

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

worse. So I compliment the Senator for sticking to the rules.

Mr. LEVIN. Mr. President, I thank my good friend from Vermont.

Just to complete my statement on the financial part, this is relative to the fees he received when he was on the advisory board of Corsair Capital.

This is a company he does not control. He is not in a position to require that it disclose anything. The other members of the advisory board—all of whom are identified, by the way, on the company's Web site—include the chairman of JPMorgan Chase International, who is a laureate of the 2002 Israel Prize in Economics and a recipient of the Scopus Award from Hebrew University. Other members of the advisory board: the former director of investments for Yale University and the former chairman of the Financial Services Authority, which is responsible for regulating the insurance industry in the United Kingdom. So the innuendo that Corsair Capital is somehow a puppet entity that is funneling tainted money to members of its advisory board is unfair. It is totally inappropriate.

Senator INHOFE said yesterday that he is not filibustering this nomination.

He is just insisting on a 60-vote requirement for Senate approval. And he said it is not unusual to insist on 60 votes for the approval of a nominee and this was done during the Bush administration for the nomination of Stephen Johnson to be EPA Administrator and the nomination of Dirk Kempthorne to be Secretary of the Interior.

Well, the Senate rules do not provide for 60-vote approval of nominations or any other matter. These rules establish a 60-vote requirement to invoke cloture and end debate. If 60 votes are required here, it is because there is filibuster. There is no 60-vote requirement for the approval of a nomination, and the two examples cited by Senator INHOFE actually prove this point. On the nomination of Stephen Johnson, cloture was invoked by a 61-to-37 vote on April 29, 2005. On the nomination of Dirk Kempthorne, cloture was invoked by an 85-to-8 vote on May 26, 2006. But—and this is the point—after the debate was ended by those votes on cloture, the nominations were confirmed by regular votes of this body. And those regular votes are either a voice vote or a majority vote on a rollcall vote.

So that history is, again, an example of how the Senate operates. Sixty votes is not required to approve a bill or ap-

prove a nomination. If a matter is being filibustered, 60 votes is required to end the debate, and then, if the debate is ended, there is a vote on a nomination or a bill.

No nomination for the position of Secretary of Defense has ever before been filibustered. This filibuster breaks new ground. The filibuster of a nomination for Secretary of Defense is the first one under any circumstances, and it is unwise. The Department is facing a budget crisis that was described as a 10 on a scale of 1 to 10 by the Chairman of the Joint Chiefs of Staff. So a filibuster at this time of a budget crisis is exceptionally ill-advised. Leaving the Department of Defense leaderless at a time when we are in an Afghan conflict, when North Korea has just exploded a nuclear device is exceptionally ill-advised. And perhaps most important, having a Department of Defense that does not have a new Secretary confirmed is unfair to the men and women in uniform. It sends them exactly the wrong message, as it does to our friends and our adversaries around the world.

Mr. President, I yield the floor.

EXHIBIT 1

ADDITIONAL SPEECHES AND EVENTS BY CHUCK HAGEL THAT ARE AVAILABLE ON THE INTERNET

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| December 4, 2008 | Israeli Policy Forum Annual Event: "In His Own Words: Sen. Chuck Hagel on the Middle East" | http://mycatbirdseat.com/2012/12/35795-senator-chuck-hagel-keynote-speech-israel-policy-forum-annual-event/ |
| May 16, 2009 | Georgetown University Commencement Speech | http://commencement09.georgetown.edu?p=620 |
| September 23, 2009 | 2009 McCarthy Lecture—College of Saint Benedict/Saint John's University | http://www.csbsju.edu/McCarthy-Center/McCarthy-Lecture/McCarthy-Lecture-Archive/2009-Lecture-htm |
| October 2009 | Gerald R. Ford School of Public Policy—University of Michigan | http://www.fordschool.umich.edu/events/calendar/148/ |
| May 28, 2012 | 50th Anniversary of the Vietnam War Commemoration | http://www.vietnamwar50th.com/media_center/the_honorable_chuck_hagel_memorial_day-2012_speech/ |

SPEECHES THAT SENATOR HAGEL GAVE ON THE SENATE FLOOR IN 2008 THAT COULD BE RELEVANT TO HIS NOMINATION

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| February 28, 2008 | Senate Floor Speech re: GI Bill |
| May 8, 2008 | Senate Floor Statement re: Chief Master Sergeant Glenn Freeman |
| May 20, 2008 | Senate Floor Speech—Feingold-Hagel bill establishing an independent Foreign Intelligence and Information Commission |
| May 20, 2008 | Senate Floor Speech re: GI Bill |
| June 12, 2008 | Senate Floor Speech—233rd Birthday of the United States Army |
| October 2, 2008 | Senate Floor Speech—Farewell to the Senate |

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

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

The assistant bill clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I applaud what Senator LEVIN has said about Senator Hagel. If you made a list of the qualifications of the perfect Secretary of Defense, it would look like the resume of Chuck Hagel. If you look past the partisan posturing of some, I think the American public supports his confirmation as Secretary of Defense.

