

Part of what Hamas does is it uses terrorists to commit acts of terror, and then it eyes innocent Palestinians as human shields trying to get them killed because that serves their propaganda purposes. Although I will say that consistently during these riots, it has turned out that the great many of the deaths are of the actual Hamas terrorists picked off while planting bombs and attacking Israeli soldiers. If the American military had been able to shoot the terrorists on 9/11—the terrorists who flew airplanes into the World Trade Center and who flew an airplane into the Pentagon—if the military had been able to stop those terrorists and shoot those terrorists, the New York Times headline would read: “American Military Shoots Peaceful Flying Passengers.”

When you stop a terrorist seeking to commit murder, it is not shooting a peaceful protester. During past riots, Hamas has acknowledged that up to 80 percent of those killed were terrorists. This time around, already, between one-third and one-half of those killed have been identified as terrorists.

Look, this is Hamas telling us this. The people being shot are avowed terrorists. There is no dispute that Hamas is a terrorist organization. There is no dispute. This photograph depicts their wall of martyrs. These are the terrorists we have sent who were killed. Where was the word “terrorist” in the coverage?

We saw on TV images of violence on the border juxtaposed with the image of the embassy unveiling, no doubt intended to put the blame for the attempted terrorism on the United States: How dare the United States of America actually stand with Israel. How dare America open an embassy in the capital of Israel.

The blame for the violence lies with the terrorists, not America for standing with our friend.

These terrorists hated Israel, they hated Jews, and they hated America before we moved our Embassy, and their compatriots hate America, hate Israel, and hate Jews after we have moved our Embassy. Their hatred—their murderous, religious zealotry—is the cause of the murder and of the violence.

A Hamas spokesman went further on TV and said that in the last round of confrontations, if 62 people were martyred, 50 of them were Hamas, but the New York Times just said a bunch of unarmed protesters were standing there when, for no reason, Israeli soldiers began shooting them. What complete mendacity. Hamas admits these are Hamas terrorists. Yet the media does all they can to hide that.

Imagine the outrage if, when the American Embassy in Benghazi was attacked by Ansar al-Sharia in 2012, a newspaper had printed: Americans kill dozens of Libyans. By the way, that is the exact same headline the New York Times used. Yes, protesters coming to commit murder; soldiers fight back to

stop them from committing murder. Fortunately, even the New York Times didn't quite have the gall to say that, but the facts are comparable.

The blame for all of the deaths, whether terrorists or human shields, is on Hamas and Hamas alone. Any implication otherwise is nothing less than shameful support for genocidal terrorism.

In 2014, I introduced in this body bipartisan legislation, along with New York Senator KIRSTEN GILLIBRAND, a Democrat, supporting Israel's right to self-defense and condemning Hamas's barbaric tactics, specifically condemning the use of human shields as a war crime. That resolution passed the U.S. Senate unanimously, and it passed the House of Representatives unanimously. Yet we see the tactic yet again, these terrorists using human shields, using innocent Palestinians as human shields, precisely because they want them to die, because they can trust the global media to carry their message.

A few years back, when Israel faced rocket attacks from Hamas, one after the other after the other, Hamas had its headquarters in the basement of a hospital. Indeed, some years ago, I wrote an op-ed entitled “A Tale of Two Hospitals.” It says that you can tell a lot about a society about how they treat their most vulnerable, and it compared two hospitals, one, the Ziv Hospital in northern Israel, which I visited. At the time, the Ziv Hospital had provided over \$8 million in free medical care to Syrians badly wounded in the horrific civil war playing out in Syria, freely caring for their neighbors being murdered by their own head of government. The op-ed contrasted that hospital to the hospital in Gaza in whose basement Hamas had their headquarters.

Now, for Hamas, it was a win-win scenario. Option A is that Israel refrains from hitting the headquarters because it is in the basement of a hospital. That is obviously a win because then the terrorist headquarters doesn't get targeted in a military conflict. That ultimately is what happened, and the Israeli forces did not hit Hamas's headquarters.

Option 2, from Hamas's perspective, is also a win. If Israel did strike at their headquarters—a military target that was launching military attacks trying to murder Israelis—then the result would be pictures of dead bodies on CNN and in the New York Times, pictures of patients at that hospital being used as human shields. It is Hamas desiring the death of little Palestinian babies—newborns in the maternity ward—because they knew if Israel actually took out Hamas's headquarters, they could take those babies, whom Hamas had used as human shields, and they could count on the New York Times.

Can you imagine the headline in the New York Times? “Israel Bombs Babies.” It is not markedly different from

their headline, “Israel Kills Dozens at Gaza Border.” It is propaganda.

As long as Hamas has leaders who manipulate them, who lie to the Palestinian people, who lie to the world, and who use human shields in their bloody terrorist campaign against Israel, there can never be hope for peace or prosperity.

Israel has the right to defend itself, and Israel is defending itself.

I only wish that our global media had some tiny passing qualm of guilt to at least pretend to report the news, to at least pretend to tell the truth, to not function as Hamas's propaganda agents, but instead to tell the truth when Hamas terrorists say, with their Nazi swastika kite bombs: We want the Israelis to know we want them to burn. These are the facts they need to report, even if it happens to disagree with their political agenda of undermining the State of Israel.

Fortunately, regardless of the partisan bias, regardless of the propaganda that the New York Times and other global media outlets put out, America—the American people—stand and will continue to stand unshakably—unshakably—alongside our friends and allies, the people of Israel, and we have reason to celebrate.

When I was in Jerusalem just a couple of days ago, I visited with person after person—Israeli and American—who were reduced to tears. Some were Holocaust survivors. The phrase I heard more often than anything else was this: “I thought I would never live to see the day.” Well, we did live to see the day.

America's Embassy should have been in Jerusalem 70 years ago. It should have been there 60 years ago. It should have been there 50 years ago, 20 years ago, 10 years ago, 1 year ago. But, fortunately, America's Embassy is where it belongs today—in Jerusalem, the once and eternal undivided capital of Israel.

Jerusalem was the capital of Israel 3,000 years ago. Jerusalem is the capital of Israel today, and the United States Government recognizes that, and just as Harry Truman did 70 years ago, is leading the rest of the world to follow suit.

I yield the floor.

I suggest the absence of a quorum.

THE PRESIDING OFFICER (Mr. PERDUE). Will the Senator withhold the request?

Mr. CRUZ. I will.

THE PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I thank the journalists of this country, who are not enemies of the people and who do their jobs every day, explaining complicated issues and fighting every day to do things as straightforwardly and honestly as they can. So I start with that.

NATIONAL POLICE WEEK

Mr. President, each year, during National Police Week, we honor our law enforcement officials and the families

who support them. They all give so much in service to their communities, and too many make the ultimate sacrifice to keep us safe.

I mention the families for a very important reason. Whether it is families of soldiers, marines, deputy sheriffs, police officers, police chiefs, or FBI agents, they share the anxiety and fears and the anxiety and concerns for their loved ones, who are so important. We always honor them too.

