated for reestablishing bulk metadata collection, combining it with publicly available financial and lifestyle information into a searchable, comprehensive database.

That might sound fine, but it isn't. What this means is that a phone call with your friend or coworker could be a conversation tracked by the U.S. Government. That is not right. What this means is that a kid from Lewistown, MT, who is attending college in Bozeman and feels homesick and wants to call home on a Sunday afternoon, that could be tracked. Look,

he is not a threat to our country. A grandmother calling her grandkids on their birthday to wish them happy birthday, that could be a tracked. It is not a threat to our country.

This type of bulk data collection Mr. POMPEO advocates for fails to protect our right to privacy and potentially treats innocent Americans like hostile actors. The threats we face in this world are real, but we cannot afford to revive and expand some of the worst elements of the PATRIOT Act. Every American has a fundamental right to privacy, and Mr. POMPEO has indicated he is willing to sacrifice that right. The President deserves to have the guy in office whom he wants, but we can't allow a person to be in office that is going to take away our privacy, take away our civil liberties.

It has been pointed out on this floor before all the bad people out there—in North Korea, in China, in Iran, in Syria, in Russia. Let me be clear. We must strengthen our national security, but we do not have to sacrifice our civil liberties in that process.

We can have a safe nation that respects our fundamental freedoms. Both are possible. Because of these reasons—of bulk metadata collection and infringement on our civil liberties in this country—I cannot support Mr. POMPEO. I urge my colleagues to look at what he is requesting and oppose his nomination.

Mr. President, I yield the floor.

Mr. McCAIN. Mr. President, the new Director of the CIA must focus on uncovering facts about the many complex national security threats confronting our Nation. Now is the time to turn the page on our discussions of old programs and activities, which we have thoroughly reviewed and addressed.

The National Defense Authorization Act for Fiscal Year 2016 included a provision to apply the Army Field Manual's interrogation requirements to all U.S. agencies, including the CIA. Congressman MIKE POMPEO voted for that law. During both our personal conversations and his confirmation hearing, Congressman POMPEO has repeatedly committed to me that he will comply with the law as Director of CIA. He also committed to me that if, after talking to professional officers of the CIA, he has any recommendations for changing the law or updating current guidelines, he will present those recommendations to the Congress.

I have no reason to doubt Congressman POMPEO's word, and I fully support his confirmation. Going forward, I will continue to closely monitor this issue and use my oversight powers to ensure the law is obeyed.

Ms. HIRONO. Mr. President, I rise today in opposition to the nomination of MIKE POMPEO to serve as Director of the Central Intelligence Agency.

Representative POMPEO has been wrong on many critical intelligence issues during his 6 years in Congress.

He will not disavow his past support of torture.

He opposed the release of the Senate Select Committee on Intelligence's torture report.

He has advocated for reinstating mass surveillance of American citizens.

He recently left the door open to outsourcing surveillance of American citizens to foreign governments to circumvent existing laws.

He opposes the closure of Guantanamo.

He opposes the Iran nuclear agreement.

Congressman POMPEO is the wrong person to the lead the Central Intelligence Agency.

I urge my colleagues to vote no on his nomination.

Mr. VAN HOLLEN. Mr. President, President Trump has repeatedly called into question the integrity and professionalism of the brave men and women in our intelligence community. In addition, throughout the campaign, his statements revealed a dangerous propensity to ignore important principles of civil and religious liberty.

Under these circumstances, it is especially important that the Director of the Central Intelligence Agency be an individual who will implement the Agency's vital national security responsibilities in a manner consistent with our Constitution and the rule of law. The head of the CIA must ensure that the men and women of the Agency are not pressured by the President—or anyone else—to violate important American values and principles.

Congressman MIKE POMPEO has impressive credentials; and, should he be confirmed, I pledge to work with him to support the national security missions of the CIA. However, his positions on spying on Americans, the use of torture, and religious minorities cause me to question this nomination.

Modern nations must have intelligence agencies to help keep us safe. Thus, in the 1947 National Security Act, Congress created the Central Intelligence Agency. The CIA provides the President and senior policymakers with vital national security intelligence.

