

The assistant bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NOMINATION OF GINA HASPEL

Mr. CORNYN. Mr. President, earlier today the Senate Select Committee on Intelligence heard from the President's pick for Director of the Central Intelligence Agency, Gina Haspel. Actually, we had an open hearing this morning, and I just returned from a recently concluded closed hearing, during which classified information was shared with the committee and discussed with the nominee.

As we know, the President's nominees for various positions have been the victims of hearsay, innuendo, and rumor. Thankfully, Ms. Haspel had the opportunity today to respond to some of the questions—and attacks, really—that have been posed against her in the public. She has now had a chance to respond, and I thought she did so with tremendous knowledge, grace, and the kind of temperament you would hope for in a Director of the Central Intelligence Agency.

She exemplified the core attributes we have come to know about her since she was nominated: professional integrity, an innate sense of loyalty to her country, and a strong drive to work hard, not just for the advancement of her individual career but also to protect Americans and put our national security first.

The fact that she is here today, as President Trump's nominee to become the first female Director of the Central Intelligence Agency, is a testament to both her character and her exceptional, decades-long career as an intelligence professional.

All the while, she has endeared herself to her colleagues in the intelligence community, who have an immense amount of respect for her and her work. In fact, in addition to being the first female Director of the Central Intelligence Agency, Ms. Haspel would be the first operations officer in perhaps 40 years or more. In other words, at the CIA they have analysts, they have people who do operations, who are case officers and who do intelligence work, and, then, they have other people who perform technical intelligence activity. She would be the first in 40 years to actually have worked in some of the hot spots around the world that I will mention more about here in a moment.

Yesterday, I spoke about some aspects of her career, about some of the pieces that our colleagues across the aisle have left out of the picture, which, in fairness, should be painted in full context so people can understand that her career, spanning 33 years, is far more than a couple of anecdotes or caricatures of her experience. In other words, she is not defined by those experiences. Although, as she has said

today, we have all learned from those experiences.

Her 33 years of service showcase an unparalleled commitment to the Central Intelligence Agency and a devotion to the rule of law. She understands that when the intelligence agencies don't follow the rules of the road, somebody is going to be held to account for it at a later time. In this case, ironically, having followed the rule of law, we find that some of our colleagues from across the aisle want to relitigate decades-old incidents after the fact of 9/11, where, relying on the premier legal authorities in the country from the Department of Justice and having received orders from the Commander in Chief, they simply did their job and now are being questioned in a way that suggests they did something less than honorable, when, in fact, they did exactly what they were asked to do.

The fact is that here in America we have not seen a follow-on attack from 9/11. I mentioned yesterday a book I was reviewing that reminded me that in the days following 9/11, on which 3,000 people died—some at the Pentagon, where one plane crashed, and two others crashed at the World Trade Center—there was some chatter about a potential nuclear device getting into the hands of al-Qaida, the same people who took down the two towers and hit the Pentagon.

That would have been catastrophic, obviously. Thankfully, as a result of the good investigatory work and intelligence collection that the intelligence community acquired, we learned that those rumors did not end up proving to be true. But that sort of sets the tone for the environment and attitude that many had about the potential for follow-on attacks, which would have been tremendously devastating.

It is a strange business that we ask our intelligence officials to play to the edge of the law—in other words, to follow the law but to be aggressive, to be forward-leaning to prevent these attacks. Then, when they do exactly that, we come back years later, when we are feeling safe and secure, and say: Well, you went too far.

We can imagine what it would have been like if there had been another follow-on attack during which American citizens were killed. We can imagine that our intelligence community would be criticized for allowing that to happen, for somehow not stopping it, finding out about it, and preventing it.

Unfortunately, too many people have 20/20 hindsight and are engaged in second-guessing. Frankly, for people who serve honorably in the intelligence community, it seems like a lose-lose proposition: Do too much and prevent an attack, and we will criticize you. Don't do enough and an attack occurs, and we will criticize you for that.

Suffice it to say that in all respects, during her career Gina Haspel has acted in accordance with the law, as determined by the Department of Jus-

tice. By the way, the Supreme Court of the United States is not going to hand out an opinion in a case where the executive branch has to act. Opinions handed down by the Office of Legal Counsel in the Justice Department are the authoritative legal guidance for executive branch agencies like the CIA.

