

burdens on job creators, modifies the Tax Code to encourage investment in new businesses, seeks to accelerate the commercialization of university federally funded research that can lead to new ventures and, importantly, provides new opportunities for highly educated and entrepreneurial immigrants to stay in the United States where their talents and new ideas can fuel economic growth and, most importantly, create American jobs.

Startup Act 3.0 creates an entrepreneur's visa for foreign-born entrepreneurs currently in the United States. Those with a good idea, capital, and willingness to hire Americans would be able to stay in the United States and grow their businesses.

In many instances, foreign-born entrepreneurs, here legally, have an idea and want to begin a company that will employ Americans but are told their visa does not allow them to remain in the United States. With few ways to stay, these entrepreneurs are forced to move and to take their business with them where they will create jobs in other countries.

I want to make certain America is the best place for entrepreneurs who want to build in America and hire Americans. Passing Startup Act 3.0 will help make that happen by creating new ways for immigrants legally in the United States to open a business and to employ our fellow citizens.

People come from all around the world to the United States. They come to study and they come to work. They come to live in a place where they can have the freedom to pursue their dreams. The entrepreneur's visa would allow these risk-takers to stay here and operate their businesses.

Each immigrant entrepreneur would be required to create jobs for Americans. If the business was not successful and the jobs were not created, the immigrant would have to go back to his or her own home country.

While some immigrant entrepreneurs would fail, others would follow a path worn by many who came before them and succeeded. Entrepreneurial immigrants have long contributed to the strength of our economy by starting companies and creating jobs. I can think of the Russian immigrants, for example, who are entrepreneurs in a sense who came to Kansas and brought hard red winter wheat with them. What a true entrepreneur—an immigrant entrepreneur—who changed the face of our State.

On the current Fortune 500 companies, more than 40 percent were founded by a first- or second-generation American. Not only are these immigrants entrepreneurial, but they are also disproportionately innovative. Foreign nationals residing in the United States were named as investors or coinvestors in a quarter of all patent applications filed in the United States in 2006.

Today, one of every ten Americans employed in a privately owned U.S.

company works for an immigrant-owned firm. While we work in the United States to continue educating our children with the skills for a 21st century economy and training the next generation of great American entrepreneurs, we also need to welcome those who want to create a business here in the United States and employ our citizens.

I believe that 80 percent of my colleagues here would agree with the provisions of Startup Act 3.0. They understand these are important issues for the economic growth and new job creation for Americans. I urge my colleagues to pass what we can agree to now and keep working to find common ground on issues that still divide us. The longer we wait, the farther we fall behind in this global competition for the most entrepreneurial immigrants.

While the United Kingdom and other countries are creating new opportunities for entrepreneurs, the United States remains the land of opportunity and birthplace of the American dream. We need to pass Startup Act 3.0 so foreign entrepreneurs can strengthen our economy and so American business men and women can pursue their dreams here in the United States.

Millions of our citizens, unfortunately, remain out of work. Many are underemployed. Our economy is barely growing. We can jump-start the American economy through Startup Act 3.0, and the skills we need to pursue the American dream can be here in the United States and we can strengthen our economy.

Madam President, I suggest the absence of a quorum, and I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. KING). The Senator from Maryland.

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

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

Mr. CARDIN. Mr. President, I ask unanimous consent that I be permitted to enter into a colloquy with my colleague from Maryland, Senator MIKULSKI.

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

(The remarks of Mr. CARDIN and Ms. MIKULSKI are printed in today's RECORD under "Morning Business.")

SEQUESTER IMPACT

Ms. MIKULSKI (Ms. HEITKAMP). Madam President, while we are waiting to take up some other important legislation, I wanted to come to the floor to speak on another very important matter.

What I wish to talk about is sequester. "Sequester" is a nine-letter word that would be a big hit in a Scrabble game, but it is a lousy word for the

game of life and the functioning of our economy. Sequester is a technique we are going to use as Washington-speak for saying we will have, starting March 1, across-the-board cuts that will be devastating to our economy and to the functioning of government. I just held a hearing this morning in my full Appropriations Committee about the consequences of these cuts. It is really scary. We are going to cut defense. It is going to have a negative impact on our readiness. At the same time, people building some of the smart weapons for the future, such as shipyard workers, over several thousand of them, could be laid off.

