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## Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

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

Let us pray.

Our Father in Heaven, we sing of Your steadfast love and proclaim Your faithfulness to all generations.

Today, strengthen our Senators to walk in the light of Your countenance. Abide with them so that Your wisdom will influence each decision they make. Lead them around the pitfalls that bring ruin, as You empower them to glorify You in all they think, say, and do. May the words of their mouths and the meditations of their hearts be acceptable to You. Lord, purge our lawmakers of self and fill them with Your peace and poise.

We pray in Your wonderful Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore 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.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### MOVING FORWARD TOGETHER

Mr. McCONNELL. Mr. President, last week, President Trump gave his first major address to the Nation. The week before, President Obama gave his last. These are different men. They come from different parties, but their speeches were more similar than you might think, and there were some com-

mon themes: The world is dangerous, our economy isn't living up to its potential, Americans are divided, worried about their futures and don't feel like Washington is listening.

Here is one quote:

Too many families, in inner cities and in rural counties, have been left behind—the laid-off factory worker; the waitress or health care worker who's just barely getting by and struggling to pay the bills—convinced that the game is fixed against them, that their government only serves the interest of the powerful—that's a recipe for more cynicism and polarization in our politics.

That was former President Obama at the end of his term. It is obvious the situation today for many families simply isn't sustainable. As my friend the Democratic leader said in his speech on inauguration day, "We live in a challenging and tumultuous time." Our economy, he cautioned, leaves "too many behind." Our politics, he warned, is "consumed by rancor," and we face threats "foreign and domestic."

Americans are reeling after 8 years of grand promises and diminished dreams, leftwing experiments and heavy-handed overreach. Small businesses are literally drowning in regulations, bigger employers, as well. College graduates are struggling to make it and too often simply move back in with their parents. The middle class feels under assault, as kitchen tables pile ever higher with health care bills, energy bills, and paychecks that fail to keep pace. Americans feel like they don't have a say in what is happening either.

So let us not underestimate the challenges President Trump is inheriting. They are indeed formidable. There is a lot to fix, but we can move forward if we work together. The first thing we have to do is move beyond this us-and-them mentality that has so often characterized the last 8 years. Our goal should be to give confidence to everyone, regardless of race, religion or income, regardless of where someone lives or whom they voted for. We are

all in this together. We rise and fall as one.

When I applied for the job of majority leader, I vowed to open up the Senate for a reason. I thought it would give more Americans a voice again. I thought it would give both sides skin in the game again. I thought it would bring us closer to durable solutions, and it has—on education, on transportation, on the fight against cancer, on so many other issues we passed meaningful legislation that can positively impact millions. The way we did it was simple—really simple, actually. We set the slogans aside. We listened to each other. We listened in good faith. We kept our focus where it truly belonged, on areas where both sides can agree. Wouldn't you know it, it turns out we actually agreed on a lot. It turns out we all want to give our kids a better future, turns out we all want better roads and infrastructure, turns out we all want a country that is healthy. It seems obvious, but we can forget these things in the midst of a divisive campaign. We can get lost in the politics and lose sight of our common humanity.

The campaign is over. The time for governing is upon us, and we face huge challenges. Many of these issues President Obama sought to solve. Sometimes his policies moved us forward. More often, they moved us backward or created new problems altogether. This is not an attack on the sincerity of his aims. It is a critique of the efficacy of his means.

### REPEALING AND REPLACING OBAMACARE

Mr. McCONNELL. Mr. President, we have seen quite clearly over the last 8 years which policies do not work. We now have the opportunity to try policies that can work. ObamaCare offers a great example. Democrats came into office in 2009 with a promise to unify the country and big majorities that allowed them to ignore half of it. They

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



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made their choice with partisan, highly ideological laws like ObamaCare that divided us further—and often made things worse. We have seen how ObamaCare, in particular, has hurt the middle class. Choices are dwindling, costs are skyrocketing, and too many middle-class families don't know how much more they can sustain.

This is why we promise to repeal and replace ObamaCare, and this is why we will meet our responsibility to do so. ObamaCare came into this world on a party-line vote and a flurry of Executive actions, and it can leave the same way. What repeal presents is a fresh canvas where we can start over with durable, lasting reforms that both parties—if they choose to engage—can take credit for.

I hope our Democratic friends choose to engage. I hope they join in the hard work of improving health care for the American people because, let us remember, this should not be about winning or losing. It isn't about scoring points. It is about replacing a law that doesn't work with reforms that can. It is as simple as that. You can hardly accuse President Trump of being a rigid ideologue. He is interested in health care that actually works. Americans are interested in health care that actually works. All of us are.

So we can work together to finally solve big problems like ObamaCare or we can continue to bludgeon each other election after election. Our Democratic friends can crank the faux outrage machine up to 10, claim Republicans are motivated by some desire to make America sick, and get right back to the Hatfield-and-McCoy routine, but that will not solve the problem or move us forward. The moment calls for something more.

The question now is whether we have the courage to begin binding our national wounds. We can fight about the things that divide us forever or we can take a moment to finally move forward as one country.

#### NOMINATIONS

Mr. MCCONNELL. One way to begin moving forward is by proceeding with confirmations without delay, especially when it comes to key national and economic security nominees.

Tonight we will vote on the nomination of MIKE POMPEO to be Director of the CIA. He enjoys overwhelming support to be confirmed, just as we know that many other Cabinet nominees command sufficient support as well. So let us confirm them now and never forget the way Republicans worked with the administration of former President Obama to confirm seven members of his Cabinet the day he took office and nearly his entire Cabinet within 2 weeks.

Both parties appear to agree that our economy, our health care, and our politics need fixing so let us get down to fixing them. Let us join hands and move forward. The American people

are ready for solutions, and after 8 long years, they are ready for Democrats to work with Republicans to deliver them.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. YOUNG). The Democratic leader is recognized.

#### REMARKS OF THE PRESIDENT

Mr. SCHUMER. Mr. President, I would like to discuss five topics this afternoon: the President's remarks this weekend and the lack of Republican reaction to them, his Executive order on Friday about mortgage rates, the continuing nominations process here, the President's withdrawal from TPP, and the Republican alternative to the Affordable Care Act that was announced this morning.

First, the need for Republicans to speak out when President Trump engages in the kind of rhetoric he engaged in this weekend. The first few days of the new administration are traditionally a time for an incoming President to call for unity and to try and bring the country together. Instead, President Trump kicked off a bizarre first weekend in office that alternated between braggadocio and furor. The President quarreled over the size of inaugural crowds, bragged about his election victory in a speech at CIA headquarters, with a wall commemorating fallen American intelligence officers behind him, and then sent his Press Secretary out to hold an emergency briefing to present "alternative facts," as one of President Trump's advisers described them yesterday, about the size of the crowds again.

Whatever your politics, in order to debate, argue, compromise, and get things done for the American people, we have to be able to agree on a base line of facts. Facts aren't partisan. They don't have alternatives. The alternative to fact is fiction. If this Presidency is going to be based on ignoring the facts on the ground, we are going to have huge problems. It is not that important when you are talking about the number of people who attended an inauguration, but what about the facts if Russia is doing something that is very bad or something terrible is happening to our economy or something else? If the Presidency looks away from the real facts, we have trouble. You cannot govern a country like that.

So if the White House is ignoring the facts on the ground and is willing to make up "alternative facts" about crowd size, what else are they willing to stretch the truth about? National security? What Vladimir Putin is up to? The implications are terrifying.

A White House that presents alternative facts needs to be called out for doing so by both parties. The folks who can really help rein in the President are the members of his own party who have a special responsibility to do so,

but they have been silent, totally silent when President Trump has been saying and doing things they know are wrong. They should be speaking out for the good of the country.

I urge my friends on the other side of the aisle to help us hold the President and his White House accountable for the truth; otherwise this country is going to have a lot of trouble. Whether you are a Democrat, Republican, liberal or conservative, you cannot ignore the facts and govern and move the country forward.

#### MORTGAGE RATES

Mr. SCHUMER. Second, I want to address again the President's Executive action on Friday that would make it harder for Americans to afford mortgages. President Trump said in his inaugural address that "for too long a small group in our Nation's Capital has reaped the rewards of government while the people have borne the cost." He promised to combat that trend, but only 1 hour later—1 hour after that speech—in one of his first acts as President, President Trump made it harder for average Americans to afford a mortgage by reversing a recent decision by the Department of Housing and Urban Development to reduce annual insurance premiums that many borrowers pay, saving homeowners about \$500 a year. These are young families just starting out. They want part of the American dream—a home. There is no need to raise their mortgage rates, which is what was done 1 hour after those populist words were delivered on the steps of the Capitol. Yes, it only took 1 hour for those populist words delivered on the steps of the Capitol to ring hollow. Actions speak louder than words.

So I will just say this. If Dr. Carson wants to earn my support for his nomination to run HUD, he ought to reverse the President's decision and reinstate the policy that makes mortgages more affordable for working Americans.

#### NOMINATIONS

Mr. SCHUMER. Third, on nominations, the evidence continues to mount that our Republican friends are trying to ram through the President's Cabinet nominations without a fair and complete vetting process. Totally different, I would say to my good friend the majority leader, than what happened when President Obama took office. As I said, our constitutional duty to advise and consent does not mean ramming through nominees. Here are three instances, just new ones. They pile up. Secretary of State nominee Rex Tillerson did not adequately respond to our questions for the record, and a number of Democrats still await more complete responses. Secretary of Education nominee Betsy DeVos refused to return to the HELP Committee now that her ethics paperwork is in, even though her ethics agreement gains her

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

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

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

#### TRANS-PACIFIC PARTNERSHIP

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

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

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

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

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

#### REPUBLICAN ALTERNATIVE TO THE AFFORDABLE CARE ACT

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

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

Thank you. I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

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

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

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

The majority whip is recognized.

#### WELCOMING A NEW DAY IN THE COUNTRY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

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

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

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

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

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

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

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

Our intelligence agencies have an enormous task ahead. The challenges they face range from state-sponsored information warfare to countering violent extremists around the world. Among those who will lead these efforts will be the next Director of the Central Intelligence Agency. The importance of the CIA cannot be overstated. Now, perhaps more than ever, we need a Director who will manage the Agency with the full confidence of the American people.

This confidence is based not only on a future Director's ability to comprehend security challenges, but on his or her ability to safeguard the privacy and civil liberties of all Americans and to uphold and advance United States leadership in protecting human rights.

I have serious concerns with President Trump's nominee to lead the CIA. Congressman POMPEO has called for the re-establishment of the bulk collection of Americans' phone records, and has even argued that the intelligence community should combine that metadata “with publicly available financial and lifestyle information into a comprehensive, searchable database.” He went on to say that “[l]egal and bureaucratic impediments to surveillance should be removed.”

But Congress outright rejected the bulk collection of Americans' records when it passed the USA FREEDOM Act of 2015 on an overwhelmingly bipartisan basis—the very program that Congressman POMPEO said that he wants to bring back.

During his testimony last week, Congressman POMPEO attempted to diffuse this and other questions about his more alarming positions by affirming his appreciation of the supremacy of law. It sounded to me, like the tried and true confirmation conversion. I appreciate that he testified that he understands the responsibility of a Director to uphold the Constitution and the laws passed by Congress.

But I remain deeply concerned that he advocated for such dangerous measures in the first place. And I am concerned that he will push to remove “legal and bureaucratic impediments to surveillance”—just as he said last year.

We face grave threats from around the world, whether from Russia, from ISIS, or other adversaries. The Director of the CIA must be trusted by all Americans to protect us from these threats, but also to protect our nation's core values.

I don't question Congressman POMPEO's loyalty to our nation. I do question his stated beliefs that immediate security concerns can be used as a justification for eroding the fundamental rights of all Americans. For

these reasons, I cannot support his nomination.

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

The PRESIDING OFFICER. The Senator from Oregon.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

(Mr. MORAN assumed the Chair.)

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

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

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

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

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

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

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

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

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

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

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

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

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

That is it. That was his answer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Arkansas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from California.

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

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

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

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

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

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

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

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

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

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

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

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

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

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

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

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

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

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

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

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

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

There are few positions in government of greater importance than that

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

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

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

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

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

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

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

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



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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

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

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

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

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

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

He will not disavow his past support of torture.

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

He has advocated for reinstating mass surveillance of American citizens.

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

He opposes the closure of Guantanamo.

He opposes the Iran nuclear agreement.

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

I urge my colleagues to vote no on his nomination.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With that, I yield the floor.

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

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

protecting the privacy of innocent Americans.

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you. I yield the floor.

Mr. WYDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

I yield back.

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

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

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

[Rollcall Vote No. 32 Ex.]

#### YEAS—66

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

#### NAYS—32

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

#### NOT VOTING—2

Blumenthal	Murphy
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The nomination was confirmed.

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

The Senator from Kansas.

#### TRIBUTE TO TODD NOVASCONE

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

I think we are here because we want to make a difference. I have no doubt that is the case for my 99 colleagues here on the Senate floor, but it is also true for all the folks who work here in the Senate Chamber, who work in our individual offices, and who work in the committees. The goal is to be in the Nation's Capital in the hope that we can make better things happen for America. I have had the privilege of being surrounded by many dedicated individuals—most of them Kansans—over the period of time that I have served in the Congress of the United States of America. I know that my ability to work on behalf of Kansans and on behalf of the citizens of our Nation is greatly altered and improved by the fact that people who care about America, who care about our home State, are there by my side. One of those most important to me has been my chief of staff.

Todd was an elected official in his own right. He was elected to the Kansas House of Representatives and served there with distinction. Twelve years ago, back in the days when I was a Member of the U.S. House of Representatives, I asked him to uproot his family and move to Washington, DC, and assume the task of managing our office and helping accomplish the things that we all wanted to accomplish. He has done it with great style and with grace and with friendship. He has been the person who has motivated us to do better and has always done it in a way in which we felt good about what we were doing, in a management style that made us feel good about ourselves, bringing us together, not taking us apart, making certain we knew that the outcome was important, but how we got there—matters that are important to us as individuals, as human beings with integrity, doing things right, telling the truth—those things were always honored and achieved because of his leadership.

People are hard to replace, and Todd is especially difficult to replace. I spend almost every week in the Nation's Capital, away from my own family. Like many people here in the Senate, those who work in our offices become part of our family. That is certainly true with the people who work in my office today. I feel that, although when I came to Congress I was more their age, now there is a significantly wider gap in the age of our staff and me. But my wife and I believe that I am surrounded by people who are part of our family, and Todd is certainly that. In fact, his family grew while he was my chief of staff. His two children, Grace and Will, were born during the days of his time as an employee in our office. Again, as a reminder about how to put things in perspective, he was always taking care of his kids. He was always there for their school activities, part of the school board, involved in their athletic and musical activities. That is a good thing for a chief of staff to know because if it is important to

him, he will make certain that his commitment is permitted, honored, and encouraged by those who work in the office.

So tonight, I just want to say thank you to Todd Novascone from Hanover, KS, who decided to devote 12 years of his life here in the Nation's Capital, trying to make things better, trying to make our office work well, and trying to achieve the things all of us want to achieve for our Nation. So, Todd Novascone, thank you for a job well done, thank you for being my friend, and thank you for the way you have conducted yourself on my behalf.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. MORAN. Mr. President, I have one more role to undertake this evening.

I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

### REMEMBERING JAMES H. "JIM" SKAGGS

Mr. MCCONNELL. Mr. President, today I wish to remember the life of James H. "Jim" Skaggs, a Louisville resident, who passed away in December at the age of 94. To his family, his church community, and to those who knew him, Jim was a man known for his kindness, patience, and compassion. As a member of this Nation's Greatest Generation, he was an example of commitment and devotion.

Like so many other brave men and women, Jim answered his country's call in the Second World War. Kentucky has a proud history of military service, and Jim is a fine model of that tradition. As a staff sergeant in the 755th Railway Battalion, U.S. Army Transportation Corps in England, France, and Belgium, Jim showed the deep passion he held for his country.