This year, we will add the names of 360 officers to the National Law Enforcement Officers Memorial, including the names of 10 Ohioans. We lost six of those Ohioans years or decades ago, and their sacrifice will now be recognized on the memorial.

We pause to honor Franklin Stone, Frank Morrison, Donald Orville McLaughlin, Martin Arnold Stanton, Bradley Thomas Scott, and Samuel John Mautz.

We also honor four Ohioans who laid down their lives last year: Officer David Fahey, of the Cleveland Police Department, the city in which I live; Chief Steven DiSario, of the Kirkersville Police Department; Patrolman Marvin Moyer, of the Lancaster Police Department; and Patrolman Justin Leo, of the Girard Police Department. Each of these losses is a tragedy for a family, for a community, and for fellow police officers.

Sadly, we know already two names that will be added to the Memorial next year from Ohio: Officer Eric Joering and Officer Anthony Morelli, both of the Westerville Division of Police, a Columbus suburb. They laid down their lives in service to their communities and their country just a few months ago, in February.

We cannot begin to repay the debt we owe them and we owe their families, but we can work to support their families and their fellow officers, as they work to keep our communities safe.

This year, as part of the bipartisan spending package, we passed into law the Children of Fallen Heroes Scholarship Act to increase access to educational scholarships for the children of public service officers killed in the line of duty. Helping their children get a quality education is the least we can do for these families.

This spring I led a bipartisan group of Senators in calling for full funding of the Bulletproof Vest Partnership. Last year we were able to secure \$21 million for the partnership, which gets officers the safety equipment they need. Bulletproof vests save lives.

I hope we can soon pass the bipartisan POWER Act. I am working with my colleagues Senators PORTMAN, SCHUMER, RUBIO, MARKEY, and CAPITO.

Deadly, illegal fentanyl has become too common, especially in my State. Our local law enforcement must deal with it on a nearly daily basis. That is why we worked on together and the President signed the bipartisan INTER-DICT Act. It is why we need to build on that and give our local and State law

enforcement the same access to high-tech devices to screen for fentanyl, carfentanyl, and other dangerous opioids.

On Tuesday, Ohio law enforcement gathered in my office for a demonstration showing how they can use these screening devices to enhance their ability to investigate drug crimes, while protecting themselves and the Ohioans they serve. They serve us. They protect us. We should do all we can in this body to serve them and to protect them, making a very dangerous job—jobs that police officers do every day—a little safer.

Some Ohio cities use these devices already. One officer at the demonstration, from the Twinsburg Police Department, said his office could use this equipment right now. Our law enforcement officers put their lives on the line to protect us every single day.

This National Police Week, we owe them more than gratitude. Let's do all we can to support the selfless men and women who serve our communities and our country every single day.

Mr. DURBIN. Mr. President, in December 2012, the legendary Senator from Hawaii, Daniel Inouye, passed away. He was the longtime chairman and vice chairman of the Defense Appropriations Subcommittee.

By a twist of fate, I succeeded him in that role, and one of the most notable surprises to me was how much of the funding for the intelligence community came with that responsibility.

Together with my earlier service on the Senate Intelligence Committee, I have learned that oversight of the secret agencies of our government is one of the most challenging and important roles of Congress.

It is a difficult task. Many of the issues involved in overseeing the CIA and other agencies are highly technical. Some issues present extraordinary challenges, where the security of our Nation must be balanced with the best interests of the American people. All of these matters are blanketed by the highest degree of secrecy.

Despite all of these oversight challenges, there are issues that are simply black and white. The starkest of these issues in the last two decades was the CIA's program to torture detainees at black sites throughout the world after 9/11.

After 9/11, many Americans thought long and hard about whether to torture terrorists to gain information to stop the next catastrophic attack. Implicit in that moral question is the assumption that we would capture the right people who might have essential intelligence to save American lives.

Last week, the New York Times published an article by a Libyan woman who says she was detained at a black site in Thailand.

Her story details how she and her husband were taken by masked men to a windowless room in Thailand. When moved, she was bound to a stretcher. She was deprived of sleep. She was struck in the abdomen.

The Bush administration used the euphemism "enhanced interrogation techniques" to describe this kind of abuse. Despite their words, this was torture, plain and simple.

The Libyan woman was halfway through a pregnancy at the time. She was then sent to Libya, where she spent weeks in another prison, with a crib in the room, as though she was being mocked for being with child. Her baby was born just after her release.

Last week, the highest levels of the British Government formally apologized for its role in the detention and treatment of her and her husband. No such apology has been forthcoming from the United States.

To understand the full dimensions of the CIA's so-called enhanced interrogation techniques is a difficult task. I commend Senator FEINSTEIN and her staff for an exhaustive report, years in the making, that explains this torture program in great detail. The stress positions, the sleep deprivation, the "walling," the slapping, and the waterboarding, it is all in there, unclassified, for the public to see.

Simply informing the public about what happened is not sufficient. These sad chapters in American history cannot be closed until there is accountability.

The nominee for the next Director of the Central Intelligence Agency, Gina Haspel, exercised a series of leadership positions that involved the CIA's use of these torture techniques. She was in a position to do something about it, had she believed this torture was wrong.

I note that many of her current and former colleagues have endorsed her nomination. They have spoken about her capabilities and effectiveness in positive terms. I do not know how many of them have a detailed understanding of her role in the CIA's torture program.

I met with Ms. Haspel at length and read documents that detailed her role in the torture program. She stated to me that, as a CIA officer, she had been advised by all the appropriate legal authorities that she could carry out her assigned duties and remain within the law.

That may be the case, but that does not explain how a person can see an individual be subjected to waterboarding, and the excruciating feeling that they are going to drown, and not question whether that legal guidance is just. Simply labelling conduct "legal" doesn't make it right.

In fact, we now know that the Bush administration twisted the law in its infamous torture report to justify the use of torture. The Justice Department's legal analysis was informed by false information from the CIA that techniques like waterboarding helped obtain lifesaving information that was otherwise unavailable.

But the decisive issue as to this nominee is much simpler.

The destruction of videotapes of those interrogation sessions remains

an act that is impossible to justify or ignore.

The CIA has provided documents for the review of all Senators that attempt to exonerate Ms. Haspel in the destruction of those tapes.

On December 7, 2007, the day after the destruction of these tapes was first reported, I asked then-Attorney General Michael Mukasey to open a criminal investigation into the destruction of the tapes. This led to the so-called Durham investigation, led by Federal prosecutor John Durham.

Approximately 2 weeks ago, the Department of Justice for the first time provided only certain Members of the Senate with the results of that investigation, called the Durham Report. Few Senators even know that this report exists.

I am the vice chairman of the Defense Appropriations Subcommittee, which funds the CIA, and a senior member of the Judiciary Committee, which has jurisdiction over the Justice Department. I have asked to review the Durham Report, but the Trump administration has refused.

What does this report conclude? Does it have information that was not available during other reviews? The vast majority of Senators and the American public will never know before the vote is called on this nomination.

