

to get a mortgage. What did he do? He reversed a recent decision by the Department of Housing and Urban Development to reduce annual insurance premiums that many borrowers pay, saving new homeowners an average of \$500 per year. What a terrible thing to do to homeowners. President Trump, with a flick of the pen, ended that new policy, making it harder for Americans of modest means to obtain their piece of the rock, the American dream: their own home. It took only an hour after his positive words on the inaugural platform for his words to ring hollow. And actions speak louder than words. One hour after talking about helping working people and ending the cabal in Washington that hurts people, he signs a regulation that makes it more expensive for new homeowners to buy mortgages—1 hour later.

I ask the American people—because we Democrats are going to do this. We are going to hold the President accountable. Look at what the President said and then an hour later, look at what the President did. Again, actions speak louder than words. The words on that inaugural platform in relation to this new action ring hollow.

Democrats agree with President Trump on this: The working men and women of America do not need more promises, they need policies that give them a leg up, help them succeed, help them afford a home, for instance. We urge President Trump to reverse this decision and give new homeowners across America their \$500 back.

CABINET NOMINEES

Mr. SCHUMER. Mr. President, on another matter—nominations—Senators on both sides of the aisle have expressed support for the President's key national security nominees. This evening, we expect to be able to vote on General Kelly and General Mattis, and we look forward to beginning the debate on Congressman POMPEO in the hopes that he can also receive a quick vote, but from there, we intend to have a full and rigorous debate on the President-elect's remaining nominees.

My friends on the other side of the aisle did not want to have a full debate on the merits of these nominees in committee, so they should be prepared to do so on the Senate floor. Over the last several weeks, Republicans have made a mockery of the Cabinet hearing process, trying to jam through nominees in truncated hearings—nominees with serious conflicts of interest and ethical issues unresolved—without giving Senators and the American people a fair chance to question and hear from these nominees.

If ever there were a group of Cabinet nominees who cry out for rigorous scrutiny, it is this one. I have never heard such a parade of potential ethical violations. The President-elect's Cabinet is a swamp Cabinet, full of billionaires and bankers, loaded with conflicts of interest and ethical lapses as far as the eye can see.

Congressman MULVANEY failed to pay taxes on a household worker—the exact same issue that has caused past nominees to withdraw.

Congressman PRICE is facing serious scrutiny for trading stock with one hand and pushing legislation to boost that stock with the other.

Rex Tillerson has refused to recuse himself from matters relating to ExxonMobil for the length of his term.

Just yesterday we learned that Steve Mnuchin tried to hide his holdings in the Cayman Islands from the Senate Finance Committee.

And, of course, at the top of the list is Betsy DeVos. Her ethics paperwork just came in after the hearing was completed. Did she not want to answer any questions on it? It shows that she was invested in multiple education companies, including companies that have millions of dollars of contracts with the Department of Education to collect on student debt. Senators have not been given an opportunity to question her about these investments because we only got the information after the hearing. Sadly, the list goes on and on.

The President-elect isn't draining the swamp with his Cabinet picks, he is filling it up. It is no wonder that the American people have expressed discontent with how this transition period is going.

These issues that I mentioned, and many others, deserve to be thoroughly and rigorously reviewed by the Senate. If Senate Republicans will not let that happen in hearings, it will happen right here on the floor.

Thank you, Mr. President.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE NOMINATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations received today: James N. Mattis to be Secretary of Defense; and John F. Kelly to be Secretary of Homeland Security. I ask consent that there be 20 minutes of debate on the nominations, equally divided in the usual form, and that following the use or yielding back of time, the Senate vote on the nominations in the order listed with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I renew my unanimous consent request that I previously stated.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATIONS

The ACTING PRESIDENT pro tempore. The Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The senior assistant legislative clerk read the nominations of James Mattis, of Washington, to be Secretary of Defense; and John F. Kelly, of Virginia, to be Secretary of Homeland Security.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. MCCONNELL. Mr. President, let me just, for the information of all Members, point out that after we vote on Mattis and Kelly, we will turn to the Pompeo nomination, begin that debate, and hopefully finish it at some point tonight.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, there is not a lot of benefit in being around here for a long period of time, but I remember very well in January of 2009, when the new President of the United States and, in a spirit of enthusiasm and bipartisanship, the Senate, on the first day of the inauguration, approved of seven Cabinet members, seven—not two, as we are presently contemplating, but seven. All of those individuals, as I recall, had some degree of concern about them, had some degree of controversy—some more, some less. But the fact is, we moved forward and almost unanimously voted in favor of these Cabinet members for the simple reason that the American people had spoken, and we had a new President of a different party, and we ought to give that President the team that he needed in order to get his job done.