Jim leaves behind a legacy of love and family. His daughter Debbie is my personal friend and archivist. If it is possible to measure a father by his daughter, Jim will surpass all standards. She is impressive in her own right, and she is surely a reflection of him. He will be remembered fondly. Elaine and I send our deepest condolences to Jim's family and friends.

### REMEMBERING ROBERT L. "BOB" WILLIAMS

Mr. MCCONNELL. Mr. President, today I wish to pay tribute to a good friend and a true Kentucky hero, Robert L. "Bob" Williams. Bob, a northern

Kentucky native, passed away in December at the age of 94. He left behind many loved ones, including his wife, Barbara, but he also left his mark on our Nation and the Commonwealth.

As a member of the Greatest Generation, Bob answered the call of duty and bravely served in World War II. On June 6, 1944, he was one of the first Allied paratroopers to land during the D-day invasion. With his fellow soldiers, Bob fought well behind enemy lines before the beach battle began. His mission to secure roads and bridges was vital to the success of the entire operation.

With uncommon courage, Bob and his comrades completed their dangerous mission, overcoming enemy fire and capturing the crucial junctures. Once the invasion began, they continued their fight joining the largest amphibious assault in world history. Without faltering, Bob heroically battled for 10 more days, before suffering a serious injury on June 16, 1944.

It is without question that Bob's actions during the war displayed the highest possible valor. But his actions after the war proved his dedication to those who lost their lives on the battlefield. He spent his life after the War commemorating those who served in any way possible. If there was a parade to march in, you can be sure that Bob marched in it. To remember the 50th anniversary of the D-day invasion, Bob joined other veterans and parachuted into Normandy again. In an interview with the Lexington Herald-Leader, Bob remembered "[t]he government said, 'There's no way we're going to let you do that, you're all too old.' [ . . . ] We did it anyway."

The following week, TIME magazine published a double-page, full color picture of Bob. Triumphant walking away from his 1994 jump with dozens of parachutes still gliding behind him, Bob looked overjoyed. He was paying tribute to his comrades, those with him on that day and those who were not.

To further honor those with whom he served, Bob wrote a book to share veterans' stories of the war for future generations. He has impacted countless lives and is someone I very much respect and admire.

In 2013, it was my privilege to recommend Bob for admission to the Kentucky Veterans Hall of Fame. This honor was a recognition of something I already knew well: Bob exemplifies the highest American values of service, self-sacrifice, and heroism.

Bob's family represents the greatest of Kentucky values with kindness, compassion, and charity. It was easy to see the love between Bob and his wife, Barbara, and they raised wonderful children in Barbara, Diane, Jeffrey, Kim, and Kevin. Although they endure the pain of loss, I know they are comforted in the memory of Bob's deep love for all of them.

My wife, Elaine, and I were deeply saddened to hear the news of Bob's

passing. He lived an admirable life with courage and devotion, and I am proud to say he was my friend.

#### REMEMBERING PARKER BEAM

Mr. MCCONNELL. Mr. President, I join many Kentuckians who were deeply saddened to hear of the passing of Parker Beam, the master distiller emeritus of Heaven Hill Distillery in Bardstown, KY. Parker was a giant of the industry, and he helped promote "the new Golden Age" of bourbon in the United States.

The Beam family is no stranger to bourbon. Tracing its distilling roots in Kentucky back to 1795, Parker Beam continued the tradition of his lineage. When he succeeded his father as master distiller, Parker grew Heaven Hill Distillery with its first premium small batch and single barrel bourbons. During his long career, Parker won numerous awards and accolades for his craft and became a charter member in the Kentucky Bourbon Hall of Fame.

Parker was diagnosed with amyotrophic lateral sclerosis, ALS, or Lou Gehrig's Disease in 2010. Since then, he dedicated himself to finding a cure and established the Parker Beam Promise of Hope Fund. After 50 years of bourbon and a courageous battle with this disease, Parker passed away at the age of 75.

Kentucky's bourbon heritage has brought pride, culture, and economic development to the Commonwealth. Parker Beam helped cultivate that tradition and pass it on to the next generation. He was a man of skill, authenticity, and passion, and his legacy will surely live on. Elaine and I send our condolences to his friends and family.

Mr. President, The Herald-Leader in Lexington, Kentucky published an article on Parker Beam's career. I ask unanimous consent that a copy of the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Herald-Leader, Jan. 9, 2016]

PARKER BEAM, MASTER DISTILLER OF KENTUCKY BOURBON, DIES

(By Bruce Schreiner)

Parker Beam, who carried on his family's historic bourbon-making tradition as longtime master distiller for Kentucky-based Heaven Hill Distilleries, died Monday after battling amyotrophic lateral sclerosis, better known as Lou Gehrig's disease. He was 75.

Beam's career as a whiskey maker spanned more than a half century at Bardstown, Kentucky-based Heaven Hill, a family owned and operated distilled spirits company and maker of the popular Evan Williams brand. Beam was responsible for distilling and aging Evan Williams—the world's No. 2-selling bourbon—and other Heaven Hill whiskeys.

"He was a true industry giant long before the current bourbon renaissance," said Max L. Shapira, president of Heaven Hill Brands. "Without question, he was committed to our industry and possessed a real passion for the craft of distilling."

Beam's pedigree as a bourbon maker was impeccable. As a grandnephew of Jim Beam,

Parker Beam was born into a family that traces its whiskey-making roots in Kentucky to 1795, when Jacob Beam set up his first still. Park Beam, Parker's grandfather and namesake, was Jim Beam's brother.

"If you were a Beam, you sort of were destined to follow in the footsteps of either your father, grandfathers, cousins or uncles," Parker Beam said in a 2007 interview with The Associated Press.

Another industry patriarch, Bill Samuels Jr., on Monday called his longtime friend "one of the good guys." For some people, living up to a legendary family name can be a burden, but not so for Parker, Samuels said.

"In his case, he lived up to and exceeded the burden of having the most famous name in bourbon," said Samuels, who retired after a long career as the top executive at Maker's Mark.

During his years-long battle with the disorder, Parker Beam raised funds in hopes of helping find a cure.

Parker Beam was among a small fraternity of master distillers who oversaw production at various Kentucky distilleries during bourbon's revival.

According to a 2014 report by the University of Louisville's Urban Studies Institute, distilling contributes \$3 billion in gross state product to Kentucky's economy every year, up from \$1.8 billion two years ago. Kentucky bourbon and Tennessee whiskey exports shot past \$1 billion for the first time in 2013, according to the Distilled Spirits Council. By 2015, combined U.S. revenues for bourbon, Tennessee whiskey and rye whiskey rose 7.8 percent to \$2.9 billion, while bourbon and Tennessee whiskey exports topped \$1 billion for the third straight year, the group said.

Parker Beam began his career at Heaven Hill in 1960 and learned the craft by working alongside his father, Earl. The job of master distiller shifted from father to son in 1975 when Parker Beam assumed the role. He developed the company's first premium small batch and single barrel bourbons.

That father-son partnership extended into another generation when Parker Beam's son, Craig, started working at Heaven Hill in the early 1980s. For years, the Beams shared duties as co-master distillers. Parker Beam had the title of master distiller emeritus at Heaven Hill at the time of his death.

"Parker Beam wasn't just a name on a bottle—he was the living embodiment of the whiskey inside—authentic, classic, well-seasoned and distilled from old-fashioned hard work and gentleman integrity," said Eric Gregory, president of the Kentucky Distillers' Association.

Craig Beam had his own humble start. On one summer break from school, he cleaned pigeon droppings in a vacant warehouse purchased by Heaven Hill. He later drove a truck for the distillery and worked in the bottling operation.

"I've got a whole lot to live up to with my father and grandfather," Craig Beam told the AP in 2007. "I've got a lot of weight on my shoulders."

#### CONFIRMATION OF MICHAEL POMPEO

Mr. DURBIN. Mr. President, today, I voted against Representative POMPEO's confirmation as Director of the CIA. His changing statements on the use of torture leave me no choice. His written answers to the Senate Intelligence Committee, saying that he will consult with CIA experts as to whether the methods in the U.S. Army Field Manual are sufficient and, if they aren't, work with legal experts and congress-

sional overseers to make changes, are extremely alarming and contradict what he told me personally when we met in my office.

Federal law now clearly prohibits torture and "cruel, inhumane, and degrading" treatment of detainees and prohibits interrogation techniques not authorized by the Army Field Manual. We cannot go backwards on this seminal issue of human rights.

For years, I was highly critical of the CIA's detention and interrogation program and repeatedly questioned its legality. Over 13 years ago, I authored the first legislation to make clear that the cruel, inhuman, or degrading treatment of detainees is illegal under U.S. law in all circumstances. Today, I stood in opposition of Representative POMPEO's confirmation to be CIA Director because, in order to win the war on terrorism, we must remain true to the principles upon which our country was founded.

#### ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the Record the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon. BOB CORKER,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-79, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Kenya for defense articles and services estimated to cost \$418 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,  
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16-79

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Kenya.



- (ii) Total Estimated Value:  
Major Defense Equipment \$53.6 million.  
Other \$364.4 million.  
Total \$418.0 million.
- (iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:  
Major Defense Equipment (MDE):  
Components for Paveway II (GBU-12/58) (includes spares):  
Two hundred and twenty-two (222) MXU-1006/B Airfoil Groups for GBU-58.  
One hundred and fourteen (114) MXU-650 Airfoil Groups for GBU-12.  
Three hundred and twenty-four (324) MAU-169 L/B or MAU-209 CB CCGs for GBU-12/58.  
Three hundred and twenty-four (324) FMU-152 Fuzes for GBU-12/58.  
Two hundred and sixteen (216) MK-81 Bomb Bodies for GBU-58.  
One hundred and eight (108) MK-82/BLU-111 Bomb Bodies for GBU-12.  
Components for Advanced Precision Kill Weapon System (APKWS) (includes spares):  
Seven hundred and fourteen (714) WGU-59/B APKWS Guidance Sections.  
Non-MDE includes: Twelve (12) Air Tractor AT-802L aircraft; two (2) Air Tractor AT-504 trainer aircraft; twelve (12) FMU-152 A (D-2/D-5)/B Fuzes (for Training/Inert); six (6) Mk-81 Trainer/Inert Bomb Bodies; six (6) Mk-82 Trainer/Inert Bomb Bodies; Seven hundred and fourteen (714) MK-66 MOD 4 2.75" Rocket Motors; Seven hundred and fourteen (714) M152 HE Warheads (2.75" Airborne Rocket); 505,000 rounds .50 cal ammunition; FN HMP400 LLC Herstal 50 cal guns; MX-15HDI electro-optical/infrared (EO/IR) full motion video cameras with laser designation; VHF/UHF radios; LAU-131 Launchers; AAR-47 Warning Systems; electro countermeasure display systems AN/ALE-47; HGU-55/P Helmet Mounted Cueing Systems; spare engines; initial spare parts; support equipment; studies; contract logistics support and technical services; publications; aircraft ferry and support; life support equipment; maintenance training; pilot training; follow-on training; alternate mission equipment; U.S. Government manpower services and travel; modifications and engineering change proposals; ground based training system; operational flight trainer and spares; and aircraft modification, integration, and support.
- (iv) Military Department: Air Force (SAA).  
(v) Prior Related Cases, if any: None.  
(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.  
(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex Attached.  
(viii) Date Report Delivered to Congress: January 18, 2017.
- \*As defined in Section 47(6) of the Arms Export Control Act.

## POLICY JUSTIFICATION

## Government of Kenya—Air Tractor Aircraft with Weapons and Related Support

The Government of Kenya has requested a possible sale of up to twelve (12) Air Tractor AT-802L and two (2) AT-504 trainer aircraft, weapons package, technical support and program management. The total estimated program cost is \$418 million.

This proposed sale contributes to the foreign policy and national security of the United States by improving the security of a strong regional partner who is a regional security leader undertaking critical operations against al-Shabaab and troop contributor to the African Union Mission in Somalia (AMISOM).

The proposed sale provides a needed capability in the ongoing efforts to counter al-Shabaab. The platform maximizes the Kenyan Defense Force's Close Air Support (CAS) ability because it is a short-field aircraft ca-

pable of using precision munitions and cost effective logistics and maintenance.

The proposed sale supplements Kenya's aging F-5 aircraft as it will be more fiscally efficient and able to be pre-positioned much closer to the conflict area than the F-5 fleet. The Kenyan Defense force is committed to modernizing its air fleet and is capable of absorbing these aircraft. The proposed sale of this equipment and support does not alter the basic military balance in the region.

The prime contractor will be L-3 Communications, Platform Integration Division, Waco, Texas. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale requires the assignment of at least five contractor representatives in Kenya.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

## TRANSMITTAL NO. 16-79

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

## Annex Item No. vii

## (vii) Sensitivity of Technology:

1. This sale involves the release of sensitive technology to Kenya. The AT-802L weapons system is classified up to Secret. The AT-802L aircraft uses the AT-802 airframe and features avionics and other technologically sensitive systems. The AT-802L contains an MX-15HDI electro-optical/infrared (EO/IR) full motion video (FMV) cameras with laser designation; internal and external self-protection equipment; a modified HGU-55/P helmet that incorporates a reticle-projected Heads-Up Display to cue weapons and aircraft sensors to ground targets; and software computer programs.

2. Sensitive and classified (up to SECRET) elements of the proposed AT-802L include the hardware, accessories, components, and associated software associated with the: MX-15HDI EO/IR FMV turret, Stores Management System (SMS), Missile Warning System (MWS), HGU-55/P Helmet Mounted Cueing System (HMCS), and air-to-ground weapons. Additional sensitive areas include operating manuals and maintenance technical orders containing performance information, operating and test procedures, and other information related to support operations and repair. The hardware, software, and data identified are classified to protect vulnerabilities, design and performance parameters, and other similar critical information.

3. The MX-15HDI is an EO/IR FMV camera that includes a laser designator which creates the ability to designate ground targets for use with laser guided weapons. The commercially developed system software and hardware are UNCLASSIFIED.

4. The SMS provides basic flight path guidance to release zone, mission recording and diagnostics, and continuous stores status and inventory management. It is an internally mounted suite. The commercially developed system software and hardware are UNCLASSIFIED.

5. The AN/AAR-47 is an electronic warfare system used to protect against IR guided missile threats, laser-guided/laser-aided threats, and unguided munitions. The system, hardware components and software are SECRET.

6. The AN/ALE-47 system uses information from missile warning sensors to determine the correct response to defeat IR and other guided missiles. The AN/ALE-47 is SECRET.

7. HMCS is a modified HGU-55/P helmet that incorporates a reticle-projected Heads-Up Display to assist with cueing weapons to ground targets. This system projects visual

targeting information, enabling the pilot to monitor this information without interrupting his field of view through the cockpit canopy. This provides improvement for close combat targeting and engagement. Hardware is UNCLASSIFIED.

8. The following munitions are part of the AT-802L configuration:

a. The Advanced Precision Kill Weapon System (APKWS) is a low cost semi-active laser guidance kit developed by BAE Systems which is added to current unguided 70 mm rocket motors and warheads similar to and including the HYDRA 70 rocket. It is a low collateral damage weapon that can effectively strike both soft and lightly armored targets. APKWS turns a standard unguided 2.75 inch (70 mm) rocket into a precision laser-guided rocket, classification up to SECRET.

b. The LAU-131 launcher is tube shaped, 59.8 inches in length, and 10.125 inches in diameter. It weighs 65 pounds and is capable of carrying seven rockets (2.75 in or 70mm). Hardware is UNCLASSIFIED. Technical data and documentation provided are UNCLASSIFIED.

c. GBU-12/58 Paveway II (PW-II): 500-lb (GBU-12) and 250-lb (GBU-58) are laser-guided ballistic bombs (LGBs) developed by Raytheon and Lockheed Martin. The LGB is a maneuverable, free-fall weapon that guides to a spot of laser energy reflected off of the target. The LGB is delivered like a normal general purpose (GP) warhead and the semi-active guidance corrects for many of the normal errors inherent in any delivery system. Laser designation for the weapon can be provided by a variety of laser target markers or designators. The LGB consists of a computer control group (CCG) that is not warhead specific (MAU-169UB or MAU-209C/B) and a warhead specific Air Foil Group (AFG), that attach to the nose and tail of MK 81 and MK 82 or BLU-111 and BLU-110 General Purpose (GP) bomb bodies. The overall weapon is CONFIDENTIAL.

d. The FN HMP400 LCC is a self-contained airborne weapon system that includes a Herstal .50 cal M3P machine gun and 250-round ammunition box. This system is UNCLASSIFIED.

