

our country. That letter was received yesterday about 4 o'clock, and now they have indicated they want something else.

A committee of jurisdiction, the Armed Services Committee, has extensive information on Chuck Hagel. They have as much information that is available on the Benghazi situation: testimony from administration officials, from multiple committees, and from an independent review board. Secretary Clinton testified; Secretary Panetta, who is going to be leaving his job in less than 2 hours; Chairman of the Joint Chiefs, Martin Dempsey; and others have all testified regarding the attack that claimed four American lives. Chuck Hagel had nothing to do with the attack in Benghazi. Stating the administration hasn't been forthcoming is outlandish.

There are serious consequences to this delay, consequences that are occurring right now.

The President is making some important decisions about Afghanistan. He announced to the world just a day or two ago that 34,000 troops will be coming home during the next year from Afghanistan. We are negotiating with the Afghan Government regarding how we will support them beyond 2014. Negotiations are going on right now.

I heard today from former Senator John Kerry that he is headed for the Middle East. Why? Syria. That is something else the Secretary of Defense has to be concerned about.

Next week while we are on recess—while we are on recess—they are having a NATO Defense Ministers meeting in Brussels about what to do to coordinate our approach on Afghanistan and the rest of our obligations as members of NATO. It is going to be somewhat unusual that the United States isn't represented by the Secretary of Defense. We will not have one if we don't get this done this week.

I am sure they are going to focus on how to end the war responsibly in Afghanistan, how our alliance will work together through the time of transition, and how we can ensure Afghanistan doesn't become a safe haven for al-Qaida again. We need a Secretary of Defense at that meeting. It sends a terrible signal to the hundreds of thousands of troops we have around the world and the military personnel in the United States that we are not going to have a Secretary of Defense.

Republicans are telling our troops: Well, you may have a leader later. What is going on in Europe, the Brussels conference, doesn't really matter.

It sends a terrible signal not only to our military personnel but to the world.

He has answered exhaustive questions about his record. He has the support of the President of the United States.

I heard a lot of speeches from the other side saying the President should have the right to choose whomever he wants. He has the support of this body,

the majority vote in this body, and this democracy. We are a nation at war. We are, whether we like it or not, the world's indispensable leader. We are.

For the sake of our national security it is time to put aside this political theater, and that is what it is. People are worried about primary elections. We know how the tea party goes after Republicans when they aren't conservative enough. Is that something they need to have on their resume: I filibustered one of the President's nominees? Is that what they want?

The filibuster of Senator Hagel's nomination is unprecedented. I repeat, not a single nominee for Secretary of Defense of our country has ever been filibustered—never, ever. As we all know, in a matter of days across-the-board cuts are going to take place, and it will affect defense to the tune of \$600 billion. Wouldn't it be nice if we had a Secretary of Defense to work things out?

Leon Panetta, after more than 30 years of service to this country—Congress, chairman of the Budget Committee, OMB, the President's Chief of Staff, head of the CIA, Secretary of Defense—after all these years has gone home to his farm, his family in California.

We do not have, as of 12 o'clock today, a Secretary of Defense. These across-the-board cuts are going to be very difficult. The Pentagon needs a leader to oversee and manage historic cuts and ensure they are made in a responsible way.

A moment about Hagel. He was an enlisted man in the Vietnam war. He didn't have to go; he enlisted. The story of Senator Hagel is not a legend, it is true. He was a heroic warrior. He was an infantryman. He saved his brother's life.

When he was a Senator here the picture he had was of him and his brother in Vietnam on a personnel carrier. He is proud of his service. He should be. He was wounded two times, an infantry squad leader, and a man of integrity and dedication who has a deep understanding of our national security establishment. This came not only from his military service but as a Senator, a member of the Foreign Relations Committee, and a member of the Intelligence Committee. He has been a member of the President's Foreign Intelligence Advisory Board.

At a time when America faces so many threats—I have outlined just a few of them—all across the world our Nation needs a man of Senator Hagel's combination of strategic and personal knowledge. We need a Secretary of Defense. It is tragic that they have decided to filibuster this qualified nominee. It is really unfortunate.