Not only must we protect our military from these devastating cuts, but there are others who wear the uniform of the United States of America who protect us. For example, we have 57,000 Border Patrol guards who could be laid off. We also have people who run our weather satellites who help provide the important information to warn for tornadoes, to warn for hurricanes, to warn for these terrible blizzards so that local governments can efficiently prepare. Then there are terrible cuts in the area particularly of education.

We need to be able to come up with \$86 billion to cancel this year's sequester. That is \$86 billion—"b" as in BARBARA, not "m" as in MIKULSKI. We have less than 2 weeks to do that.

Now, as the full chair of the Appropriations Committee, working with our Democratic leadership and our very able chair of the Budget Committee, Senator MURRAY, as well as Senator BAUCUS, the chair of the Finance Committee, as well as other people in the Senate, we have been able to come up with an alternative. It offers a balanced approach to revenues as well as to cuts.

Our proposal will include reforms to the Tax Code and save \$55 billion. At the same time, what we will be able to do is come up with cuts in spending. One will be \$28 billion of cuts in the farm bill and then another \$27 billion in defense.

Now, before people worry and before Iran gets any funny ideas—or anybody who is a foe of the United States—that we are going wimpy or soft, the answer is no. These cuts will not go into effect until 2015, after we have brought our troops back home from Afghanistan. Then they will be spread out over 8 years until 2021. So we won't impact readiness. If there is a foreign predator, don't think we are weakening ourselves. What we are doing is looking at ways the Defense Department can get rid of some of these programs that are now dated, some of the weapons systems that are no longer as relevant as they once were, as we modernize.

So between the mandatory spending cuts in the farm bill and in defense, we will cut spending by \$55 billion. So we take \$55 billion in cuts and \$55 billion in revenue, and this will give us the \$110 billion to be able to deal with this problem.

I am really jazzed about sequester. I represent some of the great iconic Federal agencies in the State of Maryland. I have 1,000 Federal employees. People say: Oh, we know them. Aren't those the pointy-headed bureaucrats who only do heavy lifting by getting a latte in the morning? The answer is absolutely not. Let me tell my colleagues who those people are, and I am really proud of them.

They run the Social Security Administration. They make sure the checks go out on time. They are doing all the actuarial work. They are making sure Social Security is relevant, financially solvent, and far more efficiently run, with lower overhead than an insurance company.

I represent the National Institutes of Health, whose sole job is to find cures for the diseases affecting the American people. Right this very minute we are working on the cure for Alzheimer's, with a cognitive stretch-out of Alzheimer's. My dear dad died of that. I know the consequences. It is a terrible heartbreak for the family, and I will tell my colleagues that it is a budget-buster when one has to turn to long-term care. If we can keep the funding going and if we can have that breakthrough, if we can even find a cognitive stretch-out for 3 to 5 years for people going into nursing homes, we could cut our Medicaid budget in half because 80 percent of the money in our Medicaid budget goes to paying for long-term care for people with Alzheimer's, Parkinson's, Lou Gehrig's disease, or other diseases with neurological impairments. We are being pound foolish to save nickels and dimes. We need a long-term solution.

By the way, the sequester is supposed to happen every year for 9 years. It was to get us to the table so we could deal not only with our debt and deficit—yes, we got that message, but the other message is that we have to get America ready for the future. We have to create jobs today and innovate for jobs tomorrow. That is at NIH. Those are the people working there.

I represent three Nobel Prize winners who are civil servants, several Nobel Prize winners over at Johns Hopkins. They are not only proud of winning the prizes, but they want to help America win the markets—new ideas for new products that will lead to new jobs.

We also have in my State the Federal Drug Administration. I wish the Presiding Officer could come over there. There are 4,000 people working there.

They say: Well, all those people. Yes, all those people. Again, there are Ph.D.s and M.D.s, people with master's degrees, and what are they working for? They are looking for new medical devices to help people, the new breakthroughs in perhaps the next generation of the pacemaker. They are taking ideas invented by the private sector, including a new insulin pump that will help a diabetic person have a more active life or even breakthroughs for neurological impairment for perhaps the

child with cerebral palsy—they are looking for safety and efficacy so those products can move to clinical practice, to the marketplace, and products we can sell to the world. There are many countries that could never afford an FDA, but because they are FDA-certified in our country, they will buy our products.