9. Kenya has expressed a willingness to protect United States classified military information equivalent to US Government standards. Kenya is firmly committed to its relationship with the United States and to its promise to protect classified information and prevent its transfer to a third party. This sale is needed in furtherance of USG foreign policy and national security interests by helping to improve the security of a vital partner in the AFRICOM AOR.

10. If a technologically advanced adversary were to obtain knowledge of the specific hardware or software source code in this proposed sale, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of systems with similar or advance capabilities. The benefits to be derived from this sale in the furtherance of the US foreign policy and national security objectives, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

11. All defense articles and services listed in this transmittal have been authorized for release and export to Kenya.

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon. BOB CORKER,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of



the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-78, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance for the Kingdom of Saudi Arabia for defense articles and services estimated to cost \$525 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,  
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16-78

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Kingdom of Saudi Arabia.

(ii) Total Estimated Value:

Major Defense Equipment\* \$0 million.

Other \$525 million.

Total \$525 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE): None.

Non-MDE includes:

Ten (10) 74K Persistent Threat Detection System (PTDS) Aerostats.

Fourteen (14) Ground Moving Target Indicator (GMTI) Radars.

Twenty-six (26) MX-20 Electro-Optic Infrared (EO/IR) Cameras.

Ten (10) Communications Intelligence (COMINT) Sensors.

Also included are the Mooring systems with powered tether with embedded fiber optics; Ground Control Systems (GCS); associated installation hardware; special tools and test equipment; Basic Issue Items (BII); program management support; verification testing; systems technical support; transportation; spare and repair parts; communications equipment; operators and maintenance manuals; personnel training and training equipment; tool and test equipment; repair and return; publications and technical documentation; Quality Assurance Team (QAT); U.S. Government and contractor engineering, technical and logistics support services; in-country Field Service Representatives (FSR); and other related elements of logistics and program support.

(iv) Military Department: Army (ZAJ)

(v) Prior Related Cases, if any: None

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex Attached

(viii) Date Report Delivered to Congress: January 23, 2017.

\*As defined in Section 47(6) of the Arms Export Control Act.

#### POLICY JUSTIFICATION

Kingdom of Saudi Arabia—74K Persistent Threat Detection System (PTDS) Aerostats

The Government of the Kingdom of Saudi Arabia has requested a possible sale of ten (10) 74K Persistent Threat Detection System (PTDS) Aerostats; fourteen (14) Ground Moving Target Indicator (GMTI) Radars; twenty-six (26) MX-20 Electro-Optic Infrared (EO/IR) Cameras; and ten (10) Communications Intelligence (COMINT) Sensors. Also included are the Mooring systems with powered tether with embedded fiber optics; Ground Control Systems (GCS); associated installation hardware; special tools and test equipment; Basic Issue Items (BII); program management support; verification testing; systems technical support; transportation; spare and repair parts; communications equipment; operators and maintenance manuals; personnel training

and training equipment; tool and test equipment; repair and return; publications and technical documentation; Quality Assurance Team (QAT); U.S. Government and contractor engineering, technical and logistics support services; in-country Field Service Representatives (FSR); and other related elements of logistics and program support. Total estimated program cost is \$525 million.

This proposed sale will enhance the foreign policy and national security objectives of the United States by helping to improve the security of an important ally which has been and continues to be a leading contributor of political stability and economic progress in the Middle East. This sale will increase the Royal Saudi Land Force's interoperability with U.S. forces and conveys U.S. commitment to Saudi Arabia's security and armed forces.

The proposed sale will improve Saudi Arabia's capability to meet current and future threats and provide greater security for its critical infrastructure. Saudi Arabia will have no difficulty absorbing these systems into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor is unknown at this time. There are no known offset agreements in connect with this potential sale.

Implementation of this proposed sale will require the U.S. Government or contractor representative to travel to the Kingdom of Saudi Arabia for a period of six (6) years for de-processing/fielding, system checkout and new equipment training, as well as provide the support of in-country FSRs and operators.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 16-78

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. This sale will involve the release of sensitive technology to the Kingdom of Saudi Arabia. The Persistent Threat Detection System (PTDS) is a tethered aerostat system capable of supporting a variety of surveillance payloads. The PTDS is a 74K tethered aerostat with a relocatable mooring system capable of supporting payloads up to 500 kg at altitudes of 1,500m, providing surveillance systems with line of site up to 140km. In addition to the aerostat, each system includes a mobile mooring system, ground control and maintenance shelters, electrical generators and power distribution panel, forklift and man lift, supply of helium and spare parts. The program will also include system training, maintenance and in-country support services. Each of the ten (10) aerostats will carry a payload consisting of one (1) radar system and two (2) Electro-Optical/Infrared (EO/IR) systems or one (1) radar system, one (1) EO/IR system and one (1) communications Intelligence (COMINT) system.

a. Radar System. The Telephonics APS-143G Intelligence, Surveillance, and Reconnaissance Radar is a multi-function radar capable of providing long-range detection of land based or maritime targets that are static or in motion. The system can operate in overland, maritime, and air-to-air modes. It displays Ground Moving Target Indicator (GMTI) tracks overlaid on a Doppler Beam Sharpened (DBS) image. The system can switch between vertically and horizontally-orientated antennas and incorporates an optional Identify Friend or Foe (IFF) capability. The hardware and software are UNCLASSIFIED.

b. Communications Intelligence (COMINT) System. The Raytheon Applied Signal Technology, Inc. Model 1240 Titan Reconfigurable Multichannel Receiver is a modular, scalable software-defined radio (SDR) designed for airborne COMINT missions. The system can search, intercept, collect, geo-locate, analyze, store, and distribute wireless signals. The hardware and software are UNCLASSIFIED.

c. Electro-Optical/Infrared (EO/IR) System. The L3 WESCAM MX-20 is suite of up to seven (7) long-range camera and imaging sensors mounted within a gimbaled pod. Sensors include either a thermal image or high definition infrared imager; a daylight continuous zoom color TV camera, either a daylight spotter color TV camera or lowlight spotter TV camera; a laser rangefinder; and a laser illuminator. The hardware and software are UNCLASSIFIED.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the recipient country can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the Kingdom of Saudi Arabia.

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon. BOB CORKER,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-63, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for defense articles and services estimated to cost \$400 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,  
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16-63

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Kuwait

(ii) Total Estimated Value:

Major Defense Equipment\* \$0 million.

Other \$400 million.

Total \$400 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Non-MDE: Non-MDE items include support equipment and services for AH-64D Apache helicopters, to include: Apache Maintainer unit support, Depot Level support, training devices, helmets, simulators, generators, transportation, wheeled vehicles and organization equipment, spare and repair parts, support equipment, tools and test equipment, technical data and publications, personnel training and training equipment, U.S.

Government and contractor engineering, technical, and logistics support services, and other related elements of logistics support.

(iv) Military Department: U.S. Army (UMN and UMP)

(v) Prior Related Cases, if any:

KU-B-UKS (31 Aug 02, \$827,515,435).

KU-B-ULM (17 Dec 09, \$21,102,796).

KU-B-ULK (17 Dec 09, \$21,700,694).

KU-B-ULJ (2 Nov 09, \$183,209,259).

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached.

(viii) Date Report Delivered to Congress:

\* As defined in Section 47(6) of the Arms Export Control Act.

#### POLICY JUSTIFICATION

Government of Kuwait—Sustainment and Contractor Logistics Support for AH-64D Apache Helicopters

The Government of Kuwait has requested the sale of support equipment and services for its AH-64D Apache helicopters, to include: Apache Maintainer unit support, Depot Level support, training devices, helmets, simulators, generators, transportation, wheeled vehicles and organization equipment, spare and repair parts, support equipment, tools and test equipment, technical data and publications, personnel training and training equipment, United States Government and contractor engineering, technical, and logistics support services, and other related elements of logistics support. The total overall estimated value is \$400 million.

The proposed sale will contribute to the foreign policy and national security of the U.S. by helping to improve the security of a Major Non-NATO Ally that has been and continues to be an important force for political stability and economic progress in the Middle East region. Kuwait plays a large role in U.S. efforts to advance stability in the Middle East, providing basing, access, and transit for U.S. forces in the region.

Kuwait requires continued support for equipment already procured to ensure national security interests and objectives are met. The defense articles maintained are used solely by the Ministry of Defense to protect the sovereign border and to conduct operations and training to include joint exercises with the U.S. military. Kuwait will be able to absorb this additional equipment and support into its armed forces.

The proposed sale of equipment and support will not alter the basic military balance in the region.

The U.S. companies potentially involved in the sale are Boeing, Mesa, AZ; Longbow Limited, Orlando, FL/Owego, NY (Joint Venture between Lockheed Martin and Northrop Grumman); Lockheed Martin, Orlando, FL; and DynCorp International, Fort Worth, TX. There are no known offset agreements for the sale.

Implementation of this proposed sale will require the assignment of four (4) U.S. Government representatives and sixty-five (65) contractor representatives in country for up to five year.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon BOB CORKER,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended,

we are forwarding herewith Transmittal No. 16-56, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for defense articles and services estimated to cost \$110 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,  
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16-56

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Kuwait.

(ii) Total Estimated Value:

Major Defense Equipment \* \$105 million.

Other \$5 million.

Total \$ 110 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Sixty (60) AIM-120C-7 Advanced Medium Range Air-to-Air Missiles (AMRAAMs).

Non-MDE: This request also includes the containers and other related services.

(iv) Military Department: Air Force (X5-D-YAD).

(v) Prior Related Cases, if any: KU-D-YAB (M3).

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex Attached.

(viii) Date Report Delivered to Congress:

\* As defined in Section 47(6) of the Arms Export Control Act.

#### POLICY JUSTIFICATION

Kuwait—AIM-120C-7 Advanced Medium Range Air-to-Air Missile (AMRAAM)

The Government of Kuwait has requested a possible sale of sixty (60) AIM-120C-7 AMRAAM Missiles including containers and other related services. The total overall estimated value is \$110 million.

This proposed sale contributes to the foreign policy and national security of the United States by improving the security of a Major Non-NATO Ally that continues to be an important force for political stability and economic progress in the Middle East. Kuwait is a strategic partner in maintaining stability in the region. This sale will increase Kuwait's interoperability with the United States. It also ensures a sustained air-to-air capability for Kuwait's F/A-18 aircraft.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

Implementation of the sale does not require the assignment of any additional U.S. Government or contractor representatives to Kuwait.

The principal contractor will be Raytheon Corporation, Tucson, Arizona. There are no known offset agreements proposed in connection with this potential sale.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 16-56

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The AIM-120C Advanced Medium Range Air-to-Air (AMRAAM) is a radar guided mis-

sile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic counter measures, and interception of high flying and low flying and maneuvering targets. The AMRAAM All Up Round is classified Confidential, major components and subsystems range from Unclassified to Confidential, and technology data and other documentation are classified up to Secret.

2. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits to be derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Kuwait.

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon. BOB CORKER,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-82, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of the United Kingdom for defense articles and services estimated to cost \$400 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,  
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16-82

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of the United Kingdom.

(ii) Total Estimated Value:

Major Defense Equipment \$0 million.

(MDE)\* Other \$400 million.

Total \$400 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

MDE: None.

Non-MDE includes: Follow-on support for eight (8) C-17 aircraft, including contract labor for sustainment engineering, on-site COMSEC support, Quality Assurance, support equipment repair, supply chain management, spares replenishment, maintenance, back shop support, and centralized maintenance support/associated services. Required upgrades will include fixed installation satellite antenna, Mode 5+ installation and sustainment, Automatic Dependent Surveillance-Broadcast Out, Communications Modernization (CNS/ATM) Phase II, Replacement Heads-Up Display and three special operations loading ramps.

(iv) Military Department: Air Force (X7-D-QDD).

(v) Prior Related Cases, if any: UK-D-QBK, UK-D-QBL, UK-D-QCX, UK-D-QCY.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress:

\* As defined in Section 47(6) of the Arms Export Control Act.

#### POLICY JUSTIFICATION

##### United Kingdom—Continuation of C-17 Logistics Support Services and Equipment

The Government of the United Kingdom has requested a possible sale of continued logistics support for eight (8) C-17 aircraft which will include: contract labor for sustainment engineering, on-site COMSEC support, Quality Assurance, support equipment repair, supply chain management, spares replenishment, maintenance, back shop support, centralized maintenance support/associated services, and additional spare and repair parts, publications and technical documentation. Required upgrades will include fixed installation satellite antenna, Mode 5+ installation and sustainment, Automatic Dependent Surveillance-Broadcast Out, Communications Modernization (CNS/ATM) Phase II, Replacement Heads-Up Display and three special operations loading ramps. The estimated total cost is \$400 million.

The United Kingdom is a close ally and an important partner on critical foreign policy and defense issues. The proposed sale will enhance U.S. foreign policy and national security objectives by enhancing the United Kingdom's capabilities to provide national defense and contribute to NATO and coalition operations.

The proposed sale of defense articles and services are required to maintain the operational readiness of the Royal Air Force. The United Kingdom's current contract supporting its C-17 aircraft will expire in September 2017. The United Kingdom will have no difficulty absorbing this support into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be the Boeing Corporation of Chicago, Illinois. The U.S. Government is not aware of any known off-sets associated with this sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this sale will require the assignment of approximately three additional U.S. Government and approximately 55 contractor representatives to the United Kingdom.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

#### TRANSMITTAL NO. 16-82

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

#### Annex A Item No. vii

(vii) Sensitivity of Technology:

1. This sale will involve the release of sensitive technology to the United Kingdom in the performance of services to sustain eight (8) United Kingdom C-17 aircraft. While much of the below equipment supporting the C-17 is not new to the country, there will be replenishment spares of the below sensitive technologies purchased to support the fleet.

2. The Force 524D is a 24-channel SAASM based Global Positioning System (GPS) receiver, with precise positioning service (PPS) capability built upon Trimble's next generation OPS technology. The Force 524D retains backward compatibility with the proven Force 5GS, while adding new functionality to interface with digital an-

tenna electronics, to significantly improve anti-jam (AJ) performance. The host platform can select the radio frequency (RF) or digital antenna electronics (DAE) interface. In the digital mode, the Force 524D is capable of controlling up to 16 independent beams. The hardware and software associated with the 524D receiver card is UNCLASSIFIED.

3. The C-17 aircraft will be equipped with the GAS-1, which is comprised of the Controlled Reception Pattern Antennas (CRPA), with the associated wiring harness and the Antenna Electronics (AE)-1, to provide AJ capability. The hardware is UNCLASSIFIED.

4. The KIV-77 is the crypto applique for Mode V Identification Friend or Foe (IFF). The hardware is UNCLASSIFIED and COMSEC controlled.

5. Software, hardware, and other data/information, which is classified or sensitive, is reviewed prior to release to protect system vulnerabilities, design data, and performance parameters. Some end-item hardware, software, and other data identified above are classified at the CONFIDENTIAL and SECRET level. Potential compromise of these systems is controlled through management of the basic software programs, of highly sensitive systems and software-controlled weapon systems, on a case-by-case basis.

6. The United Kingdom is both willing and able to protect United States classified military information. The United Kingdom's physical and document security standards are equivalent to U.S. standards. The United Kingdom has demonstrated its willingness and capability to protect sensitive military technology and information released to its military in the past. The United Kingdom is firmly committed to its relationship with the United States and to its promise to protect classified information and prevent its transfer to a third party.

7. If a technologically advanced adversary were to obtain knowledge of the specific hardware or software source code in this proposed sale, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of systems with similar or advanced capabilities. The benefits to be derived from this sale in the furtherance of the U.S. foreign policy and national security objectives, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology, were revealed to unauthorized persons.