Ms. Haspel has worked in assignments from Africa and Europe, and she has been posted to dangerous capitals around the world. She has been shot at, survived a coup d'etat, and run clandestine assets against hard targets.

Those who have worked with her say her management skills and integrity are unmatched. That is why she served as a station chief, the Deputy Director of the National Clandestine Service, and Deputy Director of the Central Intelligence Agency itself. All of this experience is extraordinary and it is important, and it is exactly what our country needs in this uncertain time.

Former Director of National Intelligence James Clapper testified in recent memory that, in his 50 years in the intelligence business, he has never before seen such a diverse array of threats confronting our country—from North Korea to Iran, to Russia, to China, to the terrorism threat, to domestic home-grown terrorist attacks inspired by social media and online activity from overseas.

America clearly needs someone with the deep expertise and understanding of the Central Intelligence Agency and the intelligence community and someone who doesn't have to get up to speed. Americans need someone with extensive counterterrorism experience who has worked with difficult and hostile intelligence services and, I would say, also with our friends and allies around the world. Some of the relationships we have with other countries, like Britain, are some of the most important relationships we have—government to government, intelligence community to intelligence community. Ms. Haspel has the admiration and respect of those coalition agencies around the world.

She may well be the most qualified person ever to be nominated for the role of CIA Director. But we saw today in the hearing that there is a determination by some to relitigate the past. We saw an attempt to relitigate issues that have been closed for a long time, going on 17, almost 20 years.

There were questions about Ms. Haspel's role in counterterrorism efforts in the days immediately following the 9/11 terrorist attacks. I am not questioning the questions, but I am questioning using some of these issues as pretext to block or to vote against her nomination. She was accused of making decisions that clearly were made by her supervisor, when it came to getting rid of videotapes because of concerns for the safety and security of the intelligence officers depicted on those videotapes, even though there were verbatim cables of the activity on the tapes. Obviously, in this case, the

decision to destroy the tapes was not hers but her supervisor's, who took full responsibility for that.

As I said, it is easy here today, in the safety and security of 2018, to remember what the post-9/11 climate was like. It is easy to second-guess the legal guidance that had been provided to our intelligence professionals at the time, which they relied upon in good faith. It is easy to overlook the considerable pressure placed on the Agency at that time. As I said, if they didn't do enough, we would criticize them. If they did too much, we would criticize them for that. So it is a fine thin line they had to walk, which they did with incredible skill and determination.

I would say it is nothing less than obscene to hold someone to a standard that was set after their actions were performed, in good-faith reliance on the law, as determined at the time they did act. In this case, two different Justice Departments—one under President Bush and one under President Obama—conducted investigations, exonerated Ms. Haspel, and chose not to proceed against her or her colleagues at the CIA.

The fact is that early on Congress was briefed on a regular basis and approved of the activities in which she was engaged when it came to the enhanced interrogation program, which she herself did not directly participate in but which occurred during her time in the counterterrorism center.

That Congress decided after the fact to change some of those policies does not make the prior implementation of the policies improper at all. Indeed, it was her professional obligation to carry them out, and it was not for her or her fellow officers to second-guess the legality of those policies. At the time at issue, Ms. Haspel was a GS-15, which is a civil service ranking that would be the equivalent of either a major or lieutenant colonel. It is as if saying that as for decisions made by the Commander in Chief, where a lieutenant colonel participated in executing those orders, that somehow they were responsible for the policy decision made by the Commander in Chief in the military. It just doesn't make any sense at all. As long as our military and intelligence officials rely in good faith on the best legal guidance given to them at the time, they should be free to conduct their activities and not be second-guessed later on.

Some have now gone so far as to complain her full personnel file has not been released. As I said, Ms. Haspel has the unique qualification of having served 33 years essentially undercover, and she has participated in some of the most sensitive intelligence activities our country is engaged in. The idea that now we would jeopardize the sources, the methods, and the alliances we had at that time just so colleagues could display that in full public view strikes me as terribly misguided.