I worry that this partisan posturing adds to the low opinion Americans have of both the House and Senate. This is not the way we should be doing the country's business.

I strongly support the nomination of Chuck Hagel to be Secretary of Defense

and urge all Senators to support him. We are at a time of fiscal austerity. We all understand that. But we need a leader at the Pentagon, one who understands what it takes to maintain the strongest military force in the world.

Senator Hagel is a former enlisted soldier. He understands defense policy and practice from the ground up. He is the leader we need as Secretary of Defense. He is experienced by any measure. Like thousands of people he will lead at the Pentagon, he has earned a combat infantryman's badge. These qualifications are not abstract. He has two Purple Hearts from combat service in Vietnam. He still carries shrapnel in his body from those injuries.

On any issue having to do with the U.S. military, I have long valued the firsthand experience of Chuck Hagel. But this service alone is not what makes him qualified. He has been a leader in the public and private sectors. He cofounded Vanguard Cellular Systems, a successful cellular carrier in the 1980s and 1990s. He was president

and CEO of the USO and the chief operating officer of the 1990 G7 Summit. He served as president of an investment bank, on the boards of some of the world's largest companies, and as a two-term U.S. Senator. He is clearly a qualified nominee.

Since his nomination was announced last month, some have questioned Senators Hagel's position on a number of issues—notably, his support for Israel. Well, as recently as his confirmation hearings, he has reaffirmed his long record of support for Israel. In January, Danny Ayalon, the Israeli Deputy Foreign Minister and former Israeli Ambassador to the United States, affirmed what he sees as Senator Hagel's commitment to the unique U.S.-Israeli relationship. As a member of the Foreign Relations Committee, Senator Hagel supported the authorization of almost \$40 billion in aid to Israel. In a 2008 book, Senator Hagel wrote that, "there will always be a special and historic bond with Israel exemplified by our continued commitment to Israel's

defense." He also wrote that that there can be no compromise on Israel's identity as a Jewish state. He has affirmed the U.S. commitment to Israel's security and Israel's right to defend itself against aggression. These are just a few examples, but by any objective measure, Senator Hagel is committed to the mutual interests of the United States and Israel.

Attacks suggesting that Senator Hagel is soft on Iran are also baseless. Through all my conversations with Senator Hagel, I have never once doubted his belief in the President's responsibility to build alliances and exhaust all available means to achieve our foreign policy goals through diplomacy. But he also believes that aggressive actions by us against a foreign government should be strategic. There is not a shred of evidence to support claims that he supports a nuclear Iran, or that he does not support the President's efforts—unilateral or multilateral—to bring Iran to the negotiating table over its nuclear program. He has reaffirmed that he believes in keeping all options on the table, including force if necessary, to prevent Iran from obtaining a nuclear weapon. Senator Hagel supports the sanctions against Iran already in place. He has affirmed the need to keep military action on the table. He supported the Iran Missile Proliferation Sanctions Act of 1997, the Iran Nonproliferation Act of 2000, and the Iran Freedom Support Act of 2006. Any assertion that Senator Hagel accepts Iran's nuclear program is false.

Then there are the bogus, inflammatory claims that Senator Hagel is soft on terrorism. Nothing could be further from the truth. He has not hesitated to call Hezbollah and Hamas what they are—terrorist organizations. He condemned Iran's support of Hezbollah and cosponsored the Senate resolution demanding that Hamas recognize Israel's right to exist. He also supported the Palestinian Anti-Terrorism Act of 2006, a multilateral effort to force Hamas to recognize Israel, renounce violence, disarm itself, and accept prior agreements with Israel.

I have traveled with Senator Hagel to different parts of the world, combat areas and areas of great security concern to the United States. I have sat in meetings with him as he spoke with our military and intelligence officials. Please excuse me if I am somewhat vague, since most of these meetings were of a highly classified nature, but I can say this: he asked tough questions and always kept the security interests of the United States foremost at hand with both U.S. security officials and also with the leaders of other countries. Senators who were with us of both parties commented to me afterward how impressed they were with the way Senator Hagel conducted these meetings.