But the CIA and other U.S. intelligence agencies must work within our Constitution. By design, the CIA has no law enforcement role. And the law focuses the CIA on overseas intelligence gathering, limiting what it can do here in the United States.

Our Constitution limits how much intelligence agencies and government generally can intrude into the lives of Americans. The Fourth Amendment to the Constitution provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." To conduct searches, the Constitution requires the government to have probable cause and get a warrant. Congress passed and the States ratified the Fourth Amendment as part of the Bill of Rights, in response to the abuse of general search warrants issued by the British in pre-Revolutionary America.

Thus, in 2015, a Federal judge ruled that the National Security Agency's program of systematically collecting Americans' domestic phone records likely violated the Constitution. And also in 2015, Congress enacted the USA FREEDOM Act in large part to limit that program. The USA FREEDOM Act represented real progress and a departure from the untenable situation before the law. It ensured that the intelligence community and law enforcement have the necessary tools that they need to protect our Nation, but it does so in a manner that is consistent with the fundamental principles in our Constitution.

Congressman POMPEO, however, has been an ardent proponent of the data collection that the Federal judge ruled likely unconstitutional. In a recent Wall Street Journal op-ed piece, Mr. POMPEO wrote that Congress should reestablish the collection of metadata and also combine it "with publicly available financial and lifestyle information into a comprehensive, searchable database." And in 2015, Congressman POMPEO introduced the so-called Liberty Through Strength Act II, which would have rolled back the reforms of the USA FREEDOM Act.

Indeed, Mr. POMPEO apparently has a troubling bias against privacy. Mr. POMPEO wrote in the Wall Street Journal op-ed piece that "the use of strong encryption in personal communications may itself be a red flag."

I am also deeply concerned about Congressman POMPEO's position on torture. After release of the 2014 Senate torture report, Mr. POMPEO said, "These men and women are not torturers, they are patriots. The programs being used were within the law, within the Constitution." If Mr. POMPEO's conception of the law and the Constitution would allow the use of the torture that the 2014 report documented, then I am concerned that he reads our Constitution's protections too narrowly. If confirmed, Mr. POMPEO's support for such torture techniques as described in the 2014 Senate torture report could once again harm America's reputation abroad and endanger American troops whom our enemies might capture.

I am also concerned that Mr. POMPEO has been an enthusiastic supporter of the Guantanamo Bay prison. When MSNBC's Craig Melvin asked Mr. POMPEO in 2013 about a hunger strike at the Guantanamo Bay prison, Mr. POMPEO said, "The last thing to say about these folks who are supposedly hunger strikers is that they look to me like a lot of them had put on weight." And last year, Mr. POMPEO said, "The detainees at GTMO are treated exceptionally well—so well that some have even declined to be resettled, instead choosing to stay at GTMO."

In fact, the Guantanamo Bay prison is a blot on America's reputation in the world. As President Obama has said, "Keeping this facility open is contrary to our values. It undermines our standing in the world. It is viewed as a stain

on our broader record of upholding the highest standards of rule of law." If confirmed, Mr. POMPEO's support for the prison would harm American interests in the world.

Mr. POMPEO has also cast aspersions on Muslims generally. In a 2013 statement on the House floor, Congressman POMPEO said:

"When the most devastating terrorist attacks on America in the last 20 years come overwhelmingly from people of a single faith, and are performed in the name of that faith, a special obligation falls on those that are the leaders of that faith. Instead of responding, their silence has made most Islamic leaders across America complicit in these acts. . . . But the silence in the face of extremism coming from the best funded Islamic advocacy organizations and many mosques across America is absolutely deafening. It casts doubt upon the commitment to peace by adherents by the Muslim faith."

It is unacceptable to smear all Muslims based on the actions of radical extremists who seek to hijack the name of Islam for their evil purposes. That kind of demagoguery has no place in our country.

Placing someone who maligns all Muslims in charge of the CIA would be a propaganda boon to enemies who seek to portray America's foreign policy as a war against Islam. And the expression of such views by a senior government official could discourage Muslim Americans from working with law enforcement here at home.

Run properly, the Central Intelligence Agency makes an important contribution to keeping America safe. But run poorly, the CIA can embarrass the Nation in the world and ultimately endanger our troops, our diplomats, and Americans abroad.