We have seen the CIA, which is tasked with providing intelligence, take a strong stand in favor of this nomination. I do not question the right of the administration to push for their appointees. But I do question whether our intelligence community is compromising its objectivity in lobbying the public in favor of the nomination. Given the secrecy over the Durham Report, I can only wonder if we are being told just one side of the story.

I continue to believe that the best interest of our Nation, our Government, and the CIA is to make a clean break from the odious history of torture.

In my time overseeing the CIA, I know that there are many experienced professionals, both inside the intelligence community and outside of it, that are able to lead this agency with great skill and without the history of association with waterboarding.

It is impossible to consider this nomination without thinking of our friend and colleague Senator JOHN MCCAIN.

Senator MCCAIN is an American hero. He survived horrific torture as a POW in Vietnam and since then has spent almost five decades in honorable public service to the country he loves dearly.

While Gina Haspel was accommodating and covering up the torture program, Senator MCCAIN was the first prominent Republican to speak out against this program, which was created by an administration of his own political party.

I was proud to work closely with Senator MCCAIN on what has rightly become known as the McCain torture amendment, which made it clear that torture and cruel, inhuman, and de-

grading treatment are absolutely prohibited in America—no exceptions.

That amendment passed this body on an overwhelming 90-9 vote, despite a veto threat from the Bush administration.

Now, in the twilight of a great American life, Senator MCCAIN has again spoken out against an administration of his own political party, urging us to oppose this nomination because of the nominee's complicity in torture. For that principled stand, Senator MCCAIN has been subjected to crass insults by an administration that doesn't have the decency to properly and publicly apologize to the McCain family.

Ultimately, America's strength and influence abroad rests not just with its military might, but also with the power of its ideas and values, of which torture is the ultimate betrayal.

For these reasons, I oppose the nomination of Gina Haspel.

Ms. COLLINS. Mr. President, I rise today to express my support for the nomination of Gina Haspel to become the next Director of the Central Intelligence Agency. Ms. Haspel is an accomplished intelligence professional who will bring 33 years of experience to her new role. She has dedicated her entire life to the service of our country and has performed extraordinarily well in a number of challenging positions—often, in some of the most dangerous places in the world.

Ms. Haspel has widespread support among the national security community. More than 50 leaders signed a bipartisan letter endorsing her nomination. The list includes eight former CIA Directors and Acting CIA Directors who were appointed by both Republican and Democratic Presidents, ranging from Ronald Reagan to Barack Obama. Michael Morell, a former CIA Acting Director under President Obama, describes her as a person of "deep integrity," and John Brennan, another former CIA Director under President Obama, said she will provide "unvarnished, apolitical, objective intelligence input to Donald Trump and others."

At Ms. Haspel's hearing before the Senate Select Committee on Intelligence, I questioned Ms. Haspel regarding the enhanced interrogation program that was started after the September 11, 2001, terrorist attacks. I have long believed and have consistently stated that this program was completely unacceptable and that waterboarding is tantamount to torture. In fact, in 2015, I cosponsored the McCain-Feinstein amendment to the defense authorization bill to ensure that techniques such as waterboarding are never used again and that the Army Field Manual governs interrogations of detainees.

In response to my questions, Ms. Haspel, who was not a high-ranking CIA official at the time, indicated that she played no role in the creation of the interrogation program and that she wasn't even aware of its existence until

more a year after it began. Furthermore, she said that she supported the 2015 law changes and made clear that she does not believe that the CIA should be in the "interrogation business." She testified that, under her leadership, the CIA would follow the law and would not resume enhanced interrogations and that she would not seek to repeal the law.

Moreover, in a letter to the vice chairman of the Senate Select Committee on Intelligence, Senator MARK WARNER, Ms. Haspel said that she would "refuse to undertake any proposed activity" that is contrary to her moral and ethical values, CIA's mission and expertise, or the law. "The United States," she said, "must be an example to the rest of the world" and "the enhanced interrogation program is not one the CIA should have undertaken."

Another issue I closely examined was Ms. Haspel's role in the Agency's decision to destroy tapes involving one detainee who was subjected to enhanced interrogation. The accountability review from then-Acting Director Morell exonerated Ms. Haspel and stated conclusively that it was the CIA's then-Director of the National Clandestine Service who ordered the destruction of the tapes. As Mr. Morell, an Obama administration appointee, stated: "Ms. Haspel did not destroy the tapes, she did not oversee the destruction of the tapes, and she did not order the destruction of the tapes."

I will conclude by saying that it speaks very well of Ms. Haspel's nomination that she was reported favorably by a bipartisan majority of members on the Senate Select Committee on Intelligence, earning the support of both the chairman and vice chairman. I hope that Ms. Haspel will be confirmed quickly to be the next Director of the CIA, and I look forward to working with her in this new capacity to counter the wide range of national security challenges facing our country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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, as the Senate moves to vote on the nomination to head the CIA, here is the bottom line. While the American people have been told that Gina Haspel likes Johnny Cash and talked to Mother Teresa, Ms. Haspel has been exercising the unprecedented power to personally censor any facts about her that might get in the way of her nomination.

When the Senate votes on a nomination when all the relevant information is, by design, kept secret, how is this any different than a coverup? I regret to have to say that the surrender of the Senate's responsibility to conduct real

oversight of this nominee means that Gina Haspel has been given a pass on all the most important and the most relevant issues.

I am going to start with three.

The first is this: What was her opinion about the CIA's torture program when it was happening?

The Washington Post newspaper reported that unnamed officials were pushing back against accusations that she has supported torture.

Now, Ms. Haspel said she learned about the program in 2002. I believe it is especially important to know what her views were later, between 2005 and 2007, when the CIA itself was winding the program down. At that time, did Ms. Haspel call for the program to be continued or expanded? I asked her that in an open intelligence meeting. She did not come close to answering that crucial question.

No. 2, what was her role in the destruction of the torture tapes? The nominee's story here is riddled with holes, and key facts have been covered up.

One matter that we know about is that her boss at the time, Mr. Jose Rodriguez, has publicly contradicted her account of the handling of the destruction of the torture tapes to a Pulitzer Prize-winning journalist.

No. 3, how can the Senate possibly take seriously Ms. Haspel's confirmation conversion on torture that was submitted on the eve of a crucial vote?

There has been a lot of reporting in the press saying that she personally played a role in the CIA torture program. The American people deserve to know whether those reports are true. Every single material question to her about them has been met with stonewalling and evasion. Instead of real responses, Ms. Haspel offered possibly the latest confirmation conversion in history, 16 years after she first learned about the torture program and only just before a vote on her confirmation.

Over and over again, I and other Senators have insisted that Ms. Haspel declassify information about her background that would not in any way compromise the safety of the American people. This is information that is directly relevant to her nomination. In the language of the Intelligence Community—I have read it—the overwhelming bulk of this information can be declassified without compromising sources and methods. Yet every single time a Senator pushed for declassification, Gina Haspel said no. Despite our repeated requests, she decided she would not allow the American people to know who she is and what she has done.