RECOGNITION OF THE MINORITY LEADER

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

A FAMILIAR SCENARIO

Mr. McCONNELL. In just 15 days significant across-the-board cuts are set to take effect unless the President and the Senate Democrats come up with a plan to replace them with smarter, targeted spending reductions. The President and the Senate majority have known about this deadline for more than a year. Yet here we are just days before the so-called sequester is set to hit, and a familiar scenario is playing out once again. It goes something like this:

Phase 1. Republicans identify a challenge and actually propose a solution.

Phase 2. Liberals sit on their hands until the last minute.

Phase 3. They offer some gimmicky tax hike designed to fail and then blame everybody else when it does.

Phases 1 and 2 have gone exactly according to plan. House Republicans proposed and passed plans to replace the sequester months ago. As if on cue, Senate Democrats have doggedly refused to consider any of them, much less offer any of their own. Here we are again at phase 3. That means it is now time for them to swoop in with the gimmick.

That is why our friends on the other side have been huddled behind closed doors with pollsters and PR spinmeisters. They have been busy devising the most appealing-sounding tax hikes they can think of.

Don't believe me? Just watch what happens now. Later today, Senate Democrats are expected to roll out the gimmick. Remember, this is not a solution. Even they know it can't pass. But that is the idea. It is a political stunt designed to mask the fact they have offered no solutions and don't plan to offer any solutions. It is a total waste of time.

For nearly 2 months, I have been coming to the floor to ask Senate Democrats to work with us on a bill that could pass both Houses of Congress. If they were the least bit serious about a solution, they have had more than a year to write a bill in committee, bring it to the floor, vote on amendments, get it to the House and fix this.

Instead, they have waited right up until the moment of crisis, just as they always do, and then they get together not with the goal of finding a solution but to hatch an escape plan aimed at making Republicans look like the bad guys. Their whole goal here isn't to solve the problem, it is to have a show vote that is designed to fail, call it a day, and wait for someone else to pick up the pieces.

My message this morning is quite simple: There won't be any easy off-ramps on this one. The days of eleventh hour negotiations are over. Washington Democrats have gotten used to Republicans bailing them out of their own lack of responsibility. But those days have passed. Look, they run the Senate; they run the White House. It is time they started acting like it.

As a first step, Senate Democrats need to honor their pledge to return to regular order. Legislation that passes through this Chamber should be written with input from both parties. It should get a fair public vetting in committee, and Senators should get a chance to offer amendments. Just yesterday, the President's own Treasury nominee called for a return to regular order.

So it is time for the President and Senate Democrats to put the games and gimmicks aside. It is time they stopped waiting until the last minute to get things done around here. People are tired of it. I know my constituents in Kentucky are certainly tired of it. They have had enough of the political theater. It is time to put the stunts aside and actually work on real solutions. That is what we were sent here to do, and we should do it.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF CHARLES TIMOTHY HAGEL TO BE SECRETARY OF DEFENSE

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

The legislative clerk read as follows:

Department of Defense. Nomination of Charles Timothy Hagel, of Nebraska, to be Secretary.

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

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

The legislative clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, it has been suggested that the Senate should not move forward with Senator Hagel's nomination, alleging he has not complied with requests that he produce speeches. In fact, the standard committee questionnaire requires nominees to provide a copy of "any formal speeches you have delivered during the last 5 years of which you have copies." Senator Hagel complied with this requirement before his hearing 2 weeks ago.

Before the hearing, a number of requests were received from Republican Members that Senator Hagel seek and obtain and provide to the committee some transcripts of additional speeches. In fact, hundreds of pages of tran-

scripts were, in fact, supplied to the committee before the hearing, in addition to those he had submitted in response to the committee questionnaire.

Since then, we have received two additional requests for specific speeches, and in each case we forwarded to Senator Hagel the requests. He sought and provided transcripts of speeches for which he had no prepared remarks and of which he had no copies. So he has responded to those requests, and where he was able to obtain a transcript or a video of the speech from the organization he addressed, he provided a copy. Where no such materials existed, he told us that was the case.