Now, the one difference between what I have seen here in 2017, since 2009, is that the world is on fire. Look at the world today, and look at a map of it in 2009. There weren't 6 million refugees out of Syria. There weren't 400,000 people murdered by Bashar al-Assad with the assistance of Vladimir Putin and the Iranian Revolutionary Guard. We didn't have Russians using precision-guided weapons, striking hospitals in Aleppo, slaughtering innocent men, women, and children. We didn't have the Chinese acting in the most belligerent fashion in the South China Sea, asserting their sovereignty over an

international waterway through which about 60 percent of the world's economy moves, as they are now.

We didn't have Vladimir Putin invading Crimea in a violation of the Budapest agreement, in which Ukraine gave up their nuclear weapons arsenal in exchange for a guarantee of the territorial integrity of Ukraine that included Crimea. We didn't have Vladimir Putin invading the land of Ukraine and partitioning it and slaughtering some 10,000 brave Ukrainians who stood up against that invasion while, by the way, we wouldn't even give them lethal weapons to defend themselves.

We have a world on fire. And we have a nominee to be the Director of the CIA. I happen to know Congressman POMPEO very well. I happen to admire his work. I happened to notice in the hearing that there was really relatively no controversy associated with his candidacy, with his nomination to be the Director of the CIA.

So my question to my dear friends on the other side of the aisle is: Why the hell won't we just go ahead and give the President his national security team when we need it more than at any time in recent history?

The American people have spoken about who they want to be Commander in Chief. Now let's give the Commander in Chief his Secretary of Defense, his Secretary of Homeland Security, and let's give him a leader of our intelligence community, the CIA. And, by God, when you look at the controversy surrounding our intelligence agencies—which is gigantic—we need a new Director of the CIA more than ever.

The American people made a decision, but they also voiced—at least in my campaign, and I can only speak, frankly, for my own—a great dissatisfaction about the fact that we don't work together, the fact that we don't sit down and talk about these things and get some kind of working arrangement. Well, how do you do that when we won't even allow a non-controversial nominee for the Director of the CIA to be confirmed? I don't get it.

What is the point here? Is the point that we are just going to show the Republicans by slow-walking their nominees? Is that what the point of this is? If it is, then in my view, you are contradicting the will of the American people and the verdict of the American people.

I know there is controversy about the fact that Secretary Clinton got a larger number of the popular vote. I know the controversy that there were narrow victories in some of the States. But the fact is that no one in their right mind has challenged the fact that the President of the United States, whose inauguration took place today, is the President of the United States.

So why would we want to—right out of the box, right out of the box, right immediately, at an incredibly controversial time—block a member of his Cabinet who needs to take charge with

the confidence of the U.S. Senate that he will do a job and, frankly, restore—whether you happen to like the outgoing team or not. And if you want to praise them, fine; if you want to support them, fine. But the fact is, there is a huge controversy about our intelligence community. In fact, some of that, in my view, has been contributed to by the now-President of the United States with his comments about the intelligence community.

But on both sides of the aisle, we respect and admire Congressman POMPEO, who is well qualified. Is there anyone who has said he is not qualified? Is there anyone on the other side who said that POMPEO is not qualified; we haven't examined his record enough? I don't think so. If so, I haven't heard it.

But is the message now: We are just going to slow-walk the Republicans because we don't like the outcome of the election? I don't think that is the message that I would like to send from our side.

Have we, on our side, slow-walked from time to time? Have we done everything right? I am not defending everything that we have done on this side. But I do argue that, in January of 2009, we confirmed seven members of the President's team on the first day.

Mr. CORNYN. Mr. President, will the Senator yield for a question?

Mr. MCCAIN. I am glad to yield for a question.

Mr. CORNYN. I ask the distinguished chairman of the Armed Services Committee whether a period of transition from one administration to another is a time of particular vulnerability to the United States, at a time when we are transitioning not only to a new administration but also to a new national security Cabinet.

Isn't this a time of particular vulnerability for the United States?

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be yielded an additional 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I would just like to say to my friend from Texas, our leader, that there is enormous controversy about our intelligence community overall. Questions have been raised going all the way back to weapons of mass destruction in Iraq, questions about what we know or don't know about Russian involvement in the last election.

It seems to me that all of the things that the Senator from Texas just said argue for a rapid transition to a person we all trust.

I would ask the Senator from Texas very quickly: Has he heard someone who objects to Congressman POMPEO assuming the role of Director of the CIA?

Mr. CORNYN. Mr. President, I am responding to the Senator from Arizona.

I am not confident that he will get a unanimous vote here, but he will cer-

tainly be confirmed resoundingly under the rules established by the Democratic majority in the last Congress, which allow 51 votes for confirmation.

Mr. MCCAIN. Respectfully and with high regard, I would just ask my colleagues on the other side of the aisle—let's get this intelligence team to work. Let's put them together. We will have outstanding individuals in a time when, in the view of most observers, this Nation is in greater peril than it has been in 70 years.

This is a very, very serious situation we find ourselves in. The people have spoken. Let's confirm them today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I have the privilege of being the ranking member of the Armed Services Committee, working with Senator MCCAIN with respect to the nomination of General Mattis.

