



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 164

WASHINGTON, TUESDAY, MAY 8, 2018

No. 74

## Senate

The Senate met at 2:30 p.m. and was called to order by the Honorable ROB PORTMAN, a Senator from the State of Ohio.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hidden, continue to be our refuge and strength. Guide our Senators. Let Your peace rule in their hearts. May Your Spirit dwell in them richly, imparting Heaven's wisdom. Lord, give them steadfast hearts, which no unworthy faults can drag downward.

Lord, bless America. Make her a channel of justice, peace, and goodness to our world.

We pray in Your strong Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 8, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROB PORTMAN, a Senator from the State of Ohio, to perform the duties of the Chair.

ORRIN G. HATCH,  
President pro tempore.

Mr. PORTMAN thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Kurt D. Engelhardt, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

#### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

#### HONORING FALLEN U.S. CAPITOL POLICE OFFICERS

Mr. MCCONNELL. Mr. President, an important tribute took place in the Capitol this morning—the fifth annual memorial service for the four U.S. Capitol police officers who have died in the line of duty. Sergeant Christopher Eney, Officer Jacob Chestnut, Detective John Gibson, and Sergeant Clinton Holtz were remembered with a wreath-laying in the Capitol Visitor Center.

This year's ceremony marked the 20th anniversary of the 1998 Capitol shooting, when both Officer Chestnut

and Detective Gibson were killed. Next week is National Police Week, and I will have more to say about the heroism of the professionals who put themselves in harm's way every day to keep others safe. Today the Senate honors the memories of these four fallen heroes.

Mr. President, on another matter, yesterday, the Senate advanced the nomination of the first of this week's judicial nominees, Judge Kurt Engelhardt. Those who join him on this latest slate for consideration are each well qualified. Each has received thorough examination from the Judiciary Committee, and each stands ready to serve on the Federal bench.

#### NOMINATION OF MICHAEL BRENNAN

Following the confirmation of Judge Engelhardt, the Senate will proceed to the consideration of Michael Brennan of Wisconsin to serve as a U.S. circuit judge for the Seventh Circuit. Mr. Brennan's nomination comes as only the latest distinction in a career marked by truly impressive legal accomplishments. In both public service and private practice, this graduate of Notre Dame and Northwestern University School of Law has developed a reputation for a keen legal mind and an unwavering commitment to the rule of law.

According to current and former peers on the Milwaukee County Circuit Court, Mr. Brennan has “the mind, heart and soul of a great jurist” and a “keen understanding of the legal issues in sophisticated and complex litigation.”

Like Judge Engelhardt, Mr. Brennan has my full support, and I encourage my colleagues to join me in voting to confirm another fine nominee this week.

#### TAX REFORM

Mr. President, on a final matter, it seems that every day brings another piece of good news for middle-class workers and families and, like clockwork, another desperate attempt by

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S2533

my Democratic colleagues to convince everyone that this growing tide of new prosperity is somehow a bad thing.

In the last few weeks alone, the percentage of Americans who are unemployed, underemployed, or who have given up finding a job has dropped to a 17-year low. Recently, new jobless claims reached their lowest level since 1969, and the total number of Americans who are receiving unemployment benefits is as small as it has been since—listen to this—1973.

Let me put that another way. Notwithstanding 45 years of population growth, there are fewer total Americans receiving unemployment benefits under President Trump and this Republican Congress than at any other point under Presidents Ford, Carter, Reagan, Bush, Clinton, Bush, or Obama. We all know economic indicators can be volatile, and Washington is far from the only force behind them. In fact, getting the Federal Government out of the way is often the solution. The headwinds that blew in the face of American entrepreneurs and small business owners for 8 years have died down. Now the wind is at their backs.

In December 2017, after just 1 year of Republican policies, optimism among American manufacturers hit the highest level ever recorded. In large part, that is because Washington had gotten out of their way. Back in 2013, more than 75 percent of manufacturers said an unfavorable business climate from taxes and regulations was a top concern. Now fewer than 19 percent have that worry. This is a real-life experiment in two different governing philosophies.

For 8 years, Democrats operated from the leftwing premise that businesses need to lose in order for workers to win. So they raised taxes, passed mammoth new regulations like Dodd-Frank and ObamaCare, and let runaway agencies like the EPA run roughshod over American businesses. That is what got us such lackluster results, year after year.

Fortunately, Republicans have taken a different approach—one that doesn't assume that Washington bureaucrats know best. We know that American workers can only thrive if thriving American businesses are creating jobs and raising wages. We have worked to enact an inclusive opportunity agenda to bring greater prosperity to everyone, and that is exactly what is beginning to happen.