8. All defense articles and services listed in this transmittal are authorized for release and export to the Government of the United Kingdom.

#### HONORING OUR ARMED FORCES

##### CHIEF PETTY OFFICER CHARLES KEATING IV

Mr. MCCAIN. Mr. President, today I wish to honor an American hero, Navy Seal Charles Keating IV, who died in service to his country.

On January 13, 2017, the Navy awarded its highest honor, the Navy Cross, to CPO Charles Keating IV for heroism demonstrated in combat against the Islamic State in northern Iraq. Our Nation lost a great patriot and American hero in Charles, who was only 31 when he succumbed to injuries sustained during an attack on his team. Charles, a Navy SEAL special warfare operator chief petty officer, was part of a quick reaction force that was called upon to aid U.S. military forces and Kurdish Peshmerga allies when they came under heavy fire by a large force of Is-

lamic State fighters north of Mosul. Tragically, we lost Charles on May 3, 2016.

Charles enlisted in the Navy in 2007, leaving Indiana University where he was a long-distance runner. He went on to graduate from the basic underwater demolition/SEAL training in 2008, joining an elite group. He served one tour in Afghanistan in support of Operation Enduring Freedom and two tours in support of Operation Iraqi Freedom.

Previously awarded the Silver Star for his actions in the line of duty, Chief Keating was awarded the Navy Cross posthumously for his demonstration of extraordinary heroism and valor when he was the decisive repellant of an overwhelming enemy force, assuring the lives of his team and coalition counterparts. According to his award citation:

Keating's courageous leadership, tactical acumen, and physical courage were the key factors in defeating an assault on friendly lines by more than 100 enemy fighters. He continually exposed himself to enemy automatic weapon, mortar, and rocket propelled grenade fire as he diligently maneuvered between fighting positions to stop enemy advances. The enemy then attempted to flank his position with a vehicle-borne improvised explosive device. At great personal risk, Chief Keating led a team into the open to intercept and neutralize the rapidly closing VBIED threat with precise sniper and rocket fire. His personal bravery throughout the engagement inspired his comrades to vigorously defend their position and repel the enemy's assault.

Nowadays, the words "hero" and "heroism" are used so often that they tend to lose some of their meaning. For this reason, it is so very important that we identify heroism and honor heroes when they truly present themselves. There can be no greater hero among us than those like Chief Keating, who gave their lives for their fellow man in support of ideals greater than their own self-interest. With this in mind, I ask my fellow Members of Congress to join me as we honor the life of Navy SEAL Special Warfare Operator Chief Petty Officer Charles Keating IV and his legacy, who will stand forever in our memory as an illustrious example of each and every man and woman in our Armed Forces and those in harm's way supporting them, who give the ultimate selfless sacrifice in service to our great country.

#### BUILDING A BETTER MONTANA

Mr. TESTER. Mr. President, I ask unanimous consent to have the speech that I gave to the Montana House of Representatives on January 16, 2017, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Speaker Knudsen, Majority Leader Ehli, Minority Leader Eck, honored guests, members of the House: It is truly an honor to be here.

I would be remiss if I did not acknowledge that today is Martin Luther King Jr. Day—

a day that celebrates a man who saw injustice in this country and worked to change it. It is a great reminder of the impact a citizen can have on our government if we work together.

This tradition of inviting the members of our Congressional Delegation to address this body reminds us: we are Montanans first. Twelve years ago, when I was Senate President, we made time for these addresses because they are a way to align Montana's priorities at a state and federal level. Montanans look to our elected officials for leadership and a spirit of cooperation. I will admit it is disappointing that the current Montana Senate President chose to abandon the smart tradition of joint addresses to the Legislature, especially early in the session when there is a little more time to do so. Speaker Knudsen, thank you for doing your part to honor this tradition.

But first, I would like to take a moment and thank the men and women who have made our country the leader of the free world for so many generations: our veterans. Would all of the fine folks who served our country please stand to be recognized. Thank you for your service to our country. As the incoming Ranking Member of the VA Committee, I promise we do not take our responsibility to you lightly. Whether it is getting the Southwest Vets Home in Butte built or holding the VA accountable for long wait times, we will work together to do right by our veterans.

As a citizen legislature, we have veterans, farmers, teachers, and small business men and women. And for 90 days or so, you come to Helena to represent your district, vote your conscience, and make Montana proud. Our state's founders knew that whether you are a rancher from Bloomfield or a teacher from Helena, for these 90 days, your priority would be to your constituents and our great state. Despite our differences, we have a common goal, to ensure Montana continues to be the Last Best Place for generations to come.

We know Montana is already a great place. With Glacier and Yellowstone National Parks, world-class hunting and fishing, and the best agriculture products in the world, folks from all over come to our state to experience a little slice of the paradise we get to call home. From Sidney to St. Regis and everywhere in between, Montana is full of the hardest working people in the nation.

I hope to work with you to create good paying jobs across Montana. Today I will present a thoughtful, common sense, Montana-focused plan to strengthen our economy and create high paying jobs. I am calling it Employ Montana. Employ Montana will rebuild our infrastructure, create a marketplace for our products, pave the way for innovation, invest in our workforce, and responsibly develop our resources. This will let folks know Montana is open for business.

But in order to compete in a global marketplace Montana needs more than scenery and a dedicated workforce. My first objective, as part of Employ Montana, is to invest in our infrastructure. Together, we can ensure that folks have an infrastructure that allows them to get to work during the week and to play on the weekend and that businesses big and small can get their products to market.

That's why I worked to pass a long-term highway bill that ensures Montanans gets more bang for their buck. Thanks to the highway bill, for every dollar that hard-working Montanans contribute to the federal Highway Trust Fund, our state gets about two-and-a-half bucks back. This year, that's about \$424 million for our roads, bridges, and highways.

But we only get that funding if the state agrees to put up a certain amount as well.

The Governor provided a temporary fix that ensures we get that funding this year. But this is still a systemic issue that we must address in the future. Montanans need you to ensure the tens of millions of dollars that Montana families pay into the Highway Trust Fund are not sent to New York, California, or Alabama instead. Our construction workers, contractors, and middle class families cannot afford to see money left on the table because their politicians can't agree. I've seen this body rise to the challenge time and time again and I know you will not disappoint.

Montana's infrastructure needs go beyond our bridges, streets, and water systems. That's why Employ Montana will also prepare our state for the 21st Century economy by ensuring responsible investments in rural broadband. In 2015, the second phase of the Connect America Fund delivered nearly \$100 million to two broadband companies that serve Montana. I want to see that money resulting in fiber being laid down across this state as soon as possible. That's why I plan to hold CenturyLink and Frontier's feet to the fire and find out what progress they are making. We've invested in them, and it is time to find out what kind of return we are receiving.

Strong connectivity across Montana will attract businesses to our state and allow our Montana made companies to market their product worldwide—companies like Kracklin Kamut, a healthy wheat-based snack food. I am pleased to have Thomas joined by his wife Heather and daughter Grace who just moved to Big Sandy to work for Kracklin Kamut. An innovative start-up like Kracklin Kamut brought Thomas and his family to Big Sandy to work, and with stronger broadband, Kracklin Kamut can be sold even in the biggest markets, which could bring more jobs and more families to the community.

In Montana, we know that, whether it's snack food or textiles, we make a superior product and we are proud to see "Made in America" slapped on the label. It is time that we make sure our taxpayer dollars are being used to support American workers, not lining the pockets of foreign corporations.

Through my Employ Montana plan, I will introduce the Berry Amendment Extension Act, which would require the Department of Homeland Security to purchase their supplies from American companies. I think of Bozeman's own Mystery Ranch, which could provide the folks on the border with their quality multi-purpose backpacks. This is a common sense solution that will create jobs here in Montana and keep our taxpayer dollars within our own borders. Whether Montanans produce backpacks, airplane parts, beef, or wheat, we are competing in a global marketplace.

President-elect Trump and I agree: we need to ensure America has fair trade, not free trade. And as part of my Employ Montana plan, I look forward to working with the President-elect to develop trade policies that ensure Montana producers get a fair shake while protecting American workers.

My friends from the forested counties can agree: it's time to negotiate a new softwood lumber agreement. I will work with the new Administration to create a fair, effective, and sustainable softwood lumber agreement. This will help our timber industry get the certainty they need to responsibly cut trees and help get our mills back to work.

Our timber industry is not the only one suffering from unfair trade practices. Farmers across Montana continue to feel the consequence of unfair wheat grading by the Canadian government. There is many a company that gets stopped at the border because of unfair trade practices. Montana farmers

produce the best product. To see it immediately downgraded to feed grade at the border is unacceptable. I'll do my part, and I want the Trump administration to do their part to ensure Montana farmers can be competitive in the global marketplace. This will create a strong market for Montana's farmers, putting more money into the hands of our farmers, more money that they can spend on Montana products.

I believe the best way to create jobs is to build an economy that empowers innovators. Often times, creative Montanans lack the access to capital in order to start their business. A large part of my Employ Montana plan is dedicated to ensuring Montana innovators have access to capital and the means to develop private partnerships. Programs like the Small Business Innovation Research Program provide grant money to companies to help them get off the ground.

I am pleased to have one of those innovators, Stan Abel, of SiteOne Therapeutics, in the gallery today joined by his wife Stacey. Stan saw the opioid crisis ravaging our country and worked with scientist to try and find a better, less addictive, way to manage pain. With the help of SBIR grants Stan was able to get his business started and went on to secure private investment from Montana's first successful Venture Capital firm Next Frontier. SiteOne will continue to grow and employ more and more people in Montana because of Stan's ability to see a problem and think of an innovative solution to solve that problem. A Montana business supported by Montana capital makes SiteOne a model for our state and we need to look to spread their success statewide. With increased SBIR grants, we will have more innovators like Stan leading the way.

Small business grants are only one piece of the puzzle. The next part of my Employ Montana plan is to cut red tape and increase access to capital for community banks. I am pleased to have Bob Nystuen and his wife Kim in the gallery today as well. Bob is President of Glacier Bank in Kalispell.

Bob has worked for community banks from Miles City to Kalispell, and he tells me that Montana is bursting with new ideas and ripe for a growing business climate. But our community banks are hampered by regulation that was meant to police the big guys, not the small credit unions and community banks that serve rural America and Main Street. All you have to do is spend five minutes with Bob to understand the differences between him and a Wall Street banker. As a member of the Banking Committee, I will work with Democrats and Republicans to provide responsible reforms to Dodd-Frank, to cut red tape for Bob and other Montana banks that are the cornerstone of our rural communities. With regulatory relief, our businesses will have better access to capital and be able to invest in their product, hire more workers, and expand their markets.

Luckily, for our businesses, Montana's workforce is second to none. My Employ Montana plan includes lean and mean investment in our workforce, an investment that is designed to meet the needs of the community.

In the gallery today, we have Mike Robbins, the Chairman of the Board of Montana Precision Products. Montana Precision Products builds components for GE Aviation. This company needs welders and has plans to hire 80 to 100 people by 2020.

And that's why they've partnered with the Anaconda Job Corps to build a skilled pipeline of employees. The Employ Montana plan proposes to boost our Job Corps programs in order to meet the needs of Montana businesses. So folks like Ray Ryan, the Site Manager for Anaconda Job Corps, can train

up the next generation of skilled workers, workers like Megan Widmer and Katie Barker. These two young ladies are active in the Anaconda Job Corps and they are here today with Ray. I want to thank them for their dedication to Montana.

With additional resources, we can ensure the Anaconda Job Corps and programs like it expand, create good paying jobs, and meet the needs of local industry with well-trained local workers.

But these types of community partnerships should not just be limited to Job Corps—we need to look at our education system and ensure it is creating a workforce that meets Montana's needs. Our two-year colleges are the key. That's why as part of Employ Montana, we need to give our community colleges the resources they need to develop the talent our employers are asking for. Because of our investment in education, a kid from Columbia Falls can go down to Flathead Community College, join its culinary program, and start a restaurant in Whitefish. And a young woman from Terry can travel southwest to Miles City Community College, enroll in its Commercial Driver's License course, and learn to drive an 18-wheeler hauling grain up to the Port of Raymond. We can work together to build on the success of our community colleges and expand our job training programs so that our workforce is ready to answer the call. Investing in our education is an investment in Montana's future.

Developing our human resources is critically important to a strong economy. But in Montana we have an incredible supply of natural resources as well. Included in Employ Montana is a plan to responsibly develop an all-of-the-above energy strategy. I plan to introduce the Carbon Capture Utilization and Storage Act, which will incentivize investment in the use of carbon capture technology. This legislation will provide tax credits to allow for Montana companies to burn coal cleaner and create good paying jobs.

But we can't ignore the fact that our climate is changing. This isn't a tree hugging issue; it's a jobs issue, and it's a food security issue. Montana's number one industry, agriculture, will lose profits and be more dependent on the federal government to pay the bills if we don't start taking proactive steps to protect our clean air and water. This is Montana's Constitutional right.

So I hope you will join me in supporting Employ Montana. From stronger infrastructure, to better broadband, increased start up grants and access to capital. From strengthening workforce programs and tapping our energy economy—Employ Montana will create high paying jobs and an economy we are proud of.

Now I would be remiss if I didn't take the last few minutes to talk about health care. It's a pressing issue and one that both Congress and the Montana Legislature will have to grapple with. Thanks to your good work last session Montana expanded Medicaid to over 60,000 hardworking people. For the first time in their lives these people were able to afford health coverage, you should be commended for that.

Repeal. Delay. Replace. Repeal and replace. Repeal and Delay. Obamacare. Trumpcare.

Here are the facts: The health care industry accounts for over 52,000 jobs in Montana. Health care in Montana is a \$4 billion industry. If Congress repeals the Affordable Care Act: Coverage would be ripped away from the 60,000 folks you gave hope to just two years ago. Montana's economy would lose \$3.1 Billion—with a capital "B"—between 2019 and 2023. It would add \$350 Billion to the deficit. We would lose 8,200 jobs in 2019 alone. And

rural areas would feel it the most, hospitals in towns like Culbertson, Hamilton, and my home town of Big Sandy would potentially have to board up their doors. Working together to fix the Affordable Care Act is just good business.

I've been around the state and the message is clear: People don't want Congress taking away their health care. Right now we have an incredible opportunity to find bipartisan solutions that can make health care more affordable for middle class families. But instead of having that important conversation, Congress is on the cusp of repealing all the progress we've made.

I want to be clear. I know premiums are rising. We cannot settle for any situation where middle class families cannot afford health insurance. I know that. But let's work together to keep the accountability up, and the costs down. Repealing the ACA without a plan for what comes next will not lower costs. Our families' health care is too important to throw it into chaos. We need to look before we leap. And we can't throw the baby out with the bath water. We need to be working to provide affordability to families and certainty to the rural communities that rely on our hospitals. I know we can find common ground to deliver that to Montana.

In Montana, there is far more that unites us than divides us. We can all agree that Montana raises the best agriculture products in the world. We can all agree that on a summer afternoon we'd rather be on the river than cooped up in an office. And we can all agree that Montana is home to the hardest working men and women in the world. We owe it to these hardworking men and women to come together to build a stronger Montana.

Together, we can build stronger roads and bridges. We can build a 21st Century infrastructure. We can build the quality products to supply folks at home and abroad. We can build a business friendly environment that encourages innovation and investment. We can build a more efficient workforce to meet the needs of our changing economy. We can build an energy sector that doesn't mortgage our future for today's profits. We can build a health care system that works for everyone, not just big insurance or drug companies. And we can build a stronger, better Montana for our next generation.

Good luck in the coming weeks.

God bless you, God bless Montana, and God bless this great country.

#### REMEMBERING TIM MITCHELL

Mrs. FEINSTEIN. Mr. President, today I wish to express my deep sorrow on the passing of Tim Mitchell. Through his absolute dedication to this institution and the special kind of person he was, Tim made the Senate a better place.

Tim served as the assistant secretary for the minority. As Senator Reid shared during his September remarks in celebration of Tim's 25 years of exemplary service, Tim began his career in the Senate working for Senator Don Riegle, Jr., of Michigan.