I am strongly in favor of the general's confirmation for many reasons. He possesses three distinct qualities that are absolutely critical: confidence, courage, and character. And he will eminently demonstrate those virtues as Secretary of Defense, in my view.

I would like to also inform the body and everyone else that we just did this in a very thorough, careful, thoughtful way.

General Mattis was subject to a 60-vote procedural vote because we had to waive his time from retirement to his ability to serve as Secretary of Defense.

We had a hearing under the auspices of the chairman about the policy with two noted historians and policy experts. Then we had a hearing with General Mattis. We have collectively—and the chairman's leadership is invaluable—moved to ensure that today we can confirm General Mattis.

This has been an opportunity that we have not used to delay, defer, or deflect the Mattis nomination. In fact, it was the one that we all recognized that would have been subject to a 60-vote point of order. So this represents the demonstrated good faith of our focus to ensure that we can get people in place for the President.

With that, I yield to the Senator from Oregon, Mr. WYDEN.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will be very brief, just to respond to my good friend from Arizona who said that the Senate not taking up Pompeo would be contradicting the will of the people. That is not the case at all. This is about whether the Senate is going to be a rubberstamp and whether the Senate is in effect going to abdicate its responsibility to do oversight.

Let me just mention four points real quickly.

No. 1, this nomination has not been considered in the Intelligence Committee. It could have been. It was not.

No. 2, we have not been able to get answers to our questions. A major question in particular, this body voted to sideline a law that collected phone records on law-abiding Americans. Congressman POMPEO has proposed something that makes the law we sidelined look like small potatoes. He is talking about collecting lifestyle information on all Americans. We are trying to get an answer about whether there are any legal boundaries at all. We have not been able to get them. That is argument No. 2.

Argument No. 3 is that we have never confirmed on inauguration day a CIA Director. That is the history of this particular nomination. No. 4, I want to talk about the realities of national security because I share the view of the chairman of the committee that this is a dangerous time. That is not up for debate. There are lots of people out there who do not wish our country well. If we were to have a tragedy tonight or tomorrow—heaven forbid that happens to our great country—if it did, we would have the talented senior people at the CIA there to protect our country, and I would submit, however you feel about Mr. POMPEO, the reality is that if he got confirmed tonight or tomorrow, and heaven forbid there was that tragedy, we would still be relying on those trained, talented professionals at the CIA who have been there, in some cases for decades, to protect our country when we are vulnerable.

That is what this is all about, ensuring that we actually have some discussion here when there are outstanding questions. Senator LEAHY, Senator BLUMENTHAL, and I have all said we just believe there ought to be some debate. There hasn't been any in the Intelligence Committee. There hasn't been any on the floor. I have gone through the history of this nomination and explained what would happen if a tragedy were to befall our great country. That is why I think we ought to have a debate in broad daylight, not when Senators are trying to figure out if their tux is going to fit and we can't get people into a real discussion.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, let me just say to my colleagues that I have had the great honor in my life of knowing some outstanding military leaders. I consider it one of the highlights of my life being around one of these great leaders.

I want to share with my colleagues that I haven't seen a finer leader, a more outstanding and respected leader, and a more beloved leader than the man we are going to be voting on to be the Secretary of Defense, James Mattis.

My friends, I am very confident that when we finish this vote, the morale all over the U.S. military will go up because they will know they have a leader and a leader they can not only respect but they admire and in many cases have great affection for. So I urge

my colleagues to vote aye on the Mattis nomination.

Mr. President, today on the steps of this Capitol, our Nation completed another peaceful transition of power and inaugurated a new President. This is a sacred rite of our democracy, one that so many have given their lives to make possible. And as free citizens, we should count ourselves fortunate to have witnessed it.

As our new Commander In Chief assumes the awesome responsibilities of his office and with threats to our national security growing in scope and severity, it is imperative that the Senate act quickly to provide advice and consent for the new cabinet, especially for the new Secretary of Defense.

Have no doubt: our adversaries will test us in the coming days and weeks. And when they do, I want our Commander In Chief to have Gen. James Mattis at his side.

I have had the privilege of knowing General Mattis for many years. He is, without a doubt, one of the finest military officers of his generation and an extraordinary leader who inspires a rare and special admiration of his troops. In fact, since his selection to be our next Secretary of Defense, I have received countless messages of support from those who had the honor of serving with him.

At his confirmation hearing before the Senate Armed Services Committee, General Mattis demonstrated exceptional command of the issues confronting the United States, the Department of Defense, and our military servicemembers. He also showed that his understanding of civil-military relations is deep and that his commitment to civilian control of the Armed Forces is ironclad.

Over more than four decades of service, General Mattis's character, judgment, and commitment to defending our Nation and our Constitution have earned him the trust of Presidents, Members of Congress on both sides of the aisle, and so many serving in our Armed Forces.

That is why the Senate Armed Services Committee approved General Mattis's nomination this Wednesday with an overwhelming bipartisan vote of 26 to 1. I hope the Senate will follow suit with a strong vote to put General Mattis to work at the Pentagon. America will be fortunate to have General Mattis at her service once again.