This has been—and, again, it is painful to have to say this—a stark failure of Senate oversight, and it is about as flagrant an example as I have ever seen. The Senate should have stood up to this self-serving abuse of power, but it did not.

For me, it is democracy 101 that confirmations are not supposed to take

place in secret. Nominees don't get to decide what is known about them. Yet this core principle—core principle of our democracy has just been chucked in the trash. Instead of standing up for the Constitution and for the American people, the Senate could be rewarding Gina Haspel and the CIA for this extraordinary and self-serving abuse of power.

With respect to other issues, it is important to note that the Agency—again, under the direction of Ms. Haspel—has also conducted an unprecedented influence campaign to promote her confirmation. This, too, is wrong. The CIA, like every government agency, works for the American people. It is not supposed to use its enormous power to serve the personal interests of whoever is running it. The classification rules are there for national security. They are not there for the political security of an individual. They are there to protect the dedicated women and men who undertake dangerous missions undercover. They are not there to shield a nominee for a Senate-confirmed job from scrutiny.

I and a number of my colleagues have looked at the classified information about Ms. Haspel and have concluded it can be released to the public without compromising sources and methods. We asked how she could justify keeping it secret. Her answer almost always is, that is how “we always protect our officers.”

I want people to understand what is wrong with that statement. Of course, the CIA must protect undercover CIA officers. I don't take a backseat to anybody in this Chamber for protecting those people who are undercover. In fact, I wrote a law, along with Senator Bond, our former colleague, increasing the penalty for outing people who are undercover. Gina Haspel is not undercover. She is asking the U.S. Senate to be vested with a position that would make her one of the most public and visible intelligence leaders in the world.

This is not an undercover job. It is one of the most visible national security positions, not just in our country but in the world. It ought to be accompanied by accountability, and hiding behind the protections that are rightly given undercover officers to advance her career I find absurd.

I wish to also note that her classification decisions are in violation of Executive Order No. 13526. For decades, the intelligence community has been barred from keeping information classified to prevent embarrassment or conceal violations of law or administrative error. It is pretty clear those rules are not high up on Ms. Haspel's priority list.

What I am especially worried about—I am going to go into this—is that if you can violate the classification rules to get confirmed, the Senate says: Oh, no big deal, it is going to get done again and again.

Last time I looked, most Americans believed this country needs more ac-

countability, more transparency, and less unnecessary secrecy.

Much of the attention on the nomination has been about the press reports of Ms. Haspel's role in the CIA torture program. Throughout the process, she has flatout refused to confirm or deny if she had any connection to it. How can this possibly be classified? Three years ago, the Senate Intelligence Committee released a 500-page executive summary of the torture report. The CIA released a long and detailed response. What the CIA did to all those detainees is now officially declassified. Former CIA officers have written whole books about it. How in the world can you say Ms. Haspel's reported involvement in the program is classified? You can do it because she says so, and she is the boss.

At one point, I asked Ms. Haspel whether opinions about the CIA torture program expressed by CIA officers were classified. I wasn't even asking then about anyone's involvement in the program, just what people might have thought about it. Ms. Haspel wouldn't answer that question either. She said that even the matter of whether those opinions are classified is itself classified—downright Orwellian, in my view.

In a democracy, there have to be some basic rules about what is and what isn't classified. We are seeing a replacement of those rules with essentially the whims of leaders who aren't accountable. Secret law—the classification of legal interpretations rather than sources and methods—is a serious problem, including at Ms. Haspel's CIA. Information that doesn't need to be classified to protect national security is being covered up for political purposes.

Speaking of Orwell, the classification rules themselves are going to be classified. I have been concerned about this tendency for years. I want to emphasize, I have made this clear to political leaders of both political parties, and I continue to believe that. But if the CIA and Ms. Haspel can get away with all this, the worst is yet to come.

As I have been saying since she was nominated, I have a host of concerns about all of these issues. I hope Senators will exercise independent judgment. There is a classified Intelligence Committee minority memo about Ms. Haspel, and I hope every Senator will read it and ask themselves publicly, “If the American people actually knew about all this, how would I vote?”

What I can say is, her classified comments about her background have been as troubling as her public testimony. What I can say is, when I did get unclassified responses to my questions, they certainly were not assuring. Public discussions about the CIA have generally been about overseas operations affecting foreigners. It has been decades since the public really focused on the danger that the CIA could violate the privacy of Americans, but the danger is there, and hard questions ought to be asked.

One example is section 702 of the Foreign Intelligence Surveillance Act, recently reauthorized by the Congress. The CIA has the authority, under that law, to identify foreign targets and then to search through the communications of those targets for particular Americans. The CIA can conduct these backdoor searches of Americans without a warrant. That creates a danger of reverse targeting, which is when the government, in this case the CIA, targets a foreigner to find out when an American is saying.

One way to help prevent reverse targeting is to recognize that when the government is conducting lots of backdoor searches on Americans and then sending around reports on those Americans, maybe it is the Americans whom the government is really interested in. By the way, the privacy board agrees with it, and so does the current Assistant Attorney General for National Security.

Given all that—the prospect of what it would mean for Americans—I asked Ms. Haspel about it. Again, what I got back were plenty of words but nothing that provided any assurance that the CIA has any system at all for guarding against reverse targeting of Americans under the Foreign Intelligence Surveillance Act.

Also, the Agency collects a lot of intelligence under an Executive Order known as 12333. I wanted to know if the Agency was conducting backdoor searches on Americans through that data. The current Director of the National Security Agency told me that when the NSA conducts searches of Americans, those searches have to be approved on a case-by-case basis, with probable cause, by the Attorney General. The NSA doesn't actually have to go to court, which is a concern. But those requirements create meaningful hurdles to abuse. I thought it was important to ask about the CIA: When can the CIA conduct backdoor searches of Americans?

The response I got from Ms. Haspel is that the searches are authorized if they are designed to get information related to the CIA's activities. That means there is no standard at all on backdoor searches of Americans.

I have mentioned these two unclassified examples because they show how vague the rules are and how easily the CIA could violate the privacy of Americans. That is why it is important to have leaders at the Agency who believe in the privacy of the American people and who are committed to protecting it, protecting Americans—protecting Americans even if sometimes a lawyer says something might be technically legal. I don't believe Gina Haspel will be that kind of leader.

Before I wrap up, there are a couple of other matters with respect to the torture program. I mentioned that since the torture program has been largely declassified, it can be discussed openly. Senator MCCAIN, whom we admire so much, said last week that Ms.

Haspel's refusal to acknowledge torture's immorality is disqualifying. I am going to talk a bit more about Senator MCCAIN before I wrap up. I have always been a JOHN MCCAIN guy on a lot of issues. I came to the Senate and joined the Commerce Committee that he chaired, and I will talk a little about that, but he sure sums it up right on torture. He says: It is wrong. It harms America because of the statement it makes about American values around the world. Then he points out it is not effective.