From Florida to Indiana, Fifth Third Bank is raising its minimum wage for employees. Kroger is planning to hire 600 new associates across my home State of Kentucky. Nationwide data from the Bureau of Labor Statistics show that the amount employers spend on salaries and benefits grew more in 2017 than in any calendar year under President Obama—two different philosophies, and just 16 months in, two very different outcomes for American workers and middle-class families.

The ACTING PRESIDENT pro tempore. The majority whip.

#### NOMINATION OF GINA HASPEL

Mr. CORNYN. Mr. President, when I was a kid, I used to like to read the comics in the newspaper every day. Usually, it was some interesting caricature of real life that was particularly funny. Yet the sorts of caricatures we have been seeing in the past few days about the President's nominee to the CIA are not funny and are not comical at all. What we have seen is a gross caricature of this woman's distinguished 33-year career. I am talking about Gina Haspel at the CIA.

Our Democratic colleagues are stuck in the past. They are trying to, really, tag her with some of the more controversial episodes during the aftermath of 9/11. The fact is, that is a caricature of her three decades of hard work and service in spanning the globe while working in the intelligence community and trying to keep America safe. They, of course, need to get their facts straight regarding the episodes they complain about. The fact is that they have all been investigated, and Gina Haspel has been exonerated. They are wrong to ignore everything else she has done in her career, as well as the fact that she will be the first woman Director of the Central Intelligence Agency—someone enormously popular with the rank and file in her having come from within their ranks.

The particular episodes that we will hear talked about tomorrow at the open hearing before the Senate Select Committee on Intelligence involve enhanced interrogation techniques that were used in isolated instances in the days immediately following 9/11. These programs were, of course, vetted by all appropriate legal advisors and were depended upon in good faith by intelligence officers and the Department of Defense. Congressional leaders were briefed on them and had no objection because the threat immediately after 9/11 was that al-Qaida had been meeting with some Pakistani nuclear scientists, perhaps with the objective of getting a nuclear device that they could use to kill more Americans and more innocent people. This was, truly, an emergency situation, and policymakers were demanding that our military and intelligence community do everything they could to prevent another 9/11 attack.

It is fundamentally unfair for some to want to change the rules after the fact now that we are feeling safe and secure, and it is obscene to hold intelligence officials responsible for policy decisions that they did not make but which they were charged with executing. We expected them to be executed—"we" being the policymakers in the executive and legislative branches.

I mentioned the declassified 2011 Michael Morell memo yesterday, which exonerates Ms. Haspel from this allegation that she somehow played a part in destroying videotapes of enhanced interrogation. In the memo, Morell, who was then the Acting Director of the CIA, found no fault with Ms. Haspel's

performance and indicated that she acted appropriately in her role as it related to carrying out her supervisor's orders. Again, she was not the one who actually destroyed the tapes but, rather, acted on her supervisor's instructions to draft a cable that she expected to be vetted with the appropriate authorities and policymakers within the CIA structure.

Mr. Morell himself added a statement following the memo's release that Ms. Haspel did not destroy the videotapes of the enhanced interrogation techniques that were used on post-9/11 detainees. He said that she did not oversee their destruction either, and she did not order their destruction.

Nevertheless, I will bet one is going to hear a lot about this at tomorrow's hearing before the Senate Intelligence Committee. It is unfair to focus on an isolated event in an attempt to try to suggest that she acted inappropriately when her supervisors, including the Acting Director of the CIA, found no fault with her actions, and any allegations that she bore personal responsibility for destroying the videotapes have been affirmatively disproven.

We know from her career timeline that was produced by the CIA that Ms. Haspel spoke French and Spanish prior to joining the CIA and learned Turkish and Russian. That is interesting because, in fact, we can't know a lot in a public setting of some of her classified activities as a member of the Central Intelligence Agency. That is the nature of the work, that being that intelligence officers willingly accept the responsibility to keep classified information secret so as not to expose sources and methods that would endanger lives and undermine our ability to get intelligence to our policymakers so they can make good decisions.

Clearly, she is a student of languages and cultures around the world—exactly the kind of person you would want to lead an agency that operates internationally, like the Central Intelligence Agency. We know from declassified documents that she had field assignments in Africa and Europe in the late eighties and nineties and then went on to become station chief at multiple locations before becoming the Deputy Director of the CIA. When she worked abroad in the eighties, she encountered none other than Mother Teresa and helped arrange a phone call between Mother Teresa and President Reagan. Then she visited a local orphanage with the famous nun.

Of course, as I said, we can't talk about all of the details of her invaluable years of service here on the Senate floor because much of that information remains classified. Indeed, tomorrow, we will have an open, declassified setting, followed by a closed, classified setting so members of the committee can get answers to their questions. Yet we do know about some of the successes that the CIA and the U.S. Government achieved during the 30-plus years she served, and some of those are worth mentioning here.