Mr. LEAHY. Mr. President, today I will vote for James Mattis to be the next Secretary of Defense. General Mattis stands out as a top practitioner in his field. He has earned—and rightly deserves—near-universal respect. While I opposed the hurried waiving of a carefully considered statutory cooling off period for members of the military before they can become eligible for this civilian position, I made clear then, and restate now, that my opposition to this waiver was never about General Mattis himself.

I was grateful when General Mattis said in his confirmation hearing that,

even from his first days as a marine, he has observed that, in the photographs on the walls of Department of Defense establishments, the civilians in suits were above those of the men and women in uniforms. I was pleased that he vowed to uphold that meaningful tradition. I am confident that, as the President's top adviser on matters of defense, as Secretary, General Mattis will carefully provide considered defense advice, maximizing the wisdom of not only the Active, Reserve, and National Guard, but the whole of the Department of Defense, including Department civilians.

Donald Trump will sorely need that experience and advice. Last weekend, President Trump again denigrated our NATO allies, a partnership that President Kennedy very much had in mind when he vowed at his own inauguration to "pay any price, bear any burden, meet any hardship, support any friend, and oppose any foe to assure the survival and success of liberty." General Mattis clearly understands the value of our NATO alliance. His condemnation of Russia's efforts to "break" NATO stands in stark contrast to the position of the man who has nominated him and, to me, demonstrates the sound, experienced reasoning that will provide a necessary balance to President Trump.

I do harbor reservations about General Mattis's past statements as a private citizen related to equality within the ranks of our servicemembers. I would have much preferred to hear General Mattis renounced those past statements, but I do appreciate that, in his confirmation hearings, he said that there is nothing innate about gender or orientation that makes someone a better soldier than another. I believe the results of the progress made under President Obama will show clearly that the Nation succeeds when it has the best individuals serving to their fullest potential in the position that best matches his or her abilities.

The Secretary of Defense is, of course, a critically important position. There are countless difficult choices General Mattis will have to make in steering the Department in a direction that more effectively utilizes its budget to respond to today's rapidly evolving challenges. And whether it is the persistent, shockingly high rates of sexual assault within the Armed Forces and of suicide among young veterans, or the need for far more rigorous oversight of Defense resources to reduce waste, fraud, and abuse, the next Secretary will need to demonstrate that the Department is capable of effectively addressing its own internal problems, in addition to defending the Nation.

In these unsettling times, General Mattis will provide a voice of experience and reason to what, by all accounts, looks to be an undisciplined, impulsive, and inexperienced Commander in Chief. On the Appropriations Committee and in other ways, I look

forward to working closely with General Mattis in this new role.

Mr. President, the Senate today considers the nomination of John Kelly to be the Secretary of Homeland Security. A retired marine, General Kelly is no stranger to security efforts. Over more than four decades of service in the Marines, General Kelly distinguished himself through multiple commands and tours of duty. He is well respected by elected officials, military officers, the Marines under his command, and the law enforcement and intelligence communities. I have no reason to doubt that he is a man of integrity.

But General Kelly is nominated to a far different post than those he occupied during his distinguished military career. The Department of Homeland Security—a civilian agency within our government—is charged with a far-reaching mission. From protecting national security to implementing immigration policies, from our emergency response to domestic crises, to assisting in the unending fight against drugs in our communities that today features opioids and heroin as its most prevalent threat, the Department of Homeland Security faces challenges as unique as they are numerous. While I am confident that General Kelly is well equipped to exert leadership on many of these challenges, his nomination has also raised concerns.

As we look ahead to the policies and practices this new administration will seek to implement, we cannot forget the work left unfinished in the Obama administration due to the obstruction of congressional Republicans. In 2013, after a strong bipartisan vote in the Senate, truly comprehensive immigration reform legislation was sent to the House of Representatives, where Republican leaders there refused to even bring it to a vote. That legislation addressed a litany of issues facing our broken immigration system, from securing our borders to reforming visa programs, from bringing the undocumented out of the shadows to reuniting families.

After House Republicans failed to bring that bill to a vote, President Obama took executive action to expand the Deferred Action for Childhood Arrivals, DACA, and establish the Deferred Action for Parents of Americans and Lawful Permanent Residents, DAPA, programs. These actions would have offered a reprieve for young people and parents so that they could remain in the country, with their families, and without fear of deportation. It is fundamentally unfair for the new administration to revoke a policy designed to bring vulnerable immigrants out of the shadows and then to use information gained from that policy to punish them.

I was disheartened when a Federal court issued an injunction preventing implementation of these policies. I was more disheartened when the Supreme Court was unable to resolve this court challenge, again, due to obstruction

from congressional Republicans in the consideration of President Obama's nominee to the Supreme Court. Now, this new administration is poised to withdraw these executive orders.