It is thus important that the person who heads the CIA be a person who respects the Constitution and understands the limits that the Constitution and statutes place on the Agency's role. While I hope he will prove me wrong, Mr. POMPEO's statements lead me to conclude that he is not the right person for this job.

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

The PRESIDING OFFICER (Mr. LANKFORD). The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. SANDERS. Mr. President, I rise today to oppose the nomination of MIKE POMPEO to be the Director of the Central Intelligence Agency. At a time when we are facing massive attacks against privacy rights thanks to the explosion of technology, we should be greatly troubled by giving power to a person who has stated flat-out that he wants to expand the surveillance state, not rein it in.

Here is the kind of world we are now living in, a world that should be of concern to every freedom-loving Amer-

ican, whether you are Democrat or Republican or Independent, conservative or progressive. We are living in a world where government and the private sector often know where you are at any time. They know where you are. They know where you are traveling. They know what books you are reading, what Web sites you are visiting, and maybe the emails you are sending out or reading.

I hear a whole lot of discussion on the floor of the Senate about freedom, about our desire to live and defend a free society. I would ask my colleagues and the American people—when we talk about freedom, one of the attributes of a free society is the right to live our lives the way we want to live our lives, without Big brother knowing everything there is to know about us. You want to do what you want to, it is your business; I want to do what I want to do, it is my business—if we are not harming other people. I believe that is a basic American right and a basic constitutional right, and I want to see people at the CIA, at the NSA, at other intelligence agencies who, yes, will be vigorous about defending us from terrorism but will do it in a way that is constitutional, that protects the civil liberties and the civil rights of the American people.

According to the Pew Internet Project, today 95 percent of American adults own a cell phone. More than three-quarters of American adults own a smartphone. Eighty-eight percent of American adults use the Internet. These advancements obviously have enormous advantages. Everybody knows all of the extraordinary things we can do on the Internet and all the information we can gain. It is almost unthinkable that we were living not so many years ago without the advantages of the Internet. All of these advantages, all of these conveniences come with a price.

If you have a Google account and the GPS enabled on your phone, Google creates a map for you of every single place you go in a given day. Facebook amasses a massive amount of data on you to better target commercials and advertisements to you. Credit card companies track your spending habits. Even innocuous things like a loyalty program in which you gain benefits by buying at a certain store give the private sector and the government eventually access to a massive amount of information about you.

When you go to the grocery store and scan your card, it is very convenient, moves things faster, and you can get a discount, but the store gets to track everything you purchase. Is that really what want? Do you want the whole world to have knowledge of everything you purchase? For just one rather famous example, Target—a huge chain in America—could tell if a woman was pregnant based on what she was purchasing at the store. Do we really feel comfortable about that kind of information getting out into the private sector or the government sector?



If you are wearing a tracking device today to count your steps, to count your heart rate and your sleep patterns, you may see it as a way to become healthier. Your employer or health insurance company, however, may see it as a way to charge you more if you don't meet certain employee wellness targets. Are we really comfortable about corporations knowing all about our health? If you are dealing with a serious illness, maybe it is something you and your family want to keep within the bosom of your family and not spread to the whole world.

That companies are collecting this much information on their own is very troubling to me, but Mr. POMPEO apparently wants to go even further. Last January, he published an op-ed in the *Wall Street Journal* in which he wrote:

Congress should pass a law reestablishing collection of all metadata, and combining it with publicly available financial and lifestyle information into a comprehensive, searchable database. Legal and bureaucratic impediments to surveillance should be removed.

Wow. What we are talking about is the U.S. Government having, in many ways, more information about us than we may even understand about our own lives. In many ways, it sounds to me that we are moving toward an Orwellian society where, between the government and the private sector, there is very little about ourselves that is not known by somebody else. I am very, very uncomfortable about that.

I want at the head of the CIA somebody who understands thoroughly the Constitution of the United States and privacy rights and understands that we can fight terrorism effectively within the Constitution and the privacy rights guaranteed to the people of our country.