Since the program has been largely declassified, it can be discussed openly. The CIA captured innocent people. It tortured dozens of detainees. It didn't just waterboard people. The CIA placed detainees in ice water. It kept them awake for a week. It stuffed detainees in small boxes. The list goes on and on. They were always worse than how they were described to Congress or the Department of Justice.

Through it all, it seemed that the CIA and the government had not really held anybody accountable. The CIA also provided numerous false claims to the Department of Justice, to Congress, and to everybody else about torture.

Now, I have never been a big believer in confirmation conversions. My general take is that nominees will say about anything to get confirmed, but Ms. Haspel's statement with respect to torture has to be the most delayed and the most grudging confirmation conversion in history. She said she learned about the torture program in 2002. It took 16 years before she was willing to say anything critical about it.

I mentioned asking her about her views when the program was winding down. That was not something that was a debatable proposition, as it was in public source materials. The CIA was winding down the program. It was capturing fewer people and no longer using the waterboarding.

So what were her views on the program? I asked her specifically because it was in public sources. When the Agency was winding down the program, was she for continuing it or even expanding it? I asked her twice—in the hearing and in a written question. Her quote was that she was "committed." Figure out what that means. To me, that is about as clear an evasion of a very important issue as I can find.

Apropos of the present, usually nominees offer their confirmation conversions before the eve of the key vote. I had mentioned that this was awfully grudging. The Agency shouldn't have undertaken a torture program, she said, because it did damage our officers and our standing in the world.

That is true, but at no time did she ever express regret or anything that reflected that this was just plain wrong. She offered up the classic Washington, almost nonapology. She was not sorry for what the Agency did. She was just not happy with how it was perceived.

Worse still are some of the justifications for the torture program that she

is still providing. For example, she is still arguing that the program produced valuable intelligence. She says it is unknowable whether the torture techniques produced valuable intelligence.

Yet it is knowable. The intelligence that the CIA attributed to torture came from other sources. When the committee looked at the CIA's own records, it found that key intelligence was provided by detainees before the CIA engaged in the torture. It is these kinds of documented facts that have made Ms. Haspel's statements so troubling.

Why are her equivocations about the effectiveness of torture so important? I think we all remember the campaign in the fall of 2016, when then-Candidate Trump said: "Torture works." It seems to me that it is not in America's interest to have a CIA Director who responds with: Well, there are a lot of aspects to the issue, and I am not happy about how the Agency was perceived in terms of what it did.

With regard to JOHN MCCAIN, like a lot of Senators, I am thinking now about some of the big battles and tough fights that we had a chance to work on together. I became Oregon's first new Senator in almost 30 years. Oregon has always been about wood products, and it always will be. I said I would go to the Senate and fight like crazy to get more jobs to those rural areas and try to get Oregon and our country into some new fields.

It is not generally known, but in those days, JOHN MCCAIN had just become the chairman of the Commerce Committee.

I went to him, and I asked: Mr. Chairman, why don't you and Chairman LEAHY, who has been a stalwart on these issues, lead an effort to try to write the rules of the road for the internet?

By and large, there were not any.

He kind of smiled at me—that quintessential JOHN MCCAIN smile—and basically said: Why don't you go out and figure out how to do it, and we will have a hell of a good time in making the case.

Under JOHN MCCAIN's leadership, what we did was to, in fact, write the rules of the road for 10,000 taxing jurisdictions in America. As a result of those early days, you can't discriminate against electronic commerce, which would have clobbered the internet with thousands of discriminatory decisions. There were digital signatures. We wrote the regulatory rules for social media that are often cited as creating \$1 trillion worth of wealth in the private economy.

To a great extent, JOHN MCCAIN brought his typical passion to those new areas that he would be the first to say he didn't know everything about, but he said: Hey, look, we ought to do something that is in America's interest.

We didn't care about Democrats, and we didn't care about Republicans.

As Senators proceed to this vote in a half hour—a historic vote, in my opinion—I hope they will reflect on what JOHN MCCAIN has had to say about torture. He has said Ms. Haspel's refusal to acknowledge torture's immorality is disqualifying. JOHN MCCAIN has urged the Senate to reject her nomination.

JOHN MCCAIN has been a towering authority on this issue and has been a guiding light for the Senate on national security policy. I also just mentioned something I don't think anybody knew, which is about writing the rules of the road for the internet.

It is my hope that JOHN MCCAIN's powerful and unimpeachable views on the issue of torture and this nominee will continue to be heard today and well into the future. There is no greater voice on this subject than JOHN MCCAIN's.

I want him to know how grateful I am for his leadership on this and how, in the days ahead, I look forward to, hopefully, being able to tell my grandchildren what a man of stature and public service really brought to the Senate. I hope Senators will reflect on that before they vote.

Throughout this nomination process, there were not a whole lot of topics that were declassified. So I am just going to share a story about Ms. Haspel and the destruction of the videotapes.

There is important information in the report by U.S. Attorney John Durham that most Senators were not allowed to see. Like everything else about her career, the information that reflects poorly on Ms. Haspel gets covered up, but we did learn some things about Ms. Haspel and the destruction of the torture videotapes. For one, she wrote the cable that authorized the destruction. Second, she was an advocate for destroying the tapes and was involved in what former Acting Director Mike Morell called "efforts to press for and facilitate a resolution of the matter." That is a lot more than drafting a cable.

Especially problematic for Ms. Haspel and her boss, Jose Rodriguez, is that there were reservations or there was even outright opposition from the White House, the head of national intelligence, the CIA, and the Congress to the destruction of the tapes. So Mr. Rodriguez decided to go it alone and sent the cable Ms. Haspel had drafted without telling the lawyers, the CIA Director, or anyone else.

Here is where Ms. Haspel's story about the destruction of the tapes really runs into trouble. Jose Rodriguez, her boss, gave an interview in which he told Ms. Haspel in advance that he was planning on sending the cable without seeking authorization. So I asked her about that story. She denied it. I don't know who is telling the truth. Yet here we are, voting on this nominee without our having this direct contradiction in any way resolved.

Then there is the question of what happened after the cable was sent but before the tapes were actually de-

stroyed. Ms. Haspel has said that she was at her desk and could see her computer screen. So it was shortly after the cable was sent that she became aware of it. She said it was at that point that she walked over to discuss it with Mr. Rodriguez.

So what did she do? She knew that the destruction of evidence had been ordered over everyone's objections. Did she intervene to stop the destruction before it happened? Did she tell the lawyers in time for them to intervene? Did she tell the White House? Did she tell the head of national intelligence? Did she just let it happen?

These are central questions because they tell us what kind of leader Ms. Haspel is. In order to get confirmed, she has made all kinds of promises about standing up for what is right and rejecting inappropriate orders. But what did she do when she knew an order had been sent to destroy evidence over the objections of lawyers and everybody else? There is no record of her doing anything to stop it.

I offer this small window into her background because, I think, we all ought to be asking how might she react when confronted with an illegal, immoral, or inappropriate direction.