It is true that in the Intelligence Committee we did have a classified

hearing, at which all of those matters were aired, but in an appropriate setting, protecting that important sensitive information, which is absolutely critical to keeping the country safe. The idea that we ought to release her full personnel file, including sensitive operations, to jeopardize the safety of other officers and expose sensitive sources and methods of intelligence collection is to risk national security itself. Some of our colleagues are suggesting that this happen, but they simply know better, and they should know better.

You saw a stark difference at the hearing today between those who wish to ensure we have the most qualified person leading the CIA and those who have determined to obstruct President Trump's nominees at all cost. In fact, during my time questioning Ms. Haspel, I mentioned a national security expert who said, if Ms. Haspel had been nominated by President Obama, it would be an easy call, but because she was nominated by President Trump, and ironically happens to be the first woman nominated to this important position as Director of the CIA, for some reason, now we are going to hold her and President Trump to another standard, a double standard.

If people were really listening, they would have heard Ms. Haspel confirm what many of us have been saying about her all along; that she is the right person for this job. We learned that former Defense Secretary and CIA Director Leon Panetta and former Director of National Director James Clapper, both former Obama officials, unequivocally support Ms. Haspel. We have heard from Michael Hayden, John Brennan, both former CIA Directors. Both have criticized President Trump for other matters but praised this pick to head the Agency.

We read about this nominee, too, as the Wall Street Journal Editorial board penned its support, writing:

[T]he people misrepresenting the CIA nominee were in the cheap seats during the worst days of the war on terror. Ms. Haspel didn't have that luxury.

I couldn't agree more with that characterization. Yet some of our colleagues simply refuse to listen. In fact, we have been seeing this same pattern play out throughout the Trump Presidency—people playing politics and obstructing the nominees of the President simply because they disagree with the President, not because of the qualifications of the nominees. Sadly, we have seen character assassination against nominees who have subsequently withdrawn because they have simply been unwilling to go through the process and see the destruction of a reputation they have worked a lifetime for. It is our Nation's loss that good people withdraw from the process rather than go through that sort of character assassination.

The Senate has a duty, after all, to ensure that our country has well-qualified people at the head of our national

security agencies like the Central Intelligence Agency. While Ms. Haspel's credentials are certainly more than sufficient to support her nomination against some of the baseless claims we have heard, there is just as important a case to be made for her that is based on upholding the CIA as an institution.

Two lawyers who formerly served in the White House Counsel's office and the Justice Department, David Rivkin and Lee Casey, wrote in the Wall Street Journal: "If agents are blamed following the directives of their superiors, the CIA's ability to protect the U.S. will be fundamentally compromised."

I agree. We want our intelligence officers to be as aggressive as they can within the confines of the law, collecting and analyzing intelligence they can then provide to policymakers so we can keep our country safe. We ought to, at least for a while, put a hold on the politics of obstructing nominees, particularly at a national security post, so we can put Americans' safety first.

We have to ask ourselves, in an increasingly uncertain and dangerous time, what does the CIA mean to the national security of the United States? For an agency at the very forefront of protecting our country's citizens, what type of person do we want at the helm? I believe we want a person like Ms. Haspel. It is Ms. Haspel—short and sweet—who I think fits the mold of that sort of person we want.

I urge our colleagues to rethink what they are doing here, to shift gears and support this nominee who is so well-qualified and so devoted to protecting our country. Can you imagine the individual sacrifices intelligence officers who serve undercover have to make—the sort of strain on relationships when they are deployed abroad like our military is and the hardships they have to sustain, but they do it because they love our country and they are dedicated to keeping the American people safe. Those sort of people—that kind of character, that kind of integrity—ought to be rewarded and not criticized and punished.

As I said, I urge our colleagues to rethink what we are doing and shift gears and support this qualified nominee. She is exactly what the American people deserve, so let's get her confirmed.

#### FIRST STEP ACT

Finally, Mr. President, on another matter, earlier today, the House Judiciary Committee took action on the FIRST STEP Act, which is companion legislation to the bill Mr. WHITEHOUSE, the junior Senator from Rhode Island, and I introduced in the Senate. The committee's passage of this bipartisan legislation advances prison reforms tried out and proven in States like