He later worked for Senator Tom Daschle of South Dakota and the Democratic Policy & Communications Committee before joining the Democratic floor staff in 2001. Tim also took night classes at Catholic University of America Columbus School of Law—an impressive feat.

The Senate often calls for long days and longer nights. Debates on the floor

may get heated, rollcall votes may drag on for hours, but Tim always kept a calm temperament and kind demeanor. He was soft spoken, but firm—not an easy feat while juggling the Members of this body's unique needs and passions.

He was simply the best at what he did, and he made a real difference in how the Senate worked. The value of his service is incalculable.

To Tim's family—his wife, Alicia, and his 11-year-old son, Ben—I am so sorry for your loss. I am forever grateful that you shared Tim with us for so many years.

I echo Senator Reid's previous remarks: Tim's time here changed the Senate and this country for the better.

#### ADDITIONAL STATEMENTS

##### STATE OF THE UNION ESSAY CONTEST FINALISTS

● Mr. SANDERS. Mr. President, I ask to have printed in the RECORD some of the finalist essays written by Vermont high school students as part of the seventh annual State of the Union essay contest conducted by my office.

The material follows:

FINN ABBEY, MOUNT MANSFIELD UNION HIGH  
SCHOOL FRESHMAN (FINALIST)

Our country has faced many issues in the past, but today we face one of our greatest challenges. Division. We have forgotten to care for each other; forgotten that we are only strong with each other. We are growing too uncompassionate, too distrustful of each other. We can and must remember that we are not enriched by the success of one person, but rather the success of many. We prosper not with the defeat of others, but with their success. And keeping with the philosophy that we must succeed together, we must work together on smaller challenges.

Our country needs a system that not only doesn't punish the poor for their very existence, but offers every person the chance to better themselves. The hope that your children will have a better life than you has long been a staple of the American dream. To accomplish this, we need to create a liveable wage of \$15, and create a progressive tax system that leaves the poor with more and takes fairly from those who can afford it. We cannot be satisfied in the splendor of ourselves and people like us when our fellow Americans are living in the streets.

We must also institute universal health care. This will involve higher taxes, of course, but, combined with strict laws about pharmaceutical pricing and a fair tax system, will ensure that our country is healthy and our middle class stays strong. No one should ever have to choose between food and medicine. We need change.

We also must guarantee everyone the right to vote, and that their votes count. Time and time again voter ID laws have suppressed the African-American vote. We cannot say we are equal when we pass laws with the purpose of lowering voter turnout.

We also have to remove another recent mistake in election law: Citizens United. We cannot accept catering to special interests as a side effect of democracy; we must recognize it as a barrier to a fairer system. We must put the redrawing of congressional districts in the hands of independent commissions to prevent gerrymandering. Anything

less is a conflict of interest and a mockery of democracy. We need to replace first past the post with ranked choice voting, allowing for a greater variety of candidates. This will serve as another booth in the marketplace of ideas.

To many these goals are mountains too tall to climb. But in America, we don't know how to give up. It's what makes us great. The idea that if we want change, we'll fight until we reach it. It's what got African-Americans equality under the law. It's what got women the right to vote. It's what has brought equal love to our entire nation. And it's what led to independence for the plucky colonists who took on the world because they thought it could be better. Throughout our history, all we've needed is an idea, an ideal, and each other. After all, out of many, we are one.

EMILY BALLOU, SOUTH ROYALTON HIGH SCHOOL  
SENIOR (FINALIST)

It is both a privilege and an honor to live in a nation where I have the right to speak my mind without the fear of failure or retribution, where liberty of expression is celebrated, and diverging views, though challenged, are entitled to develop according to their merit.

The greatest problem we have is that the people of our country lack compassion. We lack empathy. We need to integrate our passions instead of separating them. Love should trump hate, but it seems as of late that that is reversed. We must renew our nation, and to do so, we must stop the ignorance of the public. We must end the bigoted, chauvinistic, and discriminatory ideologies and mindsets of our people.

What we have in common is more important than the differences used to divide us. Groups of like-minded people acting in a similar fashion are not a new phenomenon, but the engagement of these groups has become dedicated to excluding the expression of other views.

What makes a country great is not how rich the monetary funds of the upper class is, but how well its most vulnerable citizens are treated. This is why we must start early and teach the next generation to kindness and to love.

When someone of power misuses his or her status to bully those more vulnerable, their actions are desensitized. This disrespect incites more discord which invites both fear and hatred into the minds of all ages. The very young feel no hatred. Currently, not all adolescents are being taught the importance of tolerance and empathy in their homes, schools, or in public. These lessons must begin in their earliest years of schooling before they acquire biases from around them and their beliefs are negatively impacted.

The vernacular must include words of kindness, not derogatory terms or racially-charged slurs. No matter what an individual's values are, they should not value the discrimination and hatred associated with these words. Silence is compliance. The cycle of history will continue to repeat itself unless people begin to empathize with all. If one wishes to "Make America Great Again," hate should not be the weapon of choice. We must be more inclusive and accepting of the diversity in which this nation has prided and built itself on, for change begins with ourselves.

Love does trump hate. Although we adhere to the flaws in society, we must not. We must instill hope into those of the coming generations. There is hope that our world will see peace. There is hope that our world will be preserved. There is hope for change. We are "a nation of the people, by the people, for the people that shall not perish from the Earth," where people, no matter their

race, religion, sexual orientation, or gender, should take comfort in. We are the great United States of America, and the day we forget that, we will cease to exist, because despite current circumstances, the world is not entirely lost if everyone resists, together.

BILLY BENDER, HANOVER HIGH SCHOOL  
SOPHOMORE (FINALIST)

Mr. Speaker, Mr. Vice President, Members of the 115th Congress and Distinguished Guests,

As Americans we face many difficulties, but two are of particular concern: one is a challenge to our world, the other to our republic. We can and must do more to stop global warming, and we can and must get big money out of politics.

Climate Change is real. The scientific debate is over. We have already begun to see its effects in the United States. Large sections of the country have experienced severe droughts and wildfires, hurricanes have been more violent, and our summers are becoming dangerously hot in the south. Internationally, long-term droughts are causing malnutrition, threatening coastal cities, and creating climate refugees. This is real, it is urgent, it is a direct result of the actions of humans, and its impact will be felt disproportionately by the most vulnerable peoples on our planet. We caused it, and we can stop it. We have a responsibility toward our children, our grandchildren, and all of the future inhabitants of our planet.

Our government needs to invest heavily in large scale clean energy infrastructure projects. We need to renew and add to the existing subsidies on renewable energy to make solar or wind a viable financial option for homeowners and businesses. We need to invest heavily in clean energy research and stop subsidizing fossil fuels. When renewables like solar, wind and hydro power are cheaper than oil, then the massive oil companies will have no choice but to become energy companies instead of oil companies and build dams, wind farms and solar fields. We will no longer have to tolerate the risks of nuclear energy.

However, to achieve the goal of powering our nation with renewable energy, we need to take the influence of huge, anonymous donors out of American politics. Citizens United has allowed huge corporations to funnel millions of dollars into electing politicians who regard them favorably. The fossil fuel industry is hugely profitable, and the millionaires and billionaires who control them want to delay and diminish the impact of renewables on their bottom line. Their huge sums of money give them a massively disproportionate voice in elections, allowing them to create Super PACs which will ensure the continued existence of dangerous, damaging practices like fracking.

Climate change is a critical problem facing our nation and our world, but it will be difficult to take the bold steps necessary to mitigate its effects without first eliminating the advantage that billionaires have in our elections. It is time to take large scale legislative and judicial steps to eliminate the outsized voice of the extremely wealthy and save our planet for all who come after us.

SIMON BUPP-CHICKERING, BELLOWS FALLS  
UNION HIGH SCHOOL SENIOR (FINALIST)

"Injustice anywhere is a threat to justice everywhere."—Martin Luther King Jr.

A nation that neglects to confront and eliminate injustice is no true defender of its people's rights. Due to the death penalty's inherent inability to be more than state sponsored revenge, its exorbitant cost, and the lack of statistical evidence showing it does anything to stop murder, the death penalty is an antiquated and medieval punish-

ment that has no place in a modern democracy.

One of the most common arguments brought up by proponents of the death penalty is the idea that enforcing the death penalty acts as a deterrent for other criminals. However, this argument fails to account for the fact that the vast majority of murderers aren't executed, less than one percent. In addition, 88 percent of criminologists, experts who study crime for a living, refute the idea that the death penalty works as a deterrent. Furthermore, as the South accounts for 80 percent of all executions in the United States, if the death penalty did act as deterrence, then those states would have the lowest rates of murder. However, the South holds the country's highest murder rate, and the North, which accounts for less than 1 percent of the country's executions, has the lowest murder rate.

The death penalty as it is practiced today is simply a tool for revenge, misguidedly used in an attempt to help grieving families. The finality of the punishment destroys any hope of reflection, apology, or forgiveness, thus eliminating any chance of true healing. Additionally, revenge is an emotional response to tragedy, and the judicial system in America should be about providing just and emotionally unbiased decisions. Instead of perpetuating a cycle of violence, the United States government should promote restorative justice, which promotes rehabilitation and the improvement and bettering society rather than resort to base human emotions in response to tragedy.

In order to prevent this outdated and pointless practice of state-funded murder from damaging our justice system any further, the death penalty must be abolished nationwide, and those on death role should have their sentences commuted to life in prison without parole. In a modern, civilized society, there is no place for such a horrific punishment. Most other enlightened nations around the world have removed the death penalty from their judicial systems. Instead of remaining among the questionable company of nations such as North Korea, America must prove that it understands the egregious error in killing as punishment for killing.

Ultimately, the fact that the United States still uses the death penalty reveals a fundamental lack of ethical maturity in our nation, and is a mark of shame to Americans who want to believe that the country they live in has evolved from the barbaric practices of antiquity along with the rest of the civilized world.●

#### TRIBUTE TO MILTON BRONSTEIN

● Mr. WHITEHOUSE. Mr. President, Mr. Milton Bronstein, a lifelong public servant, labor leader, and great friend to me, today celebrates his 100th birthday.

Milton served in many capacities during his more than three decades of service as an employee of the State of Rhode Island. In addition, he was an active workers' organizer, leading Rhode Island's AFSCME chapter, Council 94, as its first president and eventually becoming the retiree chapter's vice president until retiring just last year at age 99.

Those who have been fortunate enough to work alongside Milton during his State service or to benefit under his tenure at Council 94 describe him as a strong, dedicated leader and mentor. Current labor leaders say Milton's involvement helped strengthen



the labor movement in Rhode Island. It is his selflessness and commitment to seeing working Rhode Islanders succeed that so many of us admire.

Milton has been a tireless leader in the community. He has served on the board of directors of the Rhode Island Credit Union and the Touro Fraternal Association, the largest independent Jewish fraternal order in New England, for more than 50 years. He also was very active in the Rhode Island Democratic Party for just as long, working as president of the Association of Democratic City and Town Chairs. One of his proudest moments in politics was being a member of the 1992 Electoral College where he proudly cast his vote for President Bill Clinton and Vice President Al Gore.

I know Milton's family means everything to him. His love for his late wife, Claire, and his devotion to his children, Harvey, Andrew, and Cindy, are obvious. He has carried on his devotion to family with his seven grandchildren and his two great-grandchildren, with one more on the way.

Milton has been a close friend, supporter, and adviser to me throughout my political career. He is someone you can go to when you need help, and he is always there. He has helped so many people over the years, but you would be hard pressed to hear of him asking anything for himself.

Milton, I am lucky to celebrate you today. You are a great Rhode Islander. Thank you for everything you have done for me and for your dedicated service to the people of our great Ocean State. As your friend and Senator, please accept my birthday wishes for a wonderful 100th year.●

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-476. A communication from the Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the Commission's fiscal year 2016 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-477. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2,4-D; Pesticide Tolerances" (FRL No. 9958-07) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC-478. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act; to the Committee on Appropriations.

EC-479. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Joseph P. Mulloy, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-480. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalty Inflation Adjustment" (RIN0790-ZA12) received during adjournment of the Senate in the Office of the President of the Senate on January 18, 2017; to the Committee on Armed Services.

EC-481. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the detention facility at Guantanamo Bay; to the Committee on Armed Services.

EC-482. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Bank's 2016 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-483. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Total Loss-Absorbing Capacity, Long-Term Debt, and Clean Holding Company Requirements for Systematically Important U.S. Bank Holding Companies and Intermediate Holding Companies of Systematically Important Foreign Banking Organizations" (RIN7100-AE37) received in the Office of the President of the Senate on January 17, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-484. A communication from the President of the United States, transmitting, pursuant to law, the continuation of the national emergency originally declared in Executive Order 13692 on March 8, 2015, with respect to Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC-485. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the continuation of the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-486. A communication from the President of the United States, transmitting, pursuant to law, the continuation of the national emergency originally declared in executive order 13288 on March 6, 2003, with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC-487. A communication from the President of the United States, transmitting, pursuant to law, the continuation of the national emergency originally declared in Executive Order 13660 on March 6, 2014, with respect to Ukraine; to the Committee on Banking, Housing, and Urban Affairs.

EC-488. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to Cuba and of the emergency authority relating to the regulation of the anchorage and movement of vessels, as amended; to the Committee on Banking, Housing, and Urban Affairs.

EC-489. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to Libya declared in Executive Order 13566; to the Committee on Banking, Housing, and Urban Affairs.

EC-490. A communication from the President of the United States, transmitting, pursuant to law, a report of the continuation of

the national emergency with respect to Iran that was declared in Executive Order 12957 on March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-491. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to operation of the Exchange Stabilization Fund (ESF) for fiscal year 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-492. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Banking, Housing, and Urban Affairs.

EC-493. A communication from the President of the United States, transmitting, pursuant to law, an Executive Order that revokes sections 1 and 2 of Executive Order 13067 of November 3, 1997, and revokes Executive Order 13412 of October 13, 2006, in its entirety; to the Committee on Banking, Housing, and Urban Affairs.

EC-494. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalty Inflation Adjustments" (12 CFR Part 1083) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-495. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-496. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Updated Statements of Legal Authority for the Export Administration Regulations" (RIN0694-AH22) received during adjournment of the Senate in the Office of the President of the Senate on January 18, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-497. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Export Administration Regulations Implementing an Additional Phase of India-US Export Control Cooperation" (RIN0694-AH26) received during adjournment of the Senate in the Office of the President of the Senate on January 18, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-498. A communication from the Chief of the Policy, Performance, and Management Programs Division, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska—2016-17 and 2017-18 Subsistence Taking of Wildlife Regulations" (RIN1018-BA39) received in the Office of the President of the Senate on January 11, 2017; to the Committee on Energy and Natural Resources.

EC-499. A communication from the Deputy Designate Agency Ethics Official, Office of the Solicitor, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Supplemental Standards of Ethical Conduct for Employees of the Department of the Interior" (RIN1092-AA12) received during adjournment of the Senate in



the Office of the President of the Senate on January 13, 2017; to the Committee on Energy and Natural Resources.

EC-500. A communication from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalty Inflation Adjustments" (RIN 1029-AC74) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Energy and Natural Resources.

EC-501. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Onshore Oil and Gas Operations—Annual Civil Penalties Inflation Adjustments" (RIN1004-AE49) received in the Office of the President of the Senate on January 17, 2017; to the Committee on Energy and Natural Resources.

EC-502. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, a report relative to the Department's proposal to accept a 3590-acre donation from The Wilderness Land Trust; to the Committee on Energy and Natural Resources.

EC-503. A joint communication from the Special Representative, Office of Insular Affairs, Department of the Interior and the Commonwealth of the Northern Mariana Islands Special Representative, transmitting, pursuant to law, a report entitled "Report to the President on 902 Consultations"; to the Committee on Energy and Natural Resources.

EC-504. A communication from the Assistant Secretary for Insular Affairs, Department of the Interior, transmitting, pursuant to law, reports entitled "Report to the Congress: Compact Impact Analysis of the 2015 Reports on Guam and Hawaii" and "Impact of the Compacts of Free Association on Guam FY (Fiscal Year) 2004 through FY 2015"; to the Committee on Energy and Natural Resources.