I mentioned what the President said earlier in the campaign—that he would bring back a hell of a lot worse than waterboarding. He has praised Ms. Haspel for being tough on terror. You don't have to be Picasso to connect the dots about what the dangers are here. Other than a few belated promises that were made to get confirmed, what evidence is there, actually, to suggest that Ms. Haspel would really push back?

I close, simply, with this. I have an enormous amount of respect for the good work being done by those at the CIA. The nature of the secret, risk-taking work that they do is an extraordinary service to the American people. My concern is that when something goes off the rails, it is going to be because of a variety of scenarios that will not have a lot to do with their good work. For example, it could be because there is a CIA Director who sees every lawyer's approval as a green light and every lawyer's warning as an annoyance. It could be because CIA leadership decides to hide from public scrutiny information that need not be classified.

My concerns about Ms. Haspel are not a matter of history. I have concerns about what she is saying today, both about her background and about current programs. I am concerned that after we have heard from JOHN MCCAIN and each of us has reflected, as I have briefly, on our extraordinary experiences with this unique public servant, we will still have to make a judgment here. I hope that colleagues, when they vote in a little bit, will recognize that there is much more that the full Senate and the American people have a right to know. I believe that if they did, they would join Senator MCCAIN and me in opposing this nomination.

I regret to have to say, as I did in the beginning, that I believe the Senate has surrendered its responsibility to do real oversight here. This process has been a disservice to our constitutional duty. I believe the American people deserve to know more than that Gina Haspel likes Johnny Cash while she is simultaneously exercising the power to censor the facts about her background. I urge colleagues to reject this nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, the Director of the Central Intelligence Agency is not as old an office as some others in the President's Cabinet, but it is no less important. The Director's job is to provide the critical information on which the President's national security decisions are based. For this reason, Presidents of both parties have chosen seasoned statesmen to serve this post, men like Allen Dulles, George H.W. Bush, Bob Gates, and Mike Pompeo. Out of respect for the CIA's integrity and professionalism, they often kept in office Directors who had been appointed by their predecessors. That is because partisanship has no place at the CIA.

The national interest must be uppermost in our minds, which is why I will be voting to confirm Gina Haspel as our next CIA Director. Secretary Pompeo left the Agency in good shape, and Ms. Haspel was his very capable Deputy. Moreover, few people have contributed as much to the CIA's recent successes as Ms. Haspel. She has 33 years of experience working for the Agency, serving first on the frontlines of the Cold War and later on the frontlines of the War on Terror. If confirmed, she would also be the first woman to lead the Agency.

Given her many accomplishments, her diligence, dedication, and her fierce love of country, I am astonished and disappointed at the controversy over the nomination of this great American. After all, Ms. Haspel is a career professional whose record of achievement speaks for itself.

She joined the Agency in 1985, working as a case officer for several years in both Africa and Europe. Over time, she rose up the ranks, serving first as Chief of Staff and then as Deputy Director of the Directorate of Operations. She served as Chief of Station—the officer responsible for overseeing all of the CIA's work in a foreign country—four different times.

Having served under six different Presidents from both parties, Ms. Haspel has never been a partisan. She is a professional whose many years of work command respect throughout the CIA. She has never avoided controversy to protect her own career.

Time and again, Ms. Haspel sought out danger. She raised her right hand and volunteered for some of the Agency's most dangerous assignments.

It was on September 11, 2001, after seeing the first plane hit the World

Trade Center on television, that she walked into the CIA's Counterterrorism Center and said: Put me on the job. She didn't have to do that. As she said, she could have hidden out on the Swiss desk, but she didn't. She took on what she knew would be a tough and controversial job. That is the kind of woman Gina Haspel is.

It is true that because of her willingness to take on a tough job, she was present for some of the most difficult decisions about how to protect America in the days after 9/11. Yes, she was around when the Agency was responsible for the detention and interrogation of notorious terrorists, but there has been so much misinformation spread about what she did that I want to set the record straight.

Ms. Haspel didn't start this program. She didn't even know it existed until a year after it began. In fact, NANCY PELOSI learned about this program before Gina Haspel did.

She did not "cheerlead" the program, as some Senators have wrongly claimed based on a book—the author of which later issued a correction on this very point.

Other Senators claim they are worried about the message that would be sent by confirming Ms. Haspel. I confess, I am amazed that these Democrats say they can't in good conscience vote on the confirmation of Ms. Haspel, who was a midlevel employee when the program was active, yet they voted in 2013 to confirm John Brennan, who was the No. 4 ranking official at that time.

While I am at it, let me also say that she did not destroy any tapes of those interrogations; she simply wrote the draft cable for her boss, the Director of Operations, which authorized their destruction. He released the cable, he has acknowledged, without her advance knowledge. In fact, the former Acting Director of the CIA, Mike Morrell, later conducted an investigation and cleared Ms. Haspel of any wrongdoing, and the special counsel who reviewed the matter closed the case without filing any charges.

Would holding her responsible for drafting a cable at her boss's direction make any more sense than holding Senate staffers responsible for the boring speeches their bosses give on the Senate floor?

Yes, I know there are political officials in the government who had expressed reservations about destroying those tapes, but no lawyer at any time, anywhere in the government, said there was a legal prohibition against their destruction. Moreover, there is a clear, written record of those very events.

On these matters, it is not enough to express reservations. CIA officers in the field deserve a clear answer, yes or no.

If anyone was to blame, it wasn't Ms. Haspel or her boss; it was politicians who didn't want to take the heat for a controversial decision either way.

So what is really at issue here? What message will we send if we reject her

nomination? Not that we oppose torture. That is silly. We all oppose torture. The United States does not torture, and it has never tortured, despite overwrought claims to the contrary.

In fact, I would ask what message we will be sending to the men and women of the CIA if we don't confirm her or, for that matter, what message the overwhelming Democratic opposition to her nomination sends them. Does anyone doubt that if President Obama or a President Hillary Clinton had nominated Ms. Haspel, she would easily have received 80 or 90 votes?

The message, I would submit, is this: Be careful. If you participate in a program that the Commander in Chief has approved, that the Congress has been fully briefed on, that the Attorney General has legally authorized, and that the CIA Director supports, you still may land in the dock when a new President comes along with new lawyers. So maybe it is better to hide out at the Swiss desk.

That is a recipe for a timid, hesitant intelligence community, and that is a risk to us all.

I can tell you, Gina Haspel's skill and expertise are widely known and respected on both sides of the aisle. President Obama's former CIA Director, Leon Panetta, said that he was glad the President nominated Ms. Haspel because she "knows the CIA inside-out." Another one of President Obama's CIA Directors, John Brennan, said that Ms. Haspel "has the experience—the breadth and depth—on intelligence issues." And former CIA Director Michael Hayden, who served under both Presidents Bill Clinton and George W. Bush, has called Gina Haspel a "great choice" and "highly regarded." These are just three of more than 50 former national security officials who signed a letter to the Senate Intelligence Committee supporting her nomination.