In this time of talk of across the board budget cuts, some have suggested that Senator Hagel would recklessly weaken the defense budget.

Nothing in Chuck Hagel's record supports that. He resigned as Deputy Administrator of the Veterans Administration over what he considered to be inappropriate budget cuts.

He opposes cuts that would weaken our security. He vigorously opposes sequestration, which has been rightly compared to cutting with a meat cleaver. Like Secretary Panetta and Secretary Gates, Chuck Hagel believes the Pentagon has a role to play in deficit reduction but not at the expense of keeping our military the preeminent fighting force in the world. He says that reductions must be smart and strategic. I agree. I am confident that our men and women in uniform will have no stronger advocate and that our Nation will have a solid defender in Chuck Hagel.

Senator Hagel, who has seen combat from the perspective of an enlisted member of our Armed Forces, sees our military as the last resort, not the first resort in international relations. Those who have been in combat, from President Eisenhower on until today, have taken that same position. No matter what any detractor may say, his is sound policy.

Matters of war and peace are matters of life and death. Those who sit in boardrooms or in easy chairs and say: Let's commit our soldiers here and our soldiers there—they are not the ones going. By and large, it is not their family members risking their lives. We need a Secretary of Defense who knows what it is like to go and to face combat and to be wounded. Should we commit our troops when it is necessary for our defense? Of course. That is why we have troops. But let's recognize that such decisions come at great human cost.

Senator Hagel, a decorated veteran who still walks with the shrapnel from his wounds in Vietnam, understands that a decision to go to war is a decision to send our sons and daughters, husbands and wives, fathers and mothers into harm's way. It is his deep, visceral understanding of this fact, his record of experience, his patriotism, and his dedication to this Nation that qualify him to be the next Secretary of Defense.

We should have the vote and confirm this patriotic American hero. Let's not hide behind a filibuster. Let's have the courage to vote yes or vote no. Do not hide behind parliamentary tricks. Do not vote maybe. The American people elected us to vote yes or vote no. When you want to set up a filibuster rule on something, you are basically saying: Let's vote maybe. That is hardly a profile in courage and certainly not the kind of courage we would expect from a Secretary of Defense. So vote yes or vote no. But however you vote, let's do it without delay. I will vote yes.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. COATS. Mr. President, I ask unanimous consent to speak as in morning business.

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

MANDATORY SPENDING

Mr. COATS. Mr. President, earlier this week I outlined four main topics that I hoped to hear the President discuss in his State of the Union Address. Today, I would like to talk in more detail about one of those items and perhaps the most challenging—restructuring Medicare, Medicaid, and Social Security to preserve them for current and future generations.

In Washington, these three programs fall into the category of mandatory spending, meaning they are not contingent on annual congressional review or funding. Instead, they are based on formulas that have already been written into law, and therefore this spending occurs automatically, as if it is on autopilot. So, anyone who becomes eligible for the program based on the requirements in the law automatically qualifies for the benefits. We do not have the ability on a year-to-year basis to review or change this. We can only make structural changes and reforms to the program as necessary.

Today these items make up a majority of the government's annual budget. This is because when these programs were implemented they did not take into account the remarkable and wonderful increase in the lifespan of Americans, nor the impact of the post-World War II baby boom generation reaching the point of retirement age, which is now at the level of about 10,000 retirements each and every day of the year. That is putting an enormous strain on the overall budget and the amount in proportion to the budget that goes for funding these mandatory programs.

After World War II and after a long decade of depression, Americans saw a bright new future. They came home from the war. They began to start families. Millions upon millions of children were born in the post-war period up until the earlier 1960s. This is the so-called baby boom generation.

Initially, when they were born, certain industries came into play. If you were in the diaper business, suddenly you were in a boom business or cribs and strollers and then tricycles and bicycles. These children moved on to the age where they began to enter elementary school, and we built schools all over the country to accommodate this growth in our population working their way through the system. Then it was junior highs and then we needed to enlarge our high schools, and new colleges and universities sprung up across the land, too. Upon graduation, they found jobs, and it was time to start their own families—housing boomed.

Throughout the whole lifespan of this baby boom generation, there have been enormous economic changes to adapt to this massive amount of people working their way through life and becoming such an integral part of the American dream and American history.

We often talk now about this issue in cold hard facts because this generation