EC-505. A communication from the Secretary of the Interior, transmitting, pursuant to law, an annual report related to the Colorado River System Reservoirs for 2017; to the Committee on Energy and Natural Resources.

EC-506. A communication from the Acting Deputy Director, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, a report entitled, "Report to Congress Eliminating Principal or Major Uses on Tracts of Land in California, Colorado, Nevada, Oregon, Utah, Idaho, Wyoming, and Montana (exceeding 100,000 acres)"; to the Committee on Energy and Natural Resources.

EC-507. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Technical Correction to the National Ambient Air Quality Standards for Particulate Matter" (RIN2060-AS89) (FRL No. 9958-29-OAR) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Environment and Public Works.

EC-508. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances; Withdrawal" (RIN2070-AB27) (FRL No. 9958-20) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Environment and Public Works.

EC-509. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Promulgation of State Implementation Plan Revisions; Infrastructure Requirements for the 2008 Lead, 2008 Ozone, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, and 2012 PM<sub>2.5</sub> National Ambient Air Quality Standards; Wyoming" (FRL No. 9958-35-Region 8) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Environment and Public Works.

EC-510. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Participation by Disadvantaged Business Enterprises in Procurements Under EPA Financial Assistance Agreements" (RIN2090-AA40) (FRL No. 9958-44-OA) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Environment and Public Works.

EC-511. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mercury and Air Toxics Standards (MATS) Electronic Reporting Requirements" (RIN2060-AS75) (FRL No. 9958-30-OAR) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Environment and Public Works.

EC-512. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Deadline for Action on the November 28, 2016 Section 126 Petition From Delaware" (FRL No. 9958-26-OAR) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Environment and Public Works.

EC-513. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Effluent Limitations Guidelines and Standards for the Dental Category" (RIN2040-AF26) (FRL No. 9957-10-OW) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Environment and Public Works.

EC-514. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment and Approval of Base Year Emissions Inventories for the Imperial County, California Fine Particulate Matter Nonattainment Area" (FRL No. 9958-21-Region 9) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Environment and Public Works.

EC-515. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Aquatic Life Criteria for Cadmium in Oregon" (RIN2040-AF60) (FRL No. 9958-40-OW) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Environment and Public Works.

EC-516. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; El Paso Carbon

Monoxide Limited Maintenance Plan" (FRL No. 9957-56-Region 6) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Environment and Public Works.

EC-517. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque/Bernalillo County; Inspection and Maintenance Program Error Correction" (FRL No. 9957-41-Region 6) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Environment and Public Works.

EC-518. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Revisions to Nonattainment Permitting Regulations" (FRL No. 9958-28-Region 8) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Environment and Public Works.

EC-519. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendment to Standards and Practices for All Appropriate Inquiries Under CERCLA" (FRL No. 9958-47-OLEM) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Environment and Public Works.

EC-520. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Disapproval; AL; Prong 4 Visibility for the 2008 8-hour Ozone Standard" (FRL No. 9958-42-Region 4) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Environment and Public Works.

EC-521. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Wisconsin; NO<sub>x</sub> as a Precursor to Ozone, PM<sub>2.5</sub> Increment Rules and PSD Infrastructure DIP Requirements" (FRL No. 9957-58-Region 5) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Environment and Public Works.

EC-522. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; District of Columbia; Update to Materials Incorporated by Reference" (FRL No. 9955-98-Region 3) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Environment and Public Works.

EC-523. A communication from the Chief of the Policy, Performance, and Management Programs Division, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Identification of 14 Distinct Population Segments of the Humpback Whale and Revision of Species-Wide Listing" (RIN1018-BB80) received in the Office of the President of the Senate on January 11, 2017; to the Committee on Environment and Public Works.

EC-524. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure regarding the Section 403(b) Remedial Amendment Period" (Rev. Proc. 2017-18) received in the Office of the President of the Senate on January 17, 2017; to the Committee on Finance.

EC-525. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Program; Conditions of Participation for Home Health Agencies" ((RIN0938-AG81) (CMS-3819-F)) received in the Office of the President of the Senate on January 17, 2017; to the Committee on Finance.

EC-526. A communication from the President of the United States, transmitting, pursuant to law, a notification of the designation of Rhonda Schnare Schmittlein as Chair of the United States International Trade Commission for the term expiring June 16, 2018; to the Committee on Finance.

EC-527. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "The Center for Medicare and Medicaid Innovation: Report to Congress"; to the Committee on Finance.

EC-528. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Maximum Vehicle Values for 2017 for Use With Vehicle Cents-Per-Mile and Fleet-Average Valuation Rules" (Notice 2017-03) received in the Office of the President of the Senate on January 11, 2017; to the Committee on Finance.

EC-529. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Availability and Use of an Account Transcript as a Substitute for and Estate Tax Closing Letter" (Notice 2017-12) received in the Office of the President of the Senate on January 11, 2017; to the Committee on Finance.

EC-530. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; The Use of New or Increased Pass-Through Payments in Medicaid Managed Care Delivery Systems" ((RIN0938-AT10) (CMS-2402-F)) received in the Office of the President of the Senate on January 17, 2017; to the Committee on Finance.

EC-531. A communication from the Regulations Coordinator, Office of the Assistant Secretary for Public Affairs, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Changes to the Medicare Claims and Entitlement, Medicare Advantage Organization Determination, and Medicare Prescription Drug Coverage Determination Appeals Procedures" (RIN0991-AC02) received in the Office of the President of the Senate on January 17, 2017; to the Committee on Finance.

EC-532. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Finalizing Medicare Rules under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) for Calendar Year (CY) 2016"; to the Committee on Finance.

EC-533. A communication from the Chief of the Publications and Regulations Branch, In-

ternal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Allocation Rules for Post-2000 State Housing Credit Ceiling" (Rev. Rul. 2016-29) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Finance.

EC-534. A communication from the Senior Counsel for Regulatory Affairs, Departmental Offices, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulation Regarding Non-discrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance From the Department of the Treasury" (RIN1505-AC45) received in the Office of the President of the Senate on January 17, 2017; to the Committee on Finance.

EC-535. A communication from the Chair of the Medicaid and CHIP Payment and Access Commission, transmitting, pursuant to law, a report entitled "Recommendations for the Future of CHIP and Children's Coverage"; to the Committee on Finance.

EC-536. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Clarification of When Products Made or Derived From Tobacco Are Regulated as Drugs, Devices, or Combination Products; Amendments to Regulations Regarding 'Intended Uses'" ((RIN0910-AH19) (Docket No. FDA-2015-N-2002)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-537. A communication from the Regulations Coordinator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Confidentiality of Substance Use Disorder Patient Records" (RIN0930-AA21) received in the Office of the President of the Senate on January 17, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-538. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Pantex Plant site in Amarillo, Texas, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-539. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled "Student Assistance General Provisions" (RIN1840-AD22) received in the Office of the President pro tempore of the Senate; to the Committee on Health, Education, Labor, and Pensions.

EC-540. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "2014-2015 Scientific and Clinical Status of Organ Transplantation Report to Congress"; to the Committee on Health, Education, Labor, and Pensions.

EC-541. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "National Health Service Corps Report to Congress for the Year 2015"; to the Committee on Health, Education, Labor, and Pensions.

EC-542. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year 2016 Ryan White HIV/AIDS Program Parts A and B Supplemental Awards Report

to Congress"; to the Committee on Health, Education, Labor, and Pensions.

EC-543. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "2015 Progress Report on Understanding the Long-Term Health Effects of Living Organ Donation"; to the Committee on Health, Education, Labor, and Pensions.

EC-544. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Poison Help Campaign Report to Congress for Fiscal Year 2015"; to the Committee on Health, Education, Labor, and Pensions.

EC-545. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "2014-2015 Report to Congress on Organ Donation and the Recovery, Preservation, and Transportation of Organs"; to the Committee on Health, Education, Labor, and Pensions.

EC-546. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year (FY) 2016 Performance Report to Congress for the Medical Device User Fee Amendments"; to the Committee on Health, Education, Labor, and Pensions.

EC-547. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year 2015 Report to Congress: Older Americans Act"; to the Committee on Health, Education, Labor, and Pensions.

EC-548. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year 2016 Annual Report on the Food and Drug Administration (FDA) Advisory Committee Vacancies and Public Disclosures"; to the Committee on Health, Education, Labor, and Pensions.

EC-549. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year 2016 Performance Report to the President and Congress for the Biosimilar User Fee Act"; to the Committee on Health, Education, Labor, and Pensions.

EC-550. A communication from the Regulations Coordinator, Division of Global Migration and Quarantine, Centers for Disease Control and Prevention, transmitting, pursuant to law, the report of a rule entitled "Control of Communicable Diseases" (RIN0920-AA63) received in the Office of the President of the Senate on January 17, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-551. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at Area IV of the Santa Susana Field Laboratory site in Ventura County, California, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-552. A communication from the Principal Deputy Assistant Secretary for Policy, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Department of Labor Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2017" (RIN1290-AA31) received during adjournment of the Senate in the Office of the President of the Senate on January 18, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-553. A communication from the Regulations Coordinator, Division of Select Agents

and Toxins, Centers for Disease Control and Prevention, transmitting, pursuant to law, the report of a rule entitled "Possession, Use, and Transfer of Select Agents and Toxins; Biennial Review of the List of Select Agents and Toxins and Enhanced Biosafety Requirements" (RIN0920-AA59) received during adjournment of the Senate in the Office of the President of the Senate on January 18, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-554. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Update of FEMA's Public Assistance Grant Regulations to Reflect the Terminology of Uniform Administrative Requirements, Cost Principles, and Audit Requirements" ((RIN1660-AA89) (Docket No. FEMA-2016-0034)) received in the Office of the President of the Senate on January 11, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-555. A communication from the Director, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalties Inflation Adjustments for Ethics in Government Act Violations" (RIN3209-AA00 and RIN3209-AA38) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-556. A communication from the Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the Commission's fiscal year 2016 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-557. A communication from the Chairwoman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's fiscal year 2016 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-558. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the Semi-annual Report of the Inspector General and the Management Response for the period from April 1, 2016 through September 30, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-559. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to mileage reimbursement rates for Federal employees who use privately owned vehicles while on official travel; to the Committee on Homeland Security and Governmental Affairs.

EC-560. A communication from the Administrator, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the Corporation's annual financial audit and management report for the fiscal year ending September 30, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-561. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21-621, "Constitution and Boundaries for the State of Washington, D.C. Approval Resolution of 2016"; to the Committee on Homeland Security and Governmental Affairs.

EC-562. A communication from the Chairman and Members of the Federal Labor Relations Authority, transmitting, pursuant to law, the Office of Inspector General Semi-annual Report for the period of April 1, 2016 through September 30, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-563. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "The D.C. Government Must Improve Policies and Practices for the Protection of Personally Identifiable Information"; to the Committee on Homeland Security and Governmental Affairs.

EC-564. A communication from the Staff Attorney, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Privacy Act Procedures" (RIN3141-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 18, 2017; to the Committee on Indian Affairs.

EC-565. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "2015 Annual Report of the National Institute of Justice"; to the Committee on the Judiciary.

EC-566. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the activities of the Community Relations Service for fiscal year 2015; to the Committee on the Judiciary.

EC-567. A communication from the Human Resources Specialist, Department of Justice, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Attorney General, National Security Division, Department of Justice, received during adjournment of the Senate in the Office of the President of the Senate on January 18, 2017; to the Committee on the Judiciary.

EC-568. A communication from the Human Resources Specialist, Department of Justice, transmitting, pursuant to law, a report relative to a vacancy in the position of Solicitor General, Department of Justice, received during adjournment of the Senate in the Office of the President of the Senate on January 18, 2017; to the Committee on the Judiciary.

EC-569. A communication from the Human Resources Specialist, Department of Justice, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Attorney General, Antitrust Division, Department of Justice, received during adjournment of the Senate in the Office of the President of the Senate on January 18, 2017; to the Committee on the Judiciary.

EC-570. A communication from the Human Resources Specialist, Department of Justice, transmitting, pursuant to law, a report relative to a vacancy in the position of Director, Community Relations Service, Department of Justice, received during adjournment of the Senate in the Office of the President of the Senate on January 18, 2017; to the Committee on the Judiciary.

EC-571. A communication from the Human Resources Specialist, Department of Justice, transmitting, pursuant to law, a report relative to a vacancy in the position of Director, Community Relations Service, Department of Justice, received during adjournment of the Senate in the Office of the President of the Senate on January 18, 2017; to the Committee on the Judiciary.

EC-572. A communication from the Attorney-Advisor, Regulatory Affairs Law Division, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Eliminating Exception to Expedited Removal Authority for Cuban Nationals Arriving by Air" (RIN1601-AA81) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on the Judiciary.

EC-573. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmit-

ting, pursuant to law, the report of a rule entitled "Eliminating Exception to Expedited Removal Authority for Cuban Nationals Arriving by Air" (RIN1125-AA80) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2017; to the Committee on the Judiciary.

EC-574. A communication from the Chief of the Regulatory Coordination Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "International Entrepreneur Rule" (RIN1615-AC04) received in the Office of the President of the Senate on January 17, 2017; to the Committee on the Judiciary.

EC-575. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-576. A communication from the Acting Director of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Diseases Associated with Exposure to Contaminants in the Water Supply at Camp Lejeune" (RIN2900-AP66) received during adjournment of the Senate in the Office of the President of the Senate on January 18, 2017; to the Committee on Veterans' Affairs.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. CORKER for the Committee on Foreign Relations.

\*Rex W. Tillerson, of Texas, to be Secretary of State.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEE (for himself and Mr. CRUZ):  
S. 185. A bill to amend the Head Start Act to authorize block grants to States for pre-kindergarten education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARKEY (for himself, Ms. WARREN, Mr. WHITEHOUSE, and Mr. REED):

S. 186. A bill to amend the Federal Power Act to provide that any inaction by the Federal Energy Regulatory Commission that allows a rate change to go into effect shall be treated as an order by the Commission for purposes of rehearing and court review; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER:  
S. 187. A bill for the relief of Alemseghed Mussie Tesfamariam; to the Committee on the Judiciary.

By Mr. CASSIDY (for himself, Mr. JOHNSON, Mrs. MCCASKILL, and Mrs. FISCHER):

S. 188. A bill to prohibit the use of Federal funds for the costs of painting portraits of officers and employees of the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MORAN:

S. 189. A bill to modify the boundary of the Fort Scott National Historic Site in the State of Kansas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GARDNER (for himself and Ms. CANTWELL):

S. 190. A bill to provide for consideration of the extension under the Energy Policy and Conservation Act of nonapplication of No-Load Mode energy efficiency standards to certain security or life safety alarms or surveillance systems, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASSIDY (for himself, Ms. COLLINS, Mrs. CAPITO, and Mr. ISAKSON):

S. 191. A bill to improve patient choice by allowing States to adopt market-based alternatives to the Affordable Care Act that increase access to affordable health insurance and reduce costs while ensuring important consumer protections and improving patient care; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 192. A bill to withdraw certain land located in Curry County and Josephine County, Oregon, from all forms of entry, appropriation, or disposal under the public land laws, location, entry, and patent under the mining laws, and operation under the mineral leasing and geothermal leasing laws, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN (for himself and Mr. COONS):

S. 193. A bill to facilitate nationwide availability of volunteer income tax assistance for low-income and underserved populations, and for other purposes; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself, Mr. BROWN, and Mr. FRANKEN):

S. 194. A bill to amend the Public Health Service Act to establish a public health insurance option, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COONS (for himself, Mr. RUBIO, Mr. KAINE, and Mr. LANKFORD):

S. Res. 18. A resolution reaffirming the United States-Argentina partnership and recognizing Argentina's economic reforms; to the Committee on Foreign Relations.

By Mr. RUBIO (for himself, Mr. NELSON, and Mrs. ERNST):

S. Res. 19. A resolution denouncing the deadly attack at Fort Lauderdale-Hollywood International Airport, honoring the lives of the victims, offering condolences to their families, friends, and all those affected, and commending the efforts of law enforcement and emergency response personnel in responding to the incident; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 11

At the request of Mr. HELLER, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 11, a bill to recognize Jerusalem as the capital of Israel, to relocate to Jerusalem the United States Embassy in Israel, and for other purposes.