I am proud of that, that we are going to be the country that is inventing cures for cancer. We only look at the "a" words: AIDS, Alzheimer's, autism, arthritis. Just look at that. At the very time we are looking to lay off people or furlough people at NIH, they have just lowered the cancer rates in the United States by 12 percent—12 percent.

During the terrible fiscal cliff negotiations around New Year's, I spoke to Dr. Francis Collins, who heads that agency. We were making these announcements on how America leads the way to lower cancer rates among its own people. Isn't that a great victory? At the same time, I was telling him he could be heading into sequester or going over a fiscal cliff.

Every day these 130,000 people are working to help America, whether they are working with weather satellites, whether they are doing the next generation of drug approval, whether they are running the Social Security Administration, whether they are over at the National Institute of Standards making sure American products have American standards and not the Chinese standards—again, so we can manufacture here and sell over there.

So I think sequester is a terrible thing. As the chair of the full Appropriations Committee, I am working with our leadership to try to deal with this issue, but I also say to the other side of the aisle, let's come together. Let's work with our President. Let's have that grand bargain through looking at tax reform, reviewing some of our mandatory spending and how we can get savings out of that, as well as targeted, strategic cuts. Let's get us on the right fiscal path, but also let's get us on the path for innovation, for jobs today and jobs tomorrow. We want to continue to lead the world, and we want to defend ourselves not only against foreign predators who might wish to do us harm but those other horsemen of the apocalypse who ride, such as pestilence and disease, and we can do it. So let's saddle up and get the job done.

Madam President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. WARREN). Without objection, it is so ordered.

Mr. McCAIN. Madam President, I ask unanimous consent to join in a col-

loquy with my colleague from South Carolina.

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

Mr. McCAIN. Madam President, there seems to be a lot of back and forth and misinformation about where various Senators stand on the issue of the Hagel nomination. I have a statement I will give in a few minutes about why I am opposed to Senator Chuck Hagel to be Secretary of Defense, but I think it is important to make a couple points. One is that the distinguished chairman and I were here back in 1988.

In 1988, on December 16, John Tower was nominated to be Secretary of Defense.

On January 25, 1989, his confirmation hearings began. On February 2, 1989, the committee postponed the confirmation vote after allegations were raised. On February 8, the committee vote was delayed again until February. February 23, he was voted out of the committee. March 10 was the time where the Senate rejected the nomination by 53 to 47.

I was there. I saw. One of the worst things I have ever seen in the history of the Senate, the way they dragged out Senator John Tower—a good and decent man's reputation with allegation after allegation, all of which turned out to be false. So I would like to inform my colleagues, this is not the first time we have had a delay in the confirmation of a Secretary of Defense.

I will be glad to go over what I saw, including allegations that were thrown over the transom day after day, week after week. They destroyed a good and decent man in Senator John Tower. So the allegation that somehow we are dragging this out or delaying it, it is not the first time in history. I will say to my dear friend, the chairman of the Armed Services Committee.

Having said that, there are still questions outstanding. I believe Senators have the right to have those questions answered. The Senator from South Carolina and I, the Senator from New Hampshire had a response from the President today on the question we had, but there are other questions. But I think during the break is sufficient time to get any additional questions answered. I will vote in favor of cloture on the day we get back. I believe my colleagues would also—a number of my colleagues would do the same.

I think that is a sufficient period of time to get answers to outstanding questions. I think Senator Hagel, after that period of time, deserves a cloture vote and an up-or-down vote on his nomination.

I ask if my colleague wants to comment.

Mr. GRAHAM. We reported Senator Hagel's nomination out at 5 o'clock. I would argue that the hearing was interesting, I think at times unnerving. Here it is Thursday. So there are some questions being asked by our colleagues that I think are legitimate. Some are kind of creating a new standard. I am confident, in the next week,

unless there is some explosive bombshell that I cannot quite get my hands around, I intend to vote for cloture and against the nomination. I am one, along with Senator MCCAIN, who believes filibustering should be a rare thing.