Since June of 2013, here is what we have already learned that the NSA collects: phone call metadata, including the numbers of both parties—my number and the number of the person I call—the location, time, and duration of that telephone call. NSA has access to text messages, email chat, and Internet browsing history, smartphone app data, including map data, which can pinpoint a person's location to within a few yards. They have maps of people's social networks and bank and credit card transactions. That is a lot of information held by the government and/or the private sector on the personal lives of the American people.

As I have mentioned, there is nobody in this Congress who does not understand the threat of terrorism and does not want to see our government be as strong and vigorous as possible in fighting terrorism and getting all the information we need to effectively combat terrorism, to make sure that if somebody is a suspect in terrorist activities, that we go after that person as strongly and as effectively as we can. I believe from the bottom of my heart that we can do that without invading the privacy rights of the American people.

It is not acceptable for Senator after Senator to come here and say we are defending freedom, we live in a free society, and then vote to allow the government or the private sector to have an unbelievable amount of knowledge about each and every one of our personal lives.

Now more than ever, it is vital to have a head of the CIA who will stand up for our Constitution, stand up for privacy rights. Unfortunately, in my view, Mr. POMPEO is not that individual.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, I rise today to support Congressman MIKE POMPEO for the CIA. He isn't somebody I just met in my office to be able to talk with; he isn't just somebody I served with in the House. I know him personally. For 6 years, he served on the House Intelligence Committee. He struggled through the legal issues of what it means to be in the CIA and also have good oversight, understanding those difficulties that keep America safe but also making sure we protect the privacy rights of Americans.

MIKE POMPEO was a Harvard law grad at the top of his class. He gets this information. He understands the constitutional implications. He is also a top graduate of West Point, serving in the Army as well. He knows what it means to be able to defend this country. He is one of the most qualified people out there to possibly serve in this role, understanding the legal implications, having 6 years of service on the House Intelligence Committee, understanding the background, what it means to seek real oversight and to be able to struggle through these issues.

He is a person of great integrity, and he is a person who will passionately help protect the Nation. He is a person who holds tremendous respect for the people serving in our intelligence community—people who most of us will never, ever meet but work every single day to be able to keep our Nation secure. These are individuals who are also passionate about not only keeping our Nation secure but also maintaining the constitutional protections we have always had as a nation.

I heard a lot of the debate today, and I have been astounded at some of the conversations coming out. Let me just recap a couple of these things that I have heard because it was surprising to me. On the issue of advice and consent from the Senate, it seems that some people have not actually read the written testimony and the questions for the record that MIKE POMPEO has put out there or listened to his actual testimony or maybe seen his voting record when he was in the House of Representatives. For instance, there is this conversation sitting out there about torture—that he is going to somehow promote torture. He has stated over and over again that he would abide by the law and the Army Field

Manual. That is what every candidate would say on that. That is the actual law. He has been very clear on that; he doesn't promote torture. I don't know what else he would have to say. Yet it continues to come up that somehow the head of the CIA is going to promote torture.

I have also heard that he wants to keep Gitmo open. Well, I would stand in line with him on that one. For those of us who have actually been to Guantanamo Bay and have seen it, it is a modern prison facility. It is not some dog cage out there that is holding people out in the weather. Neither is it a place that is doing torture. Guantanamo Bay is a place where the worst of the worst terrorists are being detained and held for trial. The issue of the past 8 years wasn't just that the Obama administration was working as hard as they could to release as many terrorists as they could from there; it is that they weren't taking them to trial. That is the right action—not to do indefinite detention but to actually work toward trial for these individuals. But in the meantime, they should be held at Guantanamo Bay, which is a modern prison facility, and it is the appropriate spot to be able to hold terrorists offshore.