Senator Hagel was informed that a video of his remarks existed in one of those cases but that the organization had been unable to find it. The organization has now located the video, and it will be provided to the majority and minority staffs of the committee today.

In the last few days there has been some finding of transcripts or videos that have surfaced on the Internet—a handful of 2008 and 2009 speeches that Senator Hagel did not recollect. So I ask unanimous consent that a list of links to the Web transcripts or Web videos and a list of Senator Hagel's potentially relevant Senate speeches that are a part of the CONGRESSIONAL RECORD from 2008 be printed in the RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. LEVIN. Mr. President, Senator Hagel stated in his financial disclosure that he received \$200,000 from Corsair Capital, which is a private equity firm, and he was a member of its advisory board. It has been alleged that Senator Hagel failed to provide complete financial disclosure, despite the admitted lack of evidence of any kind, and a highly negative innuendo was dropped by one of our colleagues which said that, and I quote, "it is, at a minimum, relevant to know if that \$200,000"—referring to those fees from Corsair Capital—"that [Senator Hagel] deposited in his bank account came directly from Saudi Arabia, [or] . . . from North Korea. . . ." Without any evidence of any kind, that kind of innuendo has been dropped here. It is inappropriate, unfair, untrue.

Senator Hagel has provided the same financial disclosure and met the same conflict of interest standards that the committee requires of all previous nominees. As I explained in a February 8, 2013, letter to my ranking member, Senator INHOFE:

Our committee has a well-defined set of financial disclosure and ethics requirements which apply to all nominees for civilian positions in the Department of Defense. . . . We have applied these disclosure requirements and followed this process for all nominees of both parties throughout the 16 years that I have served as Chairman or Ranking Minority Member of the [Armed Services] com-

mittee. I understand that the same financial disclosure requirements and processes were followed for at least the previous 10 years, during which Senator Sam Nunn served as Chairman or Ranking Minority Member.

And I added:

During this period, the committee has confirmed eight Secretaries of Defense (Secretaries Carlucci, Cheney, Aspin, Perry, Cohen, Rumsfeld, Gates, and Panetta), as well as hundreds of nominees for other senior civilian positions in the Department. . . . The committee cannot have two different sets of financial disclosure standards for nominees—one for Senator Hagel and one for other nominees.

As required by the Senate Armed Services Committee and by the Ethics in Government Act, Senator Hagel has disclosed all compensation over \$5,000 that he has received in the last 2 years. As required by the Armed Services Committee, he has received letters from the Director of the Office of Government Ethics and the Acting Department of Defense General Counsel certifying that he has met all applicable financial disclosure and conflict of interest requirements.

As required by the Armed Services Committee, he has answered a series of questions about possible foreign affiliations. Among other questions, the committee asks whether during the last 10 years the nominee or his spouse has "received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government." And Senator Hagel's answer was "No."

Mr. LEAHY. Mr. President, will the distinguished chairman of the Armed Services Committee yield for a question?

Mr. LEVIN. I will be happy to.

Mr. LEAHY. Mr. President, I have listened to the recitation. Basically what the Senator is saying is that all the rules that were in place for nominees to the Department of Defense under Republican Presidents are being followed for Senator Hagel. But there are some who want to go beyond those and create new rules beyond those for Vice President Cheney when he was Secretary or Donald Rumsfeld or Gates or any of the other Secretaries of Defense. The Senator is saying some now want to do something different for this nominee of President Obama's than the practices they found totally acceptable for the nominees of President Bush?

Mr. LEVIN. The Senator is correct. A number of our colleagues have made that demand, and it is simply not something on which we are going to set a precedent. It is not the way to proceed in this body.

Mr. LEAHY. I stand with the Senator from Michigan. In the Judiciary Committee, we follow the same procedure for our judicial nominees regardless of the party of the President who nominates them. If we begin switching the rules depending upon who is President—well, if we think the American public holds Congress in low esteem right now, it is going to get even