S. 16

At the request of Mr. PAUL, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 16, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

S. 18

At the request of Mr. MORAN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 18, a bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States.

S. 26

At the request of Mr. WYDEN, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from Massachusetts (Mr. MARKEY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 26, a bill to amend the Ethics in Government Act of 1978 to require the disclosure of certain tax returns by Presidents and certain candidates for the office of the President, and for other purposes.

S. 27

At the request of Mr. CARDIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 27, a bill to establish an independent commission to examine and report on the facts regarding the extent of Russian official and unofficial cyber operations and other attempts to interfere in the 2016 United States national election, and for other purposes.

S. 33

At the request of Ms. MURKOWSKI, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 33, a bill to provide for congressional approval of national monuments and restrictions on the use of national monuments, to establish requirements for the declaration of marine national monuments, and for other purposes.

S. 57

At the request of Mr. CASSIDY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 57, a bill to require the Secretary of Veterans Affairs to revoke bonuses paid to employees involved in electronic wait list manipulations, and for other purposes.

S. 59

At the request of Mr. CRAPO, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 59, a bill to provide that silencers be treated the same as long guns.

S. 78

At the request of Mr. LEE, the name of the Senator from Florida (Mr.

RUBIO) was added as a cosponsor of S. 78, a bill to provide for reimbursement for the use of modern travel services by Federal employees traveling on official Government business, and for other purposes.

S. 92

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 92, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow for the personal importation of safe and affordable drugs from approved pharmacies in Canada.

S. 104

At the request of Mrs. GILLIBRAND, the names of the Senator from West Virginia (Mrs. CAPITO), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Hawaii (Ms. HIRONO), the Senator from New Hampshire (Ms. HASSAN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 104, a bill to provide for the vacating of certain convictions and expungement of certain arrests of victims of human trafficking.

S. 139

At the request of Mr. HATCH, the names of the Senator from Georgia (Mr. PERDUE) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 139, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

S. 141

At the request of Mr. PETERS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 141, a bill to improve understanding and forecasting of space weather events, and for other purposes.

S. 143

At the request of Mr. CASEY, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 143, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 172

At the request of Ms. BALDWIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 172, a bill to require the President to withdraw from the Trans-Pacific Partnership Agreement and to make that Agreement ineligible for expedited consideration by Congress.

S. 175

At the request of Mr. MANCHIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 175, a bill to amend the

Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan, and for other purposes.

S. 184

At the request of Mr. WICKER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 184, a bill to prohibit taxpayer funded abortions.

S.J. RES. 1

At the request of Mr. BOOZMAN, the names of the Senator from Arkansas (Mr. COTTON), the Senator from Iowa (Mrs. ERNST), the Senator from Maine (Mr. KING) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S.J. Res. 1, a joint resolution approving the location of a memorial to commemorate and honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield.

S.J. RES. 6

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S.J. Res. 6, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S. CON. RES. 5

At the request of Mr. DAINES, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. Con. Res. 5, a concurrent resolution affirming the importance of religious freedom as a fundamental human right that is essential to a free society and protected for all people of the United States under the Constitution of the United States, and recognizing the 231st anniversary of the enactment of the Virginia Statute for Religious Freedom.

S. RES. 6

At the request of Mr. RUBIO, the names of the Senator from Hawaii (Ms. HIRONO), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Washington (Ms. CANTWELL), the Senator from Maine (Mr. KING) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. Res. 6, a resolution objecting to United Nations Security Council Resolution 2334 and to all efforts that undermine direct negotiations between Israel and the Palestinians for a secure and peaceful settlement.

S. RES. 15

At the request of Mr. LEE, the names of the Senator from Oklahoma (Mr. LANKFORD) and the Senator from Nebraska (Mrs. FISCHER) were added as cosponsors of S. Res. 15, a resolution expressing the sense of the Senate that the Mexico City policy should be permanently established.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER:

S. 187. A bill for the relief of Alemseghed Mussie Tesfamical; to the Committee on the Judiciary.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 187

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PERMANENT RESIDENT STATUS FOR ALEMSEGHED MUSSIE TESFAMICAL.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) and section 240 of such Act (8 U.S.C. 1229a), Alemseghed Mussie Tesfamical shall be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Alemseghed Mussie Tesfamical enters the United States before the filing deadline specified in subsection (c), Alemseghed Mussie Tesfamical shall be considered to have entered into and remained lawfully in the United States and, if otherwise eligible, shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or for adjustment of status is filed by Alemseghed Mussie Tesfamical with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Alemseghed Mussie Tesfamical, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of Alemseghed Mussie Tesfamical's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of such country under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) BUDGETARY EFFECTS.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139), shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the Senate, provided that such statement has been submitted prior to the vote on passage.

By Mr. CASSIDY (for himself, Ms. COLLINS, Mrs. CAPITO, and Mr. ISAKSON):

S. 191. A bill to improve patient choice by allowing States to adopt market-based alternatives to the Affordable Care Act that increase access to affordable health insurance and reduce costs while ensuring important consumer protections and improving patient care; to the Committee on Finance.

Mr. CASSIDY. Mr. President, today I have the privilege, with Senator COLLINS, to introduce a replacement bill for ObamaCare, with her experience as an insurance commissioner and mine as a physician caring for the insured and the underinsured. Let me also give due credit to PETE SESSIONS in the House, who has introduced a very similar bill to come up with something that we think works not just for the people we represent but for the entire country. That is our goal.

I wish to speak on the Patient Freedom Act of 2017. Our goal, if you will—I tell my staff to imagine a woman who voted for Donald Trump and doesn't like ObamaCare, but she has breast cancer. Her coverage has a \$6,000 deductible, but she has coverage. On the other hand, she wants to see something different. If we just view our efforts through the prism of her care, I think we will do right by the American people.

Let me say something else. Again, our goal is not to come up with a Republican plan; it is not to come up with an anti-ObamaCare plan; our goal is to come up with an American patient plan where, whoever she or he is, they can feel comfortable that, as a Senate, we are trying to do right by the American people.

Let's go to first principles. First principles is, we in the Republican Party think that if you like your insurance, you should be able to keep it. I will come to that later. President Obama was rightly criticized because he pledged that, and it turns out it wasn't true. That is one of our first principles, and we mean it.

Secondly, we think the States should have the power, not the Federal Government. When you speak to Americans, they want their State capital to be the kind of principal force behind how their insurance is administered, not our Nation's Capital, so we return power to both the States and to patients.

Lastly, I will say that we are truly reaching out to Democrats. One of the criticisms of ObamaCare is that it was rammed through on a partisan vote with hardly a consideration given of Republicans. Senator COLLINS and I are absolutely open to working with Democrats for this solution.

How do we begin?

We first begin by repealing the ObamaCare mandates and penalties. The American people do not like Washington telling them how to live their lives. We take those mandates and penalties from both the individual and the employer and we take them off.

Secondly, we work to make health care truly affordable. We do this by giving States a choice to put in what we call the State alternative. I think we are going to begin calling it the better choice. In the better choice, we would use tax credits which would go to those who are eligible and which would go into an account. If the patient did nothing, she would have a

health savings account, which will be pre funded. The money would go in, actually put money into the account—catastrophic coverage and a pharmacy benefit.

It is important to note that she would have power over this account. If she wished, she could combine it with her family's, these different tax credits, and they could buy a richer family policy, or she could assign it to her employer as the employee's contribution for an employer-sponsored plan.

If each member of the family decided to keep their own HPSA account and one of them got a terrible illness and went into the cash portion and exhausted their health savings account, we would allow family members to donate their health savings account balance to each other to help cover that cash exposure.

We do different things, but the goal is to give the patient the power.

Since we are going to these health savings accounts under the better choice model, in the better choice model, we give these tax credits that go into a health savings account. The individual can donate their own money, or the employer can contribute theirs. These are some of the options they have, but whichever options they have, we institute price transparency. That is to say that when the patient goes to have her blood test, she will know the cost of the blood test before she has it done as opposed to finding out later.

This came to mind this past Sunday. I had a friend in town for the inauguration. She is a physician, and she went for a vitamin D level. When she went for the vitamin D level and got the bill, it was \$290. She called the hospital and said: I order these all the time. Am I really getting a \$290 charge on each of these?

They said: Oh, yes, ma'am. That is what we bill patients.

So she went to different labs and found out the cash price for the panels of labs she typically orders.

She had a patient who was from out of town and was paying cash. She said: Pay me \$38; it will cover the labs. Here is the slip; go to the lab.

The patient paid \$38 but went to the wrong laboratory. She was from out of town and not quite sure where to go. She went to the wrong laboratory. The bill she got, which in one lab would be \$38, in the other lab was \$690.

My physician friend called the hospital and said: You have to be kidding—\$690?

They reduced it to \$380. There is a tenfold difference in the cash price for labs. If the patient had known that, she probably would have paid more attention to the directions. But certainly if the price of the labs were posted when she went, even if she went to the wrong place, she could have looked at the fee schedule and decided she needed to go someplace else.

One of the young men who work with me said: Yes, I get it, price trans-

parency. Who would buy a car without knowing the price beforehand? It would be great for the car dealer but really lousy for you. That is how we purchase health care now. It is great for the folks selling the service; it is pretty lousy for the person paying the cash.

By this, we think we begin to use market forces to reduce costs. By the way, this is not only about saving the patient money, which is very important, but here is another example.

John Fleming is a physician who until recently was a Member of the House of Representatives. He tells the story of when their office went to a health savings account, a woman who worked with him came to him and said: Dr. Fleming, I don't like these health savings accounts. Previously I had a pharmacy benefit that paid for my inhaler, and now I don't have the same pharmacy benefit.

He said: Well, under their plan, at least, you can use the health savings account to pay for your inhaler, and, by the way, if you stopped smoking, you wouldn't need the inhaler.

Then he walks away.

Six months later she says to him: Dr. Fleming, you were right.

He didn't remember the conversation. He turns around and she says: Remember when you told me if I stopped smoking, I wouldn't need an inhaler? I stopped smoking and I don't need an inhaler.

So what this does is it activates the patient. It gets her or him engaged in their health care, and between that—not only do we protect the patient's pocketbook, but we also do something positive for their health care.

Let me also point this out. We think most States would go for the better choice. It is possible, though, that a State will reject everything and say: We don't want Medicaid expansion dollars and we don't want any extra help for those who have lower incomes. We would give States that choice. This is not Washington, DC, forcing something on people.

Let me also point out something else. Republicans believe that if you like your health care, you can keep it; if you like your health insurance, you can keep it, and we mean it. If a State decided they wished to stay on ObamaCare—I think it is a terrible decision—but this legislation would allow a State to do so.

I was so disappointed. I saw that the minority leader, Mr. SCHUMER, criticized our bill and said things that weren't true—fake news, if you will. He said we didn't cover preexisting conditions. We do. He said the deductibles and copays would be too high, which is not true, but what was striking is that he hasn't read our legislation yet.

This is what is wrong with Washington, DC. Here we have something which in good faith would allow New York to stay in ObamaCare if the people of New York decided they wished to—but we can look at double- and even triple-digit premium increases in

other States. Without reading our bill, other States are going to be condemned to these double- and triple-digit premium increases because folks don't want to consider something different. This is not a Republican plan. It is not a Democratic plan. We want it to be an American plan where States can decide the best system for their State, and if it is working for New York, it can stay in New York. It is not working for Louisiana so our State would go with the better choice, I am confident.

That said, please don't criticize the plan before you even look at it, and please allow those on the Democratic side who are down to one insurance company on their exchanges, with double-digit premium increases, to at least consider an option that would be good for their State.

Now, folks say: Well, you don't have a mandate. We don't think Washington, DC, should be telling people how to live their lives. So how do we, under our better choice, get the kind of big insurance pool without a mandate? We give States the option to do what we call automatic enrollment. If someone is eligible, they would be enrolled. The tax credit they receive would be adequate for their premium. They would never have to pay anything out-of-pocket to have this health savings account—high-deductible health plan and pharmacy benefit. It would be covered with the tax credit they receive. By doing so, all these young males who haven't signed up for ObamaCare because they are paying too much would actually be enrolled in an insurance plan. For those who get ill or have chronic conditions, they are spreading the cost of their expensive illness over the many healthy and not just over the few sick. It restores the law of big numbers.

We had an insurance plan model this, and they said they think just by doing our method of enrollment, it would lower premiums by 20 percent. That is without an individual mandate.

By the way, think of the folks who will never sign up for an ObamaCare exchange policy. The mentally ill person living beneath a bridge is not going to go to a public library. If he has his W-2 form, he doesn't know where it is. He is not going to fill out a 16-page, long-line form and sign up for ObamaCare. Under our policy, he could be automatically enrolled. So if he goes to the urgent care center with cellulitis, he has coverage. If something terrible happens—if he is hit by a car, and goes to the emergency room and is admitted to the hospital, society is protected from major expenses. If he gets his life together enough, he has a pharmacy benefit providing those antipsychotics. So we actually think we would increase the number who truly need health care to the number of those who are covered.

Let me finish up by speaking about our timeline. We hope that over this next year, Republicans and Democrats can come together. I understand Democrats will not vote for a reconciliation



bill that begins the repeal process of ObamaCare, but that almost certainly will pass. What we hope is that sometime within this year, Democrats who live in States with only one insurance company on their exchanges, in which premiums are increasing by double—and maybe even at that time in their States triple digits—will come together to vote with us to give their State an option for our better choice. So we would pass that legislation in 2017, giving their State legislatures and Governors the option to choose this pathway in 2018; and in 2019, the States would implement their option of choice; and by 2020, it has all been done.

That is our hope.

Folks say Senator COLLINS and I are naive; that the Senate cannot overcome its partisanship; that inevitably it will be so partisan, people, without reading the bill, will criticize our legislation, saying things about it that are not true.

I go back to where I started, to that woman who didn't go to college, working hard, voted for Trump, doesn't like ObamaCare but has breast cancer. She needs coverage, and she wants something done for her. We want to give her the power. We want to give her that coverage. My goal is that when this finishes, as she goes from cancer to health, the only thing she knows about her coverage is that the decisions about her health care are made in her State Capitol and around her kitchen table, and that as her breast cancer is treated, her health coverage improves. That is our goal. It is not a Democratic plan or a Republican plan. It is not a partisan plan. It is a plan for her. That is our goal.

Ms. COLLINS. Mr. President, first, let me commend the Senator from Louisiana for his extraordinary work on this bill. It has been a great pleasure to work so closely with him as we have made a genuine effort to put together a bill that would be a reasonable replacement for ObamaCare that would help to bring people together.

I wish to commend the Senator from Louisiana for his expertise. As a physician, Senator CASSIDY brings an important perspective to this debate, particularly since he has practiced for so many years in hospitals in Louisiana that serve the uninsured. So I wish to personally thank him for the privilege of working together to craft this bill.

There has been much debate recently on the best approach to replacing and reforming the Affordable Care Act. Considerable confusion and anxiety exists about the current status of the law and about the future of health care in our country. However, what is often overlooked in this discussion is that while the ACA provides valuable assistance for some people who were previously uninsured, the system created by the law is under tremendous financial strain.

ObamaCare exchanges are on the verge of collapse in many States. The

reality is that significant changes must be made. Doing nothing is not an option.

I am, therefore, both surprised and disappointed by the remarks of the Democratic leader to the press and on the floor today about the genuine effort that Senator CASSIDY and I have put forward in introducing the Patient Freedom Act.

First of all, let me point out that the Democratic leader could not possibly have read our bill since we haven't introduced it yet, and it is evident that he has misunderstood many of its provisions.

For example, in a press statement, he said we gutted the preexisting condition protections that we strongly support and that are codified in our bill in section 101(b). Again, that is section 101(b). It ensures that insurers cannot discriminate against individuals with preexisting conditions who pay their premiums.