General Kelly is no stranger to the problems we face along the southern border. As the commander of U.S. Southern Command, he is familiar not only with immigration challenges, but with drug trafficking. While I am grateful that he has not subscribed to the singular approach that President Trump has thus far proposed with respect to constructing a wall along our southern border, I am deeply concerned that he has admonished so-called sanctuary cities and has testified that accelerating the deportation of undocumented immigrants will provide the solution to our broken immigration system. These views are not supported by the facts, and they are contrary to the work undertaken by the Senate just 4 years ago to comprehensively address these problems. I am also concerned about his tenure as the military officer in charge of the detention facility at Guantanamo Bay, given reports that he opposed its closure and limited press access to the facility.

Vermonters know that the explosion of heroin and opioid abuse across the country can, in many ways, be attributed to the cross-border trafficking of illegal drugs. General Kelly has been a strong defender of a U.S. counter-narcotics strategy which, in my view and the view of many others, has been a costly failure. Since President Reagan's first Andean Counter Drug Program, the interrelated problems of drugs, corruption, and violence that have plagued countries in South and Central America, and spilled over into our own country, have gotten progressively worse.

I do not doubt that General Kelly will be confirmed to this post. Knowing that, I do want to work with him to build on successful policies such as preclearance operations, TSA Precheck, and the visa waiver program. I look forward to partnering with him to ensure the continuation of efforts to keep our northern border secure, while remaining open to the trade and commerce we conduct with Canada, our largest trading partner. I look forward to working with General Kelly to ensure that the Federal Emergency Management Agency is fully supported and able to respond to domestic disasters. And I look forward to working with General Kelly to address vulnerabilities in our cyber infrastructure.

There are many challenges ahead. The Department of Homeland Security was hastily created in the wake of the September 11 attacks and, in my view, has become an unwieldy bureaucracy that suffers from inadequate transparency and accountability. This has resulted in adverse, sometimes severe consequences for many vulnerable people and their families who deserved better from this country. The Depart-

ment needs significant reform in order to effectively confront these challenges, and I urge General Kelly to seek the input of a wide range of experts, as well as Congress, in identifying and implementing long overdue reforms. And above all, I hope General Kelly, as the Secretary of Homeland Security, will provide a thoughtful and reasoned balance to the extreme proposals thus far put forward by President Trump.

Mr. MENENDEZ. Mr. President, I rise to speak on the nomination of Gen. John F. Kelly to be Secretary of Homeland Security. This is a tremendously important position, especially in these dangerous and uncertain times, and it requires a highly qualified nominee who will be able to handle one of the most complex positions here in Washington, DC. After his impressive career and nomination hearing, few would question that he has the knowledge and the skill to lead the agency.

He has years of experience working with our neighbors in Latin America as former commander of U.S. Southern Command, where he saw firsthand the drivers of the unaccompanied minors crisis. In his testimony, he outlined what he saw as the root causes of migration, including people fleeing violence and seeking asylum within the United States.

Yet the position requires more than experience, it requires a true understanding of the issues and how they affect the men and women we are all sworn to serve. It is in this aspect that I have lingering concerns.

Anyone running DHS must be able to prioritize their resources in the apprehension, detention, and removal of undocumented immigrants. On November 20, 2014, the Department of Homeland Security outlined how scarce Federal resources would be allocated in enforcing our Nation's immigration laws. The memo focused resources on threats to national security, threats to national safety, and threats to border security, while deemphasizing law-abiding immigrants who have integrated themselves into society. I have been generally supportive of this prioritization, as I believe that Federal resources should be spent on enforcement actions against serious criminals.

On day one as Secretary of Homeland Security, General Kelly will have to address this. I hope he will recognize the wisdom of keeping families together, protecting children and the Deferred Action for Childhood Arrivals DACA Program and focus on deporting serious criminals and those who truly pose a threat to our national security. This focus isn't about being liberal or conservative but is a smart and humane approach to enforcement of our immigration laws.

General Kelly will have to grapple with the realities of our immigration system. As Secretary of Homeland Security, General Kelly will be tasked with the critical duty of maintaining our southwest borders. We have heard

promises by the President-elect to build a wall that would cost taxpayers \$25 billion; yet a wall will not secure the border or stop the flow of illegal drugs into the country. General Kelly himself noted that a wall alone is not enough. I hope that General Kelly will recognize that \$25 billion is better spent trying to reduce factors that drive people to the United States.

After speaking to General Kelly and listening to his testimony, I am cautiously optimistic that this is a nominee who understands the issues that will be in front of a Homeland Security Secretary. Ultimately, to truly understand the issues, General Kelly will need an ongoing dialog with those such as myself who care deeply about fixing our immigration system. As my colleagues are aware, my record of standing up for immigrants is clear from years of work on comprehensive immigration reform. General Kelly should hear the stories about those with loved ones who have been torn from their homes and sent back to a country they no longer have a connection with. He should talk to those young immigrants who are American in every way except for a piece of paper who have come out of the shadows, registered with the government, and applied for DACA and fear being deported under this new administration. He should hear from parents who have U.S. citizen children and have lived in this country for over a decade and live with the constant threat of being separated from their children.