As a member of that committee, I worked with Gina Haspel during her time overseas and as Deputy CIA Director, and I can attest to her professionalism, her work ethic and, most important, her character. This is a skilled, brave, patriotic woman who will serve our country with distinction in this most critical post. Her dedication to our country throughout her life is complete, and that is why I will be proud to cast my vote for the confirmation of Gina Haspel, and I urge all Senators to do the same.

Thank you, 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. 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.

Mr. CORNYN. Mr. President, yesterday the Senate Intelligence Committee voted Gina Haspel's nomination out fa-

vorably by a vote of 10 to 5. It was a strong bipartisan vote. Of course, in just a few minutes, we will vote on her confirmation.

Last week, during her confirmation hearing, she said repeatedly what those of us who had supported her for weeks already knew: She believes that U.S. Government actions must be held to a strict moral standard. If confirmed, she would not obey an order she believed to be unlawful, and in her new role, she pledged not to restart the interrogation programs inside the CIA. Of course, that could not happen without consultation and approval of Congress because the standard has literally changed since the immediate post-9/11 era.

Based on her testimony, her record of service, and her exemplary character, it is clear that the only real option for the Intelligence Committee was to report her out favorably.

Our colleagues on the other side who have objected to this nomination have an opportunity to join a couple of their Members who have already come on over and acknowledged that she is the best qualified nominee in the Agency's history.

Our colleague, the senior Senator from Virginia and vice chairman of the Intelligence Committee, Mr. WARNER, voted yesterday on Ms. Haspel's behalf. He praised her as an independent voice and found it noteworthy that she would be the first operations officer in more than five decades to lead the Agency.

Generally speaking, you have analysts and you have the case officers who actually handle the cases and do the important intelligence-gathering work from a human intelligence perspective at the Agency, and that is the work she has been involved in for more than 30 years. She would be the first officer in more than five decades to have that sort of experience and the credibility that goes along with it.

The senior Senator from Virginia, Mr. WARNER, is joined by the senior Senator from West Virginia, Mr. MANCHIN, who also sits on the Senate Select Committee on Intelligence, as well as the junior Senator from North Dakota and others. In other words, there are a number of Democrats now who have decided that it is not in the Nation's best interest to oppose President Trump's nominees just because they happen to be President Trump's nominees.

Now I want to talk about some of the stated objections and why I don't believe they hold any water, but I am glad for this movement in the right direction, which will allow us to confirm her today.

I appreciate all of our colleagues carefully examining Ms. Haspel's records. A number of people I have talked to about the nomination said they wanted to do their due diligence. Well, that is our job, and I don't believe any nominee should be rubberstamped. I know they have reviewed her record, and they have met

with her in person and drawn the only reasonable conclusion, I believe, which is that she is well qualified; that she loves the CIA, where she has worked for more than three decades; and that she will provide the Agency's objective, unbiased, and unvarnished intelligence to the President and other policymakers in the Federal Government.

Her loyalty, of course, is not to a political party, after all, because she is nonpartisan, but she owes her loyalty to the American people, whose safety and security she has made her life's work.

Comparisons have rightfully been drawn between the upcoming confirmation vote for Ms. Haspel and the 2013 confirmation vote of John Brennan, former Director of the CIA under President Obama. The vast majority of Democrats had no problem voting for Mr. Brennan, and so I believe they should have no problem voting for Ms. Haspel because, first of all, Mr. Brennan supports her. Of course, he was the No. 4 person at the CIA during this period post-9/11 when the rendition, detention, and interrogation programs were carried out in full compliance with then-stated law from the highest legal authority available, the Office of Legal Counsel. We have also seen others in the Obama administration support Ms. Haspel as well.

I have said it before, and I will say it again: Those people who know Ms. Haspel best, who have worked alongside of her on a daily basis in undisclosed locations around the world, doing the Nation's important work, like this woman, admire her, respect her, and think she is the best of the best.

I speak for many when I say that we appreciate Ms. Haspel's willingness and desire to serve in this new and never-easy capacity. I hope we can confirm her in short order so she can get back to work and continue to do the work that she loves and that our Nation needs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senate has often been called the world's greatest deliberative body, where we can thoroughly and respectfully debate weighty matters, regardless of pressures imposed by any given moment. While we do not always live up to this ideal, it is one for which we should always strive. The Constitution entrusts us with the task of serving as a check against the executive branch, providing our advice and—if appropriate—our consent to the Executive's nominees to lead our government's most critical agencies. During my time here, at its best, the Senate can be and actually should be the conscience of the Nation.

So as we move to vote on the nomination of Gina Haspel, with very little debate and gaping holes in her record, I fear the Senate is failing to fulfill its basic duty to provide advice and informed consent to her nomination. Re-

member, we are supposed to advise and consent, and worse yet, we are failing in our duty to serve as the Nation's conscience.

Now much of what is publicly known about Ms. Haspel's role in the CIA is disturbing. To begin with—and I have listened to Senators on both sides—I do not question Ms. Haspel's commitment to our country or to our national security that, I think, she has established. But what I question is her judgment and her fidelity to a core value of our Nation: that all people have certain inalienable rights. Underlying these inalienable rights is our belief in the basic dignity of human beings, a dignity that is incompatible with inhumane practices like torture. Torture should never be part of America's way of leading the world.

During the height of the CIA's torture program, Ms. Haspel ran one of the Agency's most notorious "black sites" in Thailand. There, under her leadership, brutal torture techniques were employed. From available accounts, according to that which has been made public, this included waterboarding detainees, slamming them against walls, and confining them in coffin-shaped boxes for extended periods of time.

At the time, there was a benign euphemism for this treatment. It was called "enhanced interrogation techniques." But we know better. This wasn't "enhanced interrogation techniques." This was government-sanctioned torture, pure and simple. Torture is immoral. Torture is inhumane. Frankly, torture is un-American. I agree with our colleague Senator JOHN MCCAIN—he is one who speaks with a distinct moral clarity on this issue—that Ms. Haspel's refusal to condemn torture as immoral is disqualifying. For that reason alone, I cannot, in good conscience, support her nomination.

But it is worse than that. Ms. Haspel also reportedly advocated for destroying the videotapes of these torture sessions—now, that was against the advice of the CIA's own lawyers. More than that, it was in contravention of a Federal judicial order requiring that they be preserved. The CIA's former general counsel said Ms. Haspel was one of the "staunchest advocates . . . for destroying the tapes." Notwithstanding the advice of the CIA's lawyer, notwithstanding the federal judicial order, she claimed that destroying the tapes was necessary to protect the security of CIA officers conducting these interrogations.

But that explanation withers under even the slightest scrutiny. If that were really the concern, then the CIA could easily have copied the tapes with the officers' faces blacked out and only then destroyed the originals. All of us are used to seeing news items with the faces of certain witnesses and others blacked out. Nor do we have access to the only independent account of Ms. Haspel's role in the destruction of the

tapes—the Justice Department's Durham Report. I joined nine Senators on the Judiciary Committee in a request for access to the Durham Report, but our request has not been accommodated. As a result, we will not know the full story of the tapes' destruction before we are asked to vote on Ms. Haspel's nomination today.