Then there are all of these conversations about collecting data, as if MIKE POMPEO wants to scan through all of our Facebook pages. May I remind everyone that the Central Intelligence Agency is focused on foreign intelligence gathering—outward facing. The FBI is focused on the United States, on what is happening with U.S. persons. The CIA has strict prohibitions from gathering data on U.S. persons. The comments he made about gathering any kind of information on social networks and about gathering from what is publicly available is something all of us, I think, should support. If anyone outside the United States—whether they be in Pakistan, whether they be in Syria, or wherever they may be—is on social networks talking about the destruction of the United States, I would assume someone is tracking that, and that someone would be the CIA. We would hold the head of the CIA to account, saying: Weren't you tracking this terrorist's Facebook page, at least? Weren't you tracking their Twitter account? So for him to make a public statement that we should gather information on social media, I think all of us would agree, hopefully, that, yes, on foreign terrorists we should gather as much as we can possibly gather from the publicly available information, whatever it may be. Comments about his wanting to expand data collection fly in the face of reality when he voted as a Member of the House of Representatives to limit data collection.

I have no issue supporting MIKE POMPEO. He is very experienced, he is very well educated, he is well prepared for the task, and he is passionate about keeping our Nation safe within the bounds of the law. That is what we

want a CIA Director to do: to passionately go to work to honor our civil liberties. We want to make sure he is standing up for us every single day. In the moments when our Nation is asleep, we want to know the great folks of the CIA are awake and watching because the threats that we face internationally are very real.

I am glad MIKE POMPEO is going to be at the watch. I look forward to voting for him in a very few minutes.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. HEINRICH. Mr. President, I thank my colleague Senator WYDEN for leading this important discussion. I joined the Senate Intelligence Committee 4 years ago, just a few short months before the public release of thousands of classified documents forced our country to have a debate over the scope and reach of America's surveillance programs, especially as they relate to American citizens.

That debate has formed the backdrop for national security policy decisions ever since, and I am very proud of the positive steps we have made toward reclaiming our civil liberties while still giving our intelligence and law enforcement communities the tools they need and deserve to anticipate threats, track down terrorists, and keep this Nation safe. It is because of Congressman POMPEO's opposition to those important reforms that I rise today to oppose his nomination to be the Director of the Central Intelligence Agency. Congressman POMPEO has a long legislative and rhetorical history on surveillance, on torture, and on other issues that I believe we simply cannot overlook in considering his nomination.

In our conversations, in answers to written questions, and during his confirmation hearing, Congressman POMPEO has often said the right thing or tried to give answers that on their face give the impression that he has changed his positions on these issues. But we need to carefully review the Congressman's votes and public statements to be sure that he understands the importance of protecting Americans' constitutionally guaranteed civil liberties and meeting the needs of our national security at the same time.

I was proud to help lead the effort to pass the USA FREEDOM Act in 2015 to finally end the government's overreach, their dragnet collection of law-abiding Americans' personal information, and provide the intelligence community with an updated legal framework that ensures they have the tools they need to focus on the records of actual terrorists, while at the same time

protecting the privacy of innocent Americans.

Although the Congressman voted to support the USA FREEDOM Act in 2015, within a year, he had backtracked, writing a column for the *National Review* that stated:

Those who today suggest that the USA FREEDOM Act, which gutted the National Security Agency's (NSA) metadata program, enables the intelligence community to better prevent and investigate threats against the U.S. are lying. I use that word intentionally.

A few weeks later, Congressman POMPEO in the *Wall Street Journal* wrote: "Congress should pass a law reestablishing collection of all metadata, and combining it with publicly available financial and lifestyle information in a comprehensive, searchable database."

I think I should read that one more time: "Congress should pass a law reestablishing collection of all metadata, and combining it with publicly available financial and lifestyle information in a comprehensive, searchable database."

Wow. I think we should unpack that sentence a little bit. First, when asked by Senator WYDEN and me to clarify what metadata he believes should be collected, Congressman POMPEO made clear that he was referring to a rollback of the USA FREEDOM Act and a return to the warrantless and unnecessary collection of billions of communication records for millions of innocent Americans not suspected of any crime.

Shortly after Congressman POMPEO's *Wall Street Journal* column was published, the NSA's general counsel wrote in a column in *Lawfare*: "Largely overlooked in the debate that has ensued . . . is the fact that under the new arrangement"—meaning the USA FREEDOM Act—"our national security professionals will have access to a greater volume of call records subject to query in a way that is consistent with our regard for civil liberties."