I will support the nomination of General Kelly to be the Secretary of Homeland Security. However, I plan on using every procedural and legislative tool to push back against any deportation force or policies that indiscriminately separate families, targets DREAMers, and generate fear in our immigrant communities.

Mr. JOHNSON. Mr. President, I am honored to speak today in support of Gen. John Kelly's nomination to be America's fifth Secretary of the Department of Homeland Security.

We would be hard pressed to find an individual who is better suited to this challenge, in these perilous times.

General Kelly served this Nation for 45 years as a proud marine. He commanded the finest among us during three tours in Iraq. He rose to the rank of four-star general. And tragically, he became the most senior military officer to lose a child in combat when his son, Marine 2nd. Lt. Robert Kelly, was killed in November of 2010 in Afghanistan.

As a four star general and a Gold Star parent, General Kelly has served and sacrificed—he knows the price of freedom.

Perhaps the best way to describe the man we should confirm today is to use his own words given in testimony before our committee:

"I am humbled to once again be called to serve, this time with the men and women of the Department of Homeland Security.

As I solemnly swore before God when I entered the Marine Corps, if confirmed, I will faithfully support and defend the Constitution of the United States against all enemies foreign and domestic—every second of every day.

I believe in America and the principles upon which our country and way of life are guaranteed. I believe in respect, tolerance, and diversity of opinion. I have a profound respect for the rule of law and will always strive to uphold it. I have never had a problem speaking truth to power, and I firmly believe that those in power deserve full candor and my honest assessment and recommendations.

I love my country, and I will do everything within my power to preserve our liberty, enforce our laws, and protect our citizens. I recognize the many challenges facing the Department of Homeland Security—and should I be confirmed—I look forward to partnering with you all to protect the homeland."

Colleagues, we are fortunate to have a man of such high caliber who is willing to once again answer the call of duty. I urge all of you to support his confirmation today.

Mr. VAN HOLLEN. Mr. President, I support the nomination of General James Mattis to serve as Secretary of Defense.

I voted against enacting an exception to the National Security Act for a recently retired general to serve as Secretary of Defense, but that vote was in support of our Nation's tradition of civilian leadership of the military. Now that General Mattis's nomination is before the Senate on the merits, I believe that he will provide the experience and steady hand that will serve this administration well.

General Mattis has served as a commander of NATO coalition troops. He commanded troops in Iraq and Afghanistan. And he was commander of the U.S. Central Command, responsible for American military operations in the Middle East, Northeast Africa, and Central Asia. General Mattis has served as a visiting fellow at the Hoover Institution at Stanford University, and Members of both parties who have worked with him have testified to his breadth of knowledge and understanding of key threats and America's role in the world.

I was heartened to hear in the course of General Mattis's hearing and the Senate's consideration of his nomination that he has many views that are more reasoned than those expressed by President-Elect Trump. His testimony made clear that he recognizes the very real challenges posed by Russia, and the importance of reassuring our NATO allies of America's commitment to our common defense and mutual obligations. I am pleased to hear that General Mattis opposes the use of torture and has no intention to reverse Department of Defense policies on women and the LGBT community. I hope that General Mattis's counsel will persuade President Trump on these matters.

I believe that General Mattis's knowledge of and familiarity with international affairs will be of help to the incoming President and the Nation and thus I support his nomination.

Mr. President, President Trump ran a divisive campaign that engaged in fear-mongering against many immigrants and scapegoated Muslim Americans. To the extent that he attempts to act on that irresponsible rhetoric, I will strongly oppose him.

Thus, I appreciated many of General Kelly's comments in his confirmation hearing before the Committee on Homeland Security and Governmental Affairs, including his opposition to a registry based on ethnicity or religion and his skepticism of the utility of an expensive massive border wall. I hope that General Kelly will use his voice to advocate for those views in the new administration.

General Kelly has an admirable record of public service, including leadership of the U.S. Southern Command, which is responsible for Central America, South America, and the Caribbean. He has a strong relationship with current Homeland Security Secretary, Jeh Johnson, which will help support a smooth transition of the \$40 billion agency with its 240,000 employees.

I am concerned, however, that at General Kelly's confirmation hearing, Senator HARRIS repeatedly asked him whether he would honor the commitment made to DACA children and DREAMers not to share their personal information with Immigration and Customs Enforcement to protect them from deportation. General Kelly repeatedly declined to say that he would. DACA recipients submitted their personal information to the government on the assurance from the Department of Homeland Security that their information would not be used against them. These families now live in fear that the new administration will tear them apart.

I hope that these concerns prove to be unwarranted, and, should General Kelly be confirmed, I look forward to working with him to both protect our homeland and the values we hold dear. However, his failure to provide assurances that he will meet the commitment we have made to these individuals who came to the United States as children means I cannot support his nomination today.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

NOMINATION OF MIKE POMPEO

Mr. LEAHY. Mr. President, I want to associate myself with what the distinguished Senator from Oregon has said. My concerns—and they will be in my full statement about Mr. POMPEO—are his suggestions in the past of sweeping authority for the government to collect bulk information on all Americans; that is, every American in this room, every American in this city, and every American in this country. We have strong bipartisan legislation that we have worked for years on, trying to

get Republicans and Democrats across the political spectrum to set into law what the rules should be. His statements show that he wants to throw it all overboard. So I have concerns.