I guess what disappoints me most is that the Democratic leader's response really represents what is wrong with Washington, DC. The American people want us to come together. They want Democrats and Republicans to work as a team to solve the problems facing our Nation. If we are going to have a leader on the other side of the aisle denounce to the press and come to the Senate floor to criticize a bill that has not even been introduced yet, where are we? I really hope this is an aberration and that we can work together and that the compromises we put in the bill are recognized as a good-faith effort to bring both sides of the aisle together in the interests of the American people and in providing access to affordable health care. That is our goal.

We are not saying our bill is perfect. We are open to refinements. We have made a good-faith effort, and to hear it described inaccurately and as other than a genuine effort to solve a problem truly disappoints me.

The fact is, the ACA has been in effect for years. Yet nearly 30 million Americans still do not have health insurance coverage. Many of those who do have coverage through the ACA exchanges are experiencing large spikes in premiums, deductibles, and copays, increasing costs to consumers and taxpayers alike. Contrary to the predictions made by the early supporters of the ACA, premiums are increasing in nearly every State, with an average increase of 25 percent nationally.

In New York State, the average increase on the exchange is 16.6 percent. I don't know, but perhaps the Democratic leader thinks that is an acceptable rate of increase. It strikes me as pretty high, and even though it is below the national average, it is still in double digits. The situation is even more dire in some States like Arizona, where premiums have increased by 116 percent. In many counties throughout our country, there are only one or two health insurers offering plans on the exchanges, severely limiting consumer choice.

In my State of Maine, premiums for the individual market for 2017 have soared by 22 percent, on average, and plan options have become more limited. Now, while subsidies do cushion the blow for those consumers who are eligible for them, others have had to shoulder the full increase, and of course taxpayers have borne a greater burden. Moreover, individuals and families with incomes exceeding 250 percent of the poverty rate are not shielded from the dramatic increases in deductibles and copays. That is important to remember. The premium subsidy applies to incomes up to 400 percent of the poverty rate. It then drops off the cliff, and you are eligible for no subsidy whatsoever—there is no orderly phaseout. For help with copays and deductibles under the Affordable Care Act, the threshold is 250 percent of the poverty rate. These huge premium spikes and increases in deductibles and larger copays are having an effect on families and individuals—who are by no means wealthy—all over this Nation.

Millions with coverage under the ACA are also facing increasingly narrow networks, which means they may find their preferred doctors are not in their networks. This can be particularly difficult for rural States that may have few specialists and whose citizens rely on major medical centers in nearby States. If patients want to continue to see these doctors, they can be faced with enormous costs that are not covered by their ACA insurance. As one Mainer put it, “[President] Obama said I could keep my doctor, and the insurance company says I can't.”

The co-ops created under the ACA to help provide health insurance coverage have been failing at an alarming rate. In fact, only 5 of the 23 remain operational. It is also important to carefully consider the effects that ObamaCare's Medicare cuts have had on providers like rural hospitals and home health agencies, many of whom are struggling.

In sum, prices are skyrocketing, coverage is narrowing, and the individual market is likely in a death spiral if Congress fails to act.

I know many Members of this Chamber share the goal of expanding access to affordable health care. Over the years, I have collaborated with colleagues on both sides of the aisle on a number of initiatives. Today I am pleased to join my colleague, Senator and Doctor BILL CASSIDY, in introducing the Patient Freedom Act of 2017 to help ensure that Americans have access to affordable health care that improves choices and helps to restrain costs.

Let me emphasize again that our bill is a work in progress. It is not perfect. However, what it does—and it is virtually unique in this regard, in this Chamber—is it puts specific proposals on the table as we seek to craft bills to repair and improve the Affordable Care Act. Other legislation being discussed,



such as those designed to help small businesses pool risks so they can better afford to provide insurance to their employees, also deserves consideration. Let's get a lot of ideas on the table.

We have to start, and we have been willing to step forward and propose a specific bill. To be criticized for that by the Democratic leader is just so disappointing, particularly since the leader is well aware that I work across the aisle all the time to try to find solutions for our country.

The Patient Freedom Act is built on the premise that giving people more choices is superior to the one-size-fits-all approach that defined the Affordable Care Act. We recognize that what works best for people in Maine or New Hampshire may not be right for people in New York or California. Our bill respects those differences by giving States options to choose the path that works best for their citizens.

Now, option one would allow a State to choose to continue operating its insurance markets pursuant to all the rules of the Affordable Care Act. So if New York State wants to keep with the status quo, despite the 16.6-percent increase, on average, in the premiums for the individual market, New York State can make that choice. If a State chooses to remain covered by the ACA, exchange policies will continue to be eligible for cost-sharing subsidies and advanced premium tax credits, and the insurance markets will still be subject to ACA requirements. The individual mandate and the employer mandate will also remain in place for that State. Medicaid expansion States will continue to receive Federal funding. So if a State is happy with the status quo—with spiraling costs, with limited choices, with a market that is broken—fine, keep the ACA. In some States, maybe it is working well. States should have that option, and they would under the Cassidy-Collins bill.

More appealing to many States, however, would be what we call the better choice option in the Patient Freedom Act that would allow a State to waive many of the requirements of the ACA, except for vital consumer protections, and still receive Federal funding to help its residents purchase affordable health insurance. Senator CASSIDY has explained how it would work so I will not go through that all again.

Let me just say that eligible individuals in States selecting this option would receive Federal funding deposited into their Roth health savings accounts. The aggregate funding for these per-beneficiary deposits would be determined based on the total amount of funding that the Federal Government would have provided in the form of ACA subsidies in each State, plus any funding each State would have received had it chosen to expand its Medicaid Program—even if, like my State, it has chosen not to do so. These deposits in the Roth health savings accounts would be phased out for higher income beneficiaries.

States selecting this option for every resident who does not have health insurance coverage through his or her employer or through public programs like Medicare or the VA or the Federal Employees Health Benefits Program—in those States, the option would be a standard health insurance plan that would include first-dollar coverage through the Roth health savings account, basic prescription drug coverage, and a high-deductible health plan. States could automatically enroll their residents who are uninsured in this standard plan, unless an individual opted to use his or her health savings account to purchase more comprehensive coverage or opted out of coverage altogether. I can't imagine someone making the choice of opting out altogether when they would receive this generous subsidy.

In addition to Federal funds, individuals and employers could make contributions to these health savings accounts, and the balances would grow tax-free. The bill also provides for a partial tax credit for very low-income individuals who do receive employer-based coverage to help these workers pay for their deductibles and their copays.

Here is another important provision of our bill: Health care providers receiving payments from the Roth health savings accounts would be required to publish cash prices for their services. That would add transparency that is sorely lacking in our current system and that we need to move toward a more patient-directed health care future. For example, if your physician has suggested that you have a colonoscopy, you would know whether one hospital or one clinic would charge more than another so you can make the right decision for you.

Health care reform should be about expanding affordable choices, and that is what our legislation aims to do by allowing States to structure their individual health insurance markets and to do so without the burdensome individual mandate, the employer mandate, or many of the other restrictive requirements in the ACA that have substantially driven up costs and forced millions of Americans to buy coverage that is more than they want, need, or can afford. Americans should have the choice to purchase more affordable coverage, if that is what works best for them.

Let me again emphasize, since misinformation was given to the press about the consumer protections in our bill, the Patient Freedom Act would retain several important consumer protections, contrary to what was said earlier today by a colleague who hadn't read our bill. Dependents will be able to remain on their parents' health insurance policies until age 26. Insurance companies will still not be able to exclude coverage for preexisting conditions or discriminate based on health status. In fact, there is no medical underwriting for the standard plan of-

fered under the better choice option. Insurance companies cannot cap benefits by including lifetime or annual limits in their policies, and they must offer to renew policies as long as enrollees continue to pay premiums. Insurance companies must also continue to cover mental health and substance use disorder benefits for individuals, a particularly important benefit given the nationwide scope of the opioid crisis that has seriously affected my State of Maine and so many other States throughout our country, ruining the lives of individuals, their families, and their communities.

Provisions like these vital consumer protections should be retained. However, the Washington centric approach of the ACA must be changed if we are ever to truly reform our broken health care system.

I am pleased to see a growing consensus among Members of both the Senate and the House that we must fix the Affordable Care Act and provide reforms at nearly the same time as we repeal the law. This will help protect the families who rely on the program and give insurers time to transition to a new marketplace that is based on more choices for consumers. That is what we are trying to do here. Reforms in the way we provide health insurance must ensure that individuals relying on the current system do not experience a needless and avoidable gap in coverage.

If we are going to reform the system, we must begin to put specific proposals on the table for our colleagues to debate, refine, amend, and enact. That is why the criticism is so disappointing. This is an attempt to put forth a possible solution that would appeal to Members on both sides of the aisle.

As we continue our work to find a responsible path to repealing and repairing the ACA, we should give the States the freedom to choose what they believe works best for their citizens, whether that means staying with the Affordable Care Act or selecting a different path—in my view, a better path—that will lead to patient-directed reforms that contain costs and provide more choice. The Patient Freedom Act does exactly that, and I commend my colleague Senator CASSIDY for his leadership on this legislation. I also want to thank our cosponsors, including Senator ISAKSON and Senator CAPITO for their support as well.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 18—RE-AFFIRMING THE UNITED STATES-ARGENTINA PARTNERSHIP AND RECOGNIZING ARGENTINA'S ECONOMIC REFORMS

Mr. COONS (for himself, Mr. RUBIO, Mr. Kaine, and Mr. Lankford) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 18

Whereas, on November 22, 2015, the citizens of the Argentine Republic elected Mauricio Macri as their President;

Whereas President Macri has pledged to promote greater national unity, rebuild the economy, combat domestic corruption, strengthen freedom of the press, defend human rights abroad, attract foreign direct investment, return to international credit markets, and reassert Argentina's leadership globally;

Whereas President Macri has emphasized his intention to seek closer ties with the United States and restore the bilateral partnership previously enjoyed by both countries;

Whereas the Argentine Republic is a major non-NATO ally of the United States;

Whereas United States-Argentina relations are historically characterized by comprehensive commercial ties and strong bilateral cooperation on human rights, peacekeeping, science and technology, non-proliferation, and education, as well as on regional and global issues;

Whereas President Obama traveled to Argentina in March 2016 to strengthen engagement on issues of bilateral interest, such as trade, investment, energy, security, and peacekeeping

Whereas, in an appearance with President Macri at the Casa Rosada in Buenos Aires, President Obama said that "our countries share profound values in common—respect for human rights, for individual freedoms, for democracy, for justice, and for peace";

Whereas the United States Department of the Treasury no longer opposes multilateral development banks lending to Argentina because of the Government of Argentina's "progress on key issues and positive economic policy trajectory";

Whereas President Macri prioritized Argentina resolving its 15-year standoff with private creditors stemming from the 2001–2002 economic crisis;

Whereas the Macri Administration lifted controls on trade, currency, and poultry, enhanced the quality and transparency of government data, and eliminated subsidies on electricity, water, and gas;

Whereas, in April 2016, the Government of Argentina issued \$16,500,000,000 in new government bonds and paid \$9,300,000,000 to hold-out creditors to resolve its default settlements, which facilitated Argentina's return to international financial markets;

Whereas Argentina is Latin America's third largest economy and the International Monetary Fund, in April 2016, claimed the Macri Administration "embarked on an ambitious, much needed transition to remove domestic imbalances and distortions and correct relative prices";

Whereas Secretary of State John Kerry visited Argentina in August 2016 to launch a High-Level Dialogue to develop and sustain cooperation on bilateral, regional, and global challenges, including democratic development and protection of human rights in Latin America; and

Whereas Secretary Kerry, during his visit, stated that "the United States strongly supports President Macri's effort to deepen Argentina's integration with the global economy" and that "our governments will be supporting policies that are aimed at strong, sustainable, and balanced economic growth";

Now, therefore, be it

*Resolved*, That the Senate—

(1) upholds its commitment to the partnership between the United States and Argentina and reaffirms that the Argentine Republic is a major non-NATO ally of the United States;

(2) encourages the Department of State to coordinate an interagency strategy to in-

crease cooperation with the Government of Argentina on areas of bilateral, regional, and global concern;

(3) commends President Mauricio Macri and his Administration for making far-reaching economic reforms that will benefit the people of Argentina, stimulate economic growth, and deepen Argentina's integration with the global economy;

(4) praises the Government of Argentina for resolving its dispute with international creditors;

(5) encourages the Government of Argentina to continue to investigate and prosecute those responsible for the 1994 bombing of the Argentine-Israeli Mutual Association (AMIA) in Buenos Aires, as well as the January 2015 death of AMIA special prosecutor Alberto Nisman; and

(6) expresses its desire that the growing partnership between the United States and Argentina will result in greater cooperation at multilateral institutions, such as the United Nations.

# SENATE RESOLUTION 19—DENOUNCING THE DEADLY ATTACK AT FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT, HONORING THE LIVES OF THE VICTIMS, OFFERING CONDOLENCES TO THEIR FAMILIES, FRIENDS, AND ALL THOSE AFFECTED, AND COMMENDING THE EFFORTS OF LAW ENFORCEMENT AND EMERGENCY RESPONSE PERSONNEL IN RESPONDING TO THE INCIDENT

Mr. RUBIO (for himself, Mr. NELSON, and Mrs. ERNST) submitted the following resolution; which was considered and agreed to:

S. RES. 19

Whereas the Fort Lauderdale-Hollywood International Airport ranks 21st in the United States in total passenger traffic, with over 73,000 travelers passing through each day on 1 of the over 650 commercial flights that embark and arrive at the airport each day;

Whereas, on Friday, January 6, 2017, around 1:00 p.m., an individual in the baggage claim area of Terminal 2 at Fort Lauderdale-Hollywood International Airport shot more than 10 people, wounding several and killing 5;

Whereas the people of the United States grieve for the families of all those affected by this tragedy;

Whereas the people of the United States honor the memories of the 5 individuals who tragically lost their lives; and

Whereas constant efforts by law enforcement agencies, civilians, and communities are needed to help thwart future attacks:

Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the deadly attack at Fort Lauderdale-Hollywood International Airport on January 6, 2017, where 5 innocent people were killed and many others were injured;

(2) honors the lives and memories of the victims killed in the attack and offers sincere condolences to their families and friends;

(3) desires that those injured in the attack make a full recovery; and

(4) commends the efforts of law enforcement and emergency response personnel who selflessly acted to secure the scene and assist those in need.

## AUTHORITY FOR COMMITTEES TO MEET

Mr. COTTON. Mr. President, I have one request for a committee to meet during today's session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

### COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on January 23, 2017, at 4:30 p.m.

## PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that my Army fellow, CPT David Judson, be granted floor privileges for the remainder of this legislative session.

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

Mr. WYDEN. Mr. President, I ask unanimous consent that Eric Skidmore, Kailee Farrell, Benjamin Willis, Kelly Singleton, and Kathryn Haake, legislative fellows in my office, be given floor privileges for the rest of this Congress.

Without objection, it is so ordered.

## DENOUNCING THE DEADLY ATTACK AT FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT

Mr. MORAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 19, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 19) denouncing the deadly attack at Fort Lauderdale-Hollywood International Airport, honoring the lives of the victims, offering condolences to their families, friends, and all those affected, and commending the efforts of law enforcement and emergency response personnel in responding to the incident.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MORAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 19) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

ORDERS FOR TUESDAY, JANUARY  
24, 2017

Mr. MORAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:45 a.m., Tuesday, January 24; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business, with Sen-

ators permitted to speak therein, and with Senator ALEXANDER being recognized for up to 15 minutes, followed by 30 minutes for the Democrats; finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings.

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

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ADJOURNMENT UNTIL 10:45 a.m.  
TOMORROW

Mr. MORAN. Mr. President, if there is no further business to come before

the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:20 p.m., adjourned until Tuesday, January 24, 2017, at 10:45 a.m.

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CONFIRMATION

Executive nomination confirmed by the Senate January 23, 2017:

CENTRAL INTELLIGENCE AGENCY

MIKE POMPEO, OF KANSAS, TO BE DIRECTOR OF THE  
CENTRAL INTELLIGENCE AGENCY.