But, really, it is the second part of Congressman POMPEO's position that gives me far more concern. What exactly does he mean by calling for the collection of "publicly available financial and lifestyle information" and placing it into a "comprehensive, searchable data base"? When asked to clarify his proposal, Congressman POMPEO declined. However, I think it is clear from the context of both his columns and his public statements that he believes the U.S. Government ought to be collecting dramatically more private information from innocent Americans who are not under investigation for a crime.

Let me be clear. The Federal Government has no business collecting "lifestyle information" on its own citizens, and innocent Americans should expect that their private financial data is just that—private. This flies in the face of the Fourth Amendment.

On torture, Congressman POMPEO's record is also clear: He has supported

it. Congressman POMPEO thinks it was a mistake to stop the enhanced interrogation program. He issued a very personal attack against then-Committee Chairman FEINSTEIN when the committee released its report on the CIA detention and interrogation program. And while he acknowledges that CIA interrogation techniques are currently limited to those contained in the *Army Field Manual*, Congressman POMPEO said to our committee that he will "consult with experts at the Agency and at other organizations in the U.S. government on whether the *Army Field Manual* uniform application is an impediment to gathering vital intelligence to protect the country or whether any rewrite of the *Army Field Manual* is needed."

One could easily infer that the Congressman would ask the CIA officers who participated in the detention and interrogation program whether they believe the techniques contained in the *Army Field Manual* are sufficient. If he is told they are not, he has certainly left open the option of literally rewriting the *Army Field Manual*. This is problematic for a number of reasons and should be of deep concern to my colleagues.

Finally, the day before his nomination was announced, Congressman POMPEO tweeted that he was looking forward to "rolling back" the Iran nuclear agreement, which ended each and every pathway for Iran to develop a weaponized nuclear device, including a covert path. When I asked him about this in our hearing, Congressman POMPEO said: "That communication was approved before I was aware that I was going to be the nominee to the Central Intelligence Agency." The Congressman went on to say that in his view, the Iran nuclear agreement was a "mistake for American national security," but as CIA Director, he would "work to make sure it is fully implemented and will endeavor to provide straight information" about the progress being made in reducing Iran's nuclear capability. However, given his deep antipathy toward the Iran agreement, I have serious concerns about his ability to be objective about this issue, which is critical to the stability of the entire Middle East and to our efforts to ensure that Iran never develops a nuclear weapon.

Having said all of this, if the Congressman is confirmed, I hope he will fulfill one of the commitments he made to me: to improve the communications and relationship between the oversight committees in Congress and the Agency itself. It is my hope that a CIA Director coming from outside the Agency will give greater weight to informing the Intelligence Committee of the CIA's activities than his immediate predecessor has. Congressman POMPEO, if confirmed, will have an opportunity to recalibrate this relationship, and, if given the chance, I hope he seizes that opportunity.

Thank you. I yield the floor.

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

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

Mr. WYDEN. Mr. President, I want to be very brief. I know colleagues are facing tough weather and are trying to deal with the logistics of all that. I just want to close with a couple of points.

The first is that I have heard several of my colleagues say to me that a central reason for voting for Congressman POMPEO this afternoon is that they have said that he voted for the USA FREEDOM Act. That is correct. The problem is that just a few months after he cast that vote, the Congressman turned around and said he wanted to reestablish the bulk phone record program in a way that was vastly more encompassing and way more intrusive than the USA FREEDOM Act abolished. What he was proposing after he voted for the USA FREEDOM Act, which says that Congress says you ought to have limits, was a bulk metadata program that was way beyond anything that the Bush-Cheney administration ever imagined.

I have been on the Senate Intelligence Committee since before September 11. I have been in the middle of countless debates about the appropriate scope of government surveillance, but I have never heard—not from anyone—an idea that was so extreme and so overreaching and so intrusive of Americans' privacy. I bring this up only by way of saying that, if confirmed, the nominee is going to be dealing with a whole host of issues that, if we really think it through carefully and thoughtfully, we can find a way to ensure that Americans have security and liberty and that the two are not mutually exclusive. If we do it wrong, which would certainly happen if one were to weaken strong encryption, we will end up with less of both—less security and less liberty.

With respect to the process, I would only say that this matter of the way the Congressman handled his views with respect to surveillance and torture and Russia really reflect how his views change on a major issue, whether it is surveillance or torture or Russia, depending on the time and who he is talking to. I just don't think that ought to be the standard for winning support to head an agency as important as the CIA.