Mr. President, 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, and 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 reestablishment 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 overwhelming 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 Americans. For these reasons, I cannot support Congressman POMPEO's nomination.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. BARR. Mr. President, I ask unanimous consent for 2 additional minutes on each side.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BARR. Mr. President, I would like to respond to the statement of the Senator from Oregon. As chairman of the Intelligence Committee, let me just tell Members that Congressman POMPEO has made himself available to every Member on the Committee for private meetings in their office. For everyone who would take a meeting, he met with them.

He came before the committee in open session and in closed session. In open session, he stayed for as long as Members had questions, and all questions were answered. Congressman POMPEO received from the committee over 150—may have been over 200—questions for the record. Today all questions are answered.

I can't address whether there was ever a CIA Director who was confirmed on inauguration day, but I can't think of a time where the country has been more challenged with threats around the world and at home than we are right now. We carried out military acts last night and the night before. We have just gotten through with one of the highest security events in the history of this country in Washington, DC.

Why aren't we taking up Representative POMPEO today? It is not because there is disagreement, it is not because we haven't had an opportunity to ask enough questions or talk to him face-to-face and get answers. It is because some people don't want to vote on it today. They want to wait until Monday.

I am willing to debate this as long as it needs to be debated. I don't want to cut off anybody's debate, but I think we owe it to the country to have a vote today. That can be in an hour, it can be in 5 hours, but I think we ought to provide this President with a CIA Director who is in charge.

Mr. DURBIN. Will the Senator yield for a question?

Mr. BARR. I will be happy to yield.

Mr. MCCAIN. I object. It is time for the vote.

Mr. DURBIN. Mr. President, there were 2 minutes extended to each side, if I am not mistaken.

The ACTING PRESIDENT pro tempore. The Senator cannot object. There is 2 minutes on both sides.

Mr. BARR. Mr. President, let me conclude and then the Senator can claim his own time.

We ought to do this. We ought to do it for the country, not for ourselves. It is not about us. This is about doing something for the country. An Acting Director of the CIA is just not sufficient, whether it is for a day or whether it is for a week. Right now they need leadership that is permanent. They need to know tomorrow who is heading that Agency. I would urge my col-

leagues, let's confirm him today. We have had enough time to ask every question possible, and now is the time to vote on confirmation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I only want to ask my friend from North Carolina, the chairman of the committee, two questions.

Is it traditional for the Senate Intelligence Committee that you chair to report out a nominee like Congressman POMPEO, and have you reported him out of your committee to the floor?

Mr. BARR. The Senator's question is a very good one.

It is normal for us to report out. We thought we had a deal with the Democratic leader. That is why we didn't discharge him. That is why we didn't have a business meeting this week. I regret that I didn't schedule that, but it certainly could have been, and I will not make that mistake again.

The ACTING PRESIDENT pro tempore. All time for the majority has expired.

Who yields time?

The Senator from Michigan.

Mr. DURBIN. The Democratic side yields back all time.

The ACTING PRESIDENT pro tempore. All time has expired.

VOICE ON MATTIS NOMINATION

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

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 29 Ex.]

YEAS—98

Alexander	Cruz	Johnson
Baldwin	Daines	Kaine
Barrasso	Donnelly	Kennedy
Bennet	Duckworth	King
Blumenthal	Durbin	Klobuchar
Blunt	Enzi	Lankford
Booker	Ernst	Leahy
Boozman	Feinstein	Lee
Brown	Fischer	Manchin
Burr	Flake	Markley
Cantwell	Franken	McCain
Capito	Gardner	McCaskill
Cardin	Graham	McConnell
Carper	Grassley	Menendez
Casey	Harris	Merkley
Cassidy	Hassan	Moran
Cochran	Hatch	Murkowski
Collins	Heinrich	Murphy
Coons	Heitkamp	Murray
Corker	Heller	Nelson
Cornyn	Hirono	Paul
Cortez Masto	Hoeven	Perdue
Cotton	Inhofe	Peters
Crapo	Isakson	Portman

Reed
Risch
Roberts
Rounds
Rubio
Sanders
Sasse
Schatz
Schumer

Scott
Shaheen
Shelby
Stabenow
Sullivan
Tester
Thune
Tillis
Toomey

Udall
Van Hollen
Warner
Warren
Whitehouse
Wicker
Wyden
Young

NAYS—1
Gillibrand
NOT VOTING—1
Sessions

The nomination was confirmed.
The PRESIDING OFFICER. The majority leader is recognized.
Mr. McCONNELL. Madam President, I think under the circumstances the Democratic leader and I have come up with a solution that I think at least moves the ball in the right direction. First, I want to implore our colleagues on the other side to give us a vote on POMPEO today.