This is just what we know through public reports. There is much more the American people don't know about Ms. Haspel's actions because it remains classified. The American people have been kept in the dark in part because Ms. Haspel herself has been responsible for what information about her record is declassified. It is a brazen conflict of interest that Ms. Haspel can decide what to release and what to conceal about her past. The CIA has declassified glowing facts about Ms. Haspel's work with Mother Teresa, but refuses to disclose basic information that would shed light on her past actions and what values would guide her as CIA director. This process has been reduced to a farce.

I have reviewed classified materials on Ms. Haspel's long career at the CIA, and I find these materials to be deeply disturbing. I am not able to discuss any of the details revealed in these materials, again, because Ms. Haspel has decided to keep them cloaked by classification. Candidly, I do not believe a Senator can provide his or her informed consent to this nominee without first reviewing these materials.

Now, I recognize, and I must say I appreciate, that Ms. Haspel has committed to not allowing the CIA to resurrect the use of torture if she is confirmed. I also recognize that that commitment, while commendable, is not optional. Torture is illegal; that is simply what the law demands.

But what about the next immoral action that this President might ask her to commit? Should we trust that she will have the moral compass to stand up and say "no"? Based on what we have seen, I do not.

The world is watching closely today. Our allies and our enemies—and our own future generations—will view this vote as nothing less than a referendum on torture. If the Senate—this body that I cherish—gives its blessing to a nominee who is synonymous with the CIA's interrogation program, then the demons of our past—from Abu Ghraib to the CIA's black sites—may haunt us anew.

I do not believe that this blight on our history represents who we are or what we stand for. I really do not believe that this is the soul of America. But it is a terrible mistake. I believe we must clearly demonstrate that we are capable of learning from and moving beyond our darker chapters as a nation. If we make a mistake, we should admit it and take steps not to have it happen again. For that reason, I will vote no on Ms. Haspel's nomination.

Mr. President, I do not see another Senator seeking recognition.

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. FLAKE. 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. FLAKE. Mr. President, I rise today—

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. There will be order in the Chamber.

The Sergeant at Arms will restore order in the Chamber.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The Sergeant at Arms will restore order in the Chamber.

The Senator from Arizona.

ZTE

Mr. FLAKE. Mr. President, I rise today disturbed by the President's recent decision to consider easing penalties placed on the Chinese telecommunications company ZTE.

Looking at ZTE's history of deception and dishonest business practices, it is deeply troubling to see these penalties cast aside so carelessly in pursuit of what appears to be a type of chaotic diplomatic improvisation that has become standard operating procedure with the administration.

Let me briefly outline ZTE's past actions in order to refresh everyone's memory on how the company came to face such serious punitive measures.

In 2016, the U.S. Department of Commerce concluded an exhaustive investigation, finding that ZTE had knowingly sold products made with American technology to Iran, North Korea, and other countries banned from receiving such technologies. ZTE violated these sanctions and engaged in a deliberate attempt to cover it up.

Once ZTE's deception was uncovered, the Obama administration announced imminent implementation of export restrictions that would deprive ZTE of American technology crucial to the manufacturing of its products.

The threat of sanctions brought ZTE to agree to settle the matter, and one year later, ZTE signed a settlement, which included more than \$1 billion in fines, the creation of audit and compliance requirements to avoid future violations, and a promise to punish those individuals involved in past violations.

Last month, after ZTE was found to have violated the terms of the settlement and to have then sought to deceive the U.S. Government about those violations, the Commerce Department announced a 7-year ban on the export of U.S. components to ZTE.

In essence, ZTE has repeatedly engaged in malign activity by deliberately misleading the government for years, all while attempting to deliver American technologies into the hands of State sponsors of terrorism. The in-

stinct to punish ZTE for this behavior was the right one.

So it was puzzling to hear, as we did this past Sunday, that the President instructed the Commerce Department to find a way to ease that punishment. First the President tweeted that the restrictions needed to be eased because they would cost China too many jobs.

It now appears that this concession is part of a deal that, if reached, would have the Chinese Government agree to remove tariffs on U.S. agricultural products. It must be noted that these are the same tariffs that China levied in retaliation for the steel and aluminum tariffs announced, and now being haphazardly applied, by this administration.

Make no mistake, what we are witnessing here is a nascent trade war—tariffs leading to tariffs leading to ill-advised concessions, haphazard exemptions, and so on and so on. Meanwhile, businesses suffer from increased uncertainty, our national security is threatened, and international allies find themselves dealing with an American foreign policy characterized only by chaos and unpredictability.

Punitive measures like sanctions work only when they are consistently executed. How is any other nation meant to take threats of U.S. sanctions seriously when we enforce them some of the time and toss them aside other times when we feel like it? What does such unpredictability say to our allies about our ability to lead on global issues and our reliability as a partner in the future?

We are making a mockery of the rules-based international order that we helped establish. Our foreign policy, whether it relates to trade or security, must be characterized by stability and predictability, not confusion and chaos.

We are at our best when our allies and our adversaries know where we stand. Let us return to that standard.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote on the Haspel nomination occur at this time; further, that if cloture is invoked, all postcloture time be yielded back and the Senate immediately vote on the nomination; and that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Gina Haspel, of Kentucky, to be Director of the Central Intelligence Agency.

Mitch McConnell, Thom Tillis, James Lankford, John Cornyn, Mike Crapo, Roy Blunt, John Hoeven, David Perdue, Lindsey Graham, Pat Roberts, Johnny Isakson, John Boozman, James E. Risch, John Thune, Todd Young, Ron Johnson, Cory Gardner.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Gina Haspel, of Kentucky, to be Director of the Central Intelligence Agency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Indiana (Mr. YOUNG).

Further, if present and voting, the Senator from Indiana (Mr. YOUNG) would have voted "yea."

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

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 100 Ex.]

YEAS—54

Alexander	Flake	Murkowski
Barrasso	Gardner	Nelson
Blunt	Graham	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heitkamp	Roberts
Cassidy	Heller	Rounds
Collins	Hoeven	Rubio
Corker	Hyde-Smith	Sasse
Cornyn	Inhofe	Scott
Cotton	Isakson	Shaheen
Crapo	Johnson	Shelby
Cruz	Kennedy	Sullivan
Daines	Lankford	Thune
Donnelly	Lee	Tillis
Enzi	Manchin	Toomey
Ernst	McConnell	Warner
Fischer	Moran	Wicker

NAYS—44

Baldwin	Harris	Paul
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Hirono	Sanders
Brown	Jones	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Smith
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Markey	Udall
Cortez Masto	McCaskill	Van Hollen
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Gillibrand	Murray	

NOT VOTING—2

McCain Young

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 44.

The motion is agreed to.

Under the previous order, all postcloture time is expired.

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

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