But what we are doing is saying the debate time for Senator Hagel is not yet over, since he just got reported out Tuesday at 5 o'clock. Put yourself in the shoes of the colleagues who are not on this committee. This has been a very controversial nominee. I will say the reason we voted for Senator Kerry on the same day he got reported out of committee and he got 97 votes, that all of us felt comfortable with the nomination. There are very uncomfortable things about this nomination. But having said that, I do believe that unless there is something new that comes out, we should proceed to a vote, up or down. I am willing to invoke cloture because I think, as Senator MCCAIN said, the week time period would give us a chance to answer these questions.

Let me inform my colleagues that just about an hour ago, there was a press report that a speech was given by Senator Hagel—I can't remember the group. But one of his aides posted—based on his notes what he had said the next day on a Web site.

During that speech, according to this aide, Senator Hagel said the U.S. State Department was an extension of the Israeli Government. Things such as that are unnerving. There is at least one speech he gave that he did not report that we think there is a copy of. We should get it in the next few days. That is why I would oppose cloture today, vote for it after the recess.

Mr. MCCAIN. Madam President, I ask unanimous consent that the Senator from Tennessee, who also, in my view, is one of the great protectors of the Senate, preserving its tradition and customs—I would ask if he has a view on this issue. I wish to repeat: I would vote for cloture. The Senator from South Carolina would vote for cloture. I would be interested in the view of the Senator from Tennessee on this whole issue.

Mr. ALEXANDER. I thank the Senator from Arizona. Probably the best known function of the Senate—constitutional responsibility—is the right of advise and consent. We take it very seriously. Here that means we have to consider what happens. The Armed Services Committee, upon which I do not have a chance to serve, completed its consideration of Senator Hagel's nomination 2 days ago. Now it is before the whole body. He is the President's appointee. The President has a right to appoint people in whom he has confidence. But we have a constitutional responsibility to consider the nominee.

A number of Republican Senators have questions, including the Senator from Arizona, the Senator from South Carolina, that they would like to have answered. I think they are entitled to that. I think if the shoe were on the

other foot and it were a Republican President making a nomination, Democratic Senators would say the same thing: Give us a reasonable amount of time to consider this nomination on the floor of the Senate.

I have a little experience in that myself. The first President Bush nominated me to be U.S. Education Secretary about 20 years ago. I thought I was a fairly noncontroversial nominee, much less important than the Secretary of Defense. But I remember very well, it was 87 days between the time the President announced my nomination and the day on which the Senate unanimously confirmed me.

There was, at the time, a Senator from Ohio named Metzenbaum, who for whatever reason decided the Senate needed more delay to consider my record and my background.

There is nothing new about this. I would respectfully suggest that the majority leader's motion to cut off debate on Senator Hagel, made 2 days after his nomination comes to the floor of the Senate, is premature.

Republican Senators have questions they would like to have answered. I think they are entitled to do that. When we come back from recess, 10 days from now, I think that is sufficient time to consider those questions. I will vote for cloture so we can have an up-or-down vote on the President's nominee for the Secretary of Defense. I think the President is entitled to that but not prematurely.

I thank the Senator from Arizona for yielding time.

Mr. MCCAIN. Madam President, I note that the present occupant of the chair is familiar with the rigors of this process as well. So I think it is important to note. Again, I wish to say that it is one thing to support or oppose a nominee, but I do not believe a nominee deserves a dragged-out process. I think the Senator from Tennessee and the Senator from Massachusetts would agree with me; that it might be a disincentive in the future for well-qualified men and women who want to serve, who see a process that is dragged out and allegations made and requirements for disclosure that frankly are not required.

I note the presence of the majority leader on the floor, so I would like to filibuster for an hour or so.

I yield to the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, at the request of the Republicans, I ask unanimous consent that at 4:15 today, the Senate proceed to vote on the motion to invoke cloture on the Hagel nomination; that the time until 4:15 be equally divided between the two leaders or their designees. My designee is Senator LEVIN.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I will not object because of the assurances of my three friends from

the other side of the aisle stating that they plan on voting for cloture. They obviously said they will not vote for cloture today, which is, I think, too bad because there has been more than enough time in the last 2 days to read the additional speeches that have been coming in.