I know my colleagues are on a very tight time schedule. I appreciate the fact that we have had a chance to have this debate. I urge my colleagues to oppose this nomination.

I yield back.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from North Carolina.

Mr. BARR. Mr. President, I am not sure if we need to yield back the time or not.

Let me state that the committee had an open hearing that was unlimited. We didn't cut off questions. We had a closed session that was unlimited. We didn't cut off questions. The nominee asked to see every Member and didn't cut off the length of time he was willing to answer any questions. He handled more than 150 questions for the record and answered them honestly. At the end of the day, when it came to those questions that were of most interest to most Members, he said: I am going to follow the law. That is exactly how we would expect or hope a nominee would, in fact, respond.

But I ask you to look at MIKE POMPEO, Representative POMPEO, Congressman POMPEO's record: West Point grad, first in his class, served his country with distinction, went to Harvard, opened up an aerospace business, became the CEO, ran a successful business, decided that his life needed to have community service in it, ran for Congress, served four terms representing Kansas's Fourth District.

This is an individual who, as a member of the House Intelligence Committee, committed to do the things that—as the Presiding Officer knows because he is on the Senate select committee—are tough to do. He traveled around the world to see firsthand the men and women who operate in the shadows; the ones who we, on behalf of our other Members of the Senate, certify are living within the letter of the law, that they do things that only they can do because of the positions they hold, but they do it with the laws of the United States in place. And the 15 of—those of us who serve on the committee certified that for our colleagues because in many cases they can't see behind the curtain with the clarity we can.

MIKE POMPEO did that. He traveled around the world. He saw firsthand what these men and women do. They are invaluable to the security of this country, and, I might add, they are invaluable to the policies we as legislators put in place because they provide us with the intelligence we need to make the right decisions. That is MIKE POMPEO. That is the person whom the President has nominated to be CIA Director. I am not sure you can find a glove that fits any better for the Agency, for the Congress of the United States, and for the administration, but more importantly, for the American people. This glove fits perfectly to make sure they are performing to keep America safe.

I hope all of my colleagues will vote for MIKE POMPEO's confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent that all debate time on the nomination be yielded back.

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

Mr. McCONNELL. 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 question is, Will the Senate advise and consent to the Pompeo nomination?

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Connecticut (Mr. MURPHY) are necessarily absent.

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

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 32 Ex.]

#### YEAS—66

Alexander	Graham	Perdue
Barrasso	Grassley	Portman
Blunt	Hassan	Reed
Boozman	Hatch	Risch
Burr	Heitkamp	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Schatz
Corker	Johnson	Schumer
Cornyn	Kaine	Scott
Cotton	Kennedy	Sessions
Crapo	King	Shaheen
Cruz	Klobuchar	Shelby
Daines	Lankford	Sullivan
Donnelly	Lee	Thune
Enzi	Manchin	Tillis
Ernst	McCain	Toomey
Feinstein	McCaskill	Warner
Fischer	McConnell	Whitehouse
Flake	Moran	Wicker
Gardner	Murkowski	Young

#### NAYS—32

Baldwin	Durbin	Nelson
Bennet	Franken	Paul
Booker	Gillibrand	Peters
Brown	Harris	Sanders
Cantwell	Heinrich	Stabenow
Cardin	Hirono	Tester
Carper	Leahy	Udall
Casey	Markey	Van Hollen
Coons	Menendez	Warren
Cortez Masto	Merkley	Wyden
Duckworth	Murray	

#### NOT VOTING—2

Blumenthal	Murphy
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The nomination was confirmed.

The PRESIDING OFFICER (Mr. LANKFORD). Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The Senator from Kansas.

#### TRIBUTE TO TODD NOVASCONE

Mr. MORAN. Mr. President, I would like to take just a few moments of the Senate's time this evening. We all work in an environment in which we are surrounded by dedicated people. One of those in my world, Todd Novascone, who has been my chief of staff for 12 years, has had his last day of work in our office today. I wanted to take just a few moments to pay tribute to him and others like him.