UNANIMOUS CONSENT REQUEST—PRESIDENTIAL NOMINATION

Therefore, following disposition of the Kelly nomination, I ask unanimous consent that the Intelligence Committee be discharged and the Senate proceed to the consideration of the following nomination received today: MIKE POMPEO to be Director of the Central Intelligence Agency. I ask that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, and the President be notified of the Senate's action.

The PRESIDING OFFICER. Is there objection to the request?
Mr. WYDEN. I object, Madam President.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Madam President, it is pretty obvious the Senator from Oregon is not interested in approving this CIA nomination today. I would remind everyone the previous Director is gone. The Deputy, the No. 2 person, is gone. I don't think it is a great idea for Senate Democrats to be holding this vacant over the weekend.

UNANIMOUS CONSENT AGREEMENT—PRESIDENTIAL NOMINATION

Mr. President, given what we have heard, following disposition of the Kelly nomination, I ask unanimous consent that the Intelligence Committee be discharged and the Senate vote on the motion to proceed to the consideration of the following nomination received today: MIKE POMPEO to be Director of the Central Intelligence Agency—the motion to proceed. I further ask consent that following leader remarks on Monday, January 23, there be 6 hours of debate on the nomination, equally divided in the usual form, and that following the use or yielding back of time, the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, this would ensure that there would be a debate about the CIA and its future Director in the light of day. I am not going to object, and I withdraw my reservation.

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

The question now occurs on the Kelly nomination.

Mr. McCAIN. Madam President, I ask for 1 minute on the nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.
The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, I know it is unnecessary, but I urge an "aye" vote on General Kelly. He is experienced. He is talented. He understands borders. He understands the challenges we face for our national security throughout the world. I strongly urge an "aye" vote for General Kelly.

VOTE ON KELLY NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Kelly nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.
The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 88, nays 11, as follows:

[Rollcall Vote No. 30 Ex.]

YEAS—88

Alexander	Fischer	Murkowski
Baldwin	Flake	Murphy
Barrasso	Franken	Murray
Bennet	Gardner	Nelson
Blunt	Graham	Paul
Boozman	Grassley	Perdue
Brown	Hassan	Peters
Burr	Hatch	Portman
Cantwell	Heitkamp	Reed
Capito	Heller	Risch
Cardin	Hirono	Roberts
Carper	Hoeven	Rounds
Casey	Inhofe	Rubio
Cassidy	Isakson	Sanders
Cochran	Johnson	Sasse
Collins	Kaine	Schatz
Coons	Kennedy	Schumer
Corker	King	Scott
Cornyn	Klobuchar	Shaheen
Cotton	Lankford	Shelby
Crapo	Leahy	Stabenow
Cruz	Lee	Sullivan
Daines	Manchin	Tester
Donnelly	Markey	Thune
Duckworth	McCain	Tillis
Durbin	McCaskill	Toomey
Enzi	McConnell	
Ernst	Menendez	
Feinstein	Moran	

Warner
Whitehouse

Wicker
Young

NAYS—11

Blumenthal	Harris	Van Hollen
Booker	Heinrich	Warren
Cortez Masto	Merkley	Wyden
Gillibrand	Udall	

NOT VOTING—1
Sessions

The nomination was confirmed.
The PRESIDING OFFICER. With respect to the Mattis and Kelly nominations, under the previous order, the motions to reconsider are considered made and laid upon the table.
The President will be immediately notified of the Senate's action.

PRESIDENTIAL NOMINATION—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Select Committee on Intelligence is discharged from further consideration of the nomination of MIKE POMPEO, of Kansas, to be Director of the Central Intelligence Agency, and the question is on agreeing to the motion to proceed to the nomination.

Mr. CORNYN. 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 clerk will call the roll.
The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Virginia (Mr. KAINE) is necessarily absent.

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

The result was announced—yeas 89, nays 8, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—89

Alexander	Fischer	Murphy
Baldwin	Flake	Murray
Barrasso	Franken	Nelson
Bennet	Gardner	Paul
Blunt	Graham	Perdue
Boozman	Grassley	Peters
Brown	Harris	Portman
Burr	Hassan	Reed
Cantwell	Hatch	Risch
Capito	Heinrich	Roberts
Cardin	Heitkamp	Rounds
Carper	Heller	Rubio
Casey	Hirono	Sasse
Cassidy	Hoeven	Schatz
Cochran	Inhofe	Schumer
Collins	Johnson	Scott
Coons	Kennedy	Shaheen
Corker	King	Shelby
Cornyn	Klobuchar	Stabenow
Cortez Masto	Lankford	Sullivan
Cotton	Leahy	Tester
Crapo	Lee	Thune
Cruz	Manchin	Tillis
Daines	Markey	Toomey
Donnelly	McCain	Van Hollen
Duckworth	McCaskill	Warner
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Ernst	Moran	Young
Feinstein	Murkowski	