The only argument that was raised beyond that, that I know of, has to do with a payment from an equity fund. That was received. It has been fully explained. It is a highly reputable fund that Senator Hagel was an adviser to, similar to many other very reputable people. So I think the continuation of what amounts to a filibuster, since 60-vote votes are required to end debate, is too bad when there is a Secretary of Defense who is leaving to go back to California, and we very much need to have our new Secretary of Defense in place, given the circumstances in this world.

We have a budget crisis in this country. Our sequester is confronting us. That sequester will have a damaging effect on the Defense Department, on the men and women in uniform, and on programs, the equipment, the training they need to be ready for any kind of a contingency.

So the delay in having a vote on cloture, to me, is a mistake, and we ought to approve the ending of the debate today so we can get on with the confirmation vote, which will be a majority vote. After there is a cloture vote, debate is finally ended in this body, the final passage of a bill or the vote on the nominee is a majority vote, not 60 votes. So I am hoping there will be 60 votes today so we can get on with approval of this nominee, hopefully shortly thereafter, and fill this spot which is sitting there waiting to be filled.

We have North Korea exploding a nuclear device. We have a war going on in Afghanistan. We need to have a Secretary of Defense in place. So I hope there is not a delay. Following the vote today, I hope we do invoke cloture, because I think there has been more than adequate time. Surely, there has been time on the floor when we have had hour after hour go by with no one who seeks to be recognized to speak.

I do hope that if the unanimous consent proposal is agreed to, there will be 60 votes today. But if not, then there will be no alternative but to have the vote when we come back. At that point, we would, of course, look forward to the support, at least on cloture, of the three Senators who have just spoken, our friends on the other side of the aisle.

That is the best we can hope for. But that is my hope. I will not object because of that.

Mr. MCCAIN. Madam President, reserving the right to object. I will not object, I will just respond to my friend. He is my dear friend. I did not note that sense of urgency for 3 months when John Tower's nomination was held in limbo by the then-majority

Democrats. The Secretary of Defense post was vacant at that time as well. So this is not the first time in history a Secretary of Defense position has been vacant.

Again, I hope we can get this resolved, move forward. I think the Senator from Michigan, my friend, understands we can get this issue resolved on the day we return from the recess. Certainly, there are, I believe, sufficient votes to invoke cloture at that time.

Mr. LEVIN. If the Senator from Arizona would yield for 1 minute, I do not believe Senator Tower was filibustered. There was a delay in getting to that vote. But I do not believe there was a requirement—I may be wrong on this. I do not believe there was a filibuster for the Secretary of Defense nominee at that time, and many Secretary of Defense nominees have been approved in a matter of days, just the way Senator Kerry was approved in a matter of days.

So circumstances differ nominee to nominee. I again will not object, based on the statements which we have heard from my friends on the other side of the aisle.

Mr. MCCAIN. Madam President, I always enjoy some exchanges with my friend, the chairman. But the fact is, as the chairman knows, that was delayed and delayed and delayed. A new allegation came in, it was delayed. A new allegation came in, it was delayed. All those allegations turned out to be false. I will not rewrite history anymore, except to say it was one of the more shameful chapters, in my view, in the history of the Senate.

Again, I thank him. I am confident that within 1 week or so we will probably have this vote completed. I do not object to the unanimous consent request.

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

Mr. MCCAIN. Madam President, how much time remains on either side?

The PRESIDING OFFICER. There will be 30 minutes on either side.

Mr. MCCAIN. I yield myself 10 minutes.

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

Mr. MCCAIN. For all the years that I have known Senator Hagel, I have known him to be an honorable man and a patriot in this Chamber and elsewhere—overseas, in the field of battle. Senator Hagel has served this country faithfully and with distinction.

We have our differences. Senator Hagel was and remains my friend. There was a time when Senator Hagel and I saw the world and America's role in it in much the same way.

When the Balkans were torn apart with mass atrocities and genocide, Senator Hagel and I stood together with Senators Bob Dole and Joe Lieberman to lend bipartisan support to President Clinton in taking more forceful action to end the slaughter.

In May 1999, Senator Hagel said on this very floor why the United States should intervene militarily in Kosovo:

But we also understand there are things worth going to war for, there are things worth dying for. . . . When people are being slaughtered at a rather considerable rate, and genocide is occurring, and ethnic cleansing is occurring, and people are being driven from their homes.

On and on.

What do we do now? The geopolitical consequences, the humanitarian consequences involved in this are great.

He went on to say:

History has surely taught us that when you defer the tough decisions, when you let the butchers continue and the tyrants and dictators continue, it gets worse. And it has gotten worse with Milosevic. For 10 years we've dealt with him. Four wars he's started.

Et cetera.

I agreed with his statement at the time, and I still do. I think it applies with greater or equal force to Syria today. I am not sure that Senator Hagel believes that anymore.

When America was attacked on September 11, 2001, Senator Hagel and I urged a strong American response to vanquish the enemies who attacked us, beginning in Afghanistan. Two years later, President Bush decided the United States may have to use force against Saddam Hussein in Iraq, and then Senator Hagel and I voted to authorize the use of force in Iraq.

Senator Hagel and I were often together in our criticism of the Bush administration's conduct of the war in Iraq. We both were disturbed by the apparent arrogance of then-Secretary of Defense Donald Rumsfeld and his abject failure to respond to the clear fact that we were losing the war in Iraq on the ground.

In August 2003 I urged President Bush to send more troops. The Senator from South Carolina and I called for the resignation of the Secretary of Defense, and we wanted to change our strategy, to replace military and civilian leaders who were failing in their responsibilities. Senator Hagel, on the other hand, believed we should cut our losses and withdraw from Iraq.

Since that time, Senator Hagel has taken policy positions that I believe call into question the quality of his professional judgment on issues critical to national defense. I am also concerned that Senator Hagel is ill-suited to lead the 2.5 million uniformed members of the Armed Services and to ensure the sound management of an agency that has an annual budget equal to the 17th largest economy in the world.

Of all the responsibilities of government, none is more fundamental than providing for the Nation's defense. We must have the most qualified and able person for the position, and having carefully reviewed Senator Hagel's long public record, I find his nomination wanting.

Senator Hagel's appearance before the Senate Armed Services Committee failed to allay my concerns about his nomination. During the hearing he repeatedly refused to give an assessment of his previous statements on issues such as the troop surge in Iraq, the

identification and engagement of terrorist organizations, and his past rhetoric about our allies. In response to these questions, he either assigned history the task of judging the merit of his past statements and positions or simply said:

If I had an opportunity to edit that, like many things I've said, I would—I would like to go back and change the words and the meaning.

History isn't likely to affirm Senator Hagel's declaration that the decision to increase forces in order to wage a counterinsurgency in Iraq, a decision that helped prevent our losing that war, he said was the most dangerous foreign policy blunder since Vietnam.

It is quite obvious now that statement was histrionic, woefully uninformed, and absurd. But I didn't raise it at Senator Hagel's hearing for the satisfaction of an "I told you so" moment, but to determine if Senator Hagel recognizes he was in error and, more importantly, if that recognition informs his judgment today.

I wanted to know if he had learned from his mistakes. Unfortunately, I am not confident that he has. After 2 weeks of reviewing his record, my concerns about whether Senator Hagel is ready to serve as Secretary of Defense have not diminished.

Nothing in Senator Hagel's background indicates he would effectively manage the Department of Defense. In today's unprecedented environment of fiscal uncertainty, ensuring that defense investment decisions affecting an agency as massive and unwieldy as the Department of Defense do not adversely impact our military readiness is enormously challenging. It requires that the Secretary have, as Secretary Gates and Secretary Panetta had, a proven track record of successfully managing large and complex organizations. Senator Hagel has no experience.

There are those of us who seek to cut waste, fraud, and abuse from the Department of Defense. Senator Hagel seeks something else entirely—to cut military capabilities that serve as tools to ensure our continued engagement throughout the world in support of America's interests and those of our allies.

In the eyes of the President, at least, Senator Hagel, however, apparently is the right man to oversee the continuing drawdown of the Armed Services. Over the past 4 years, the administration has pursued a program of defense reductions that exceed those expected of a normal post-war drawdown, cuts that have begun to directly undermine U.S. global military power. Last week, Secretary Panetta said people would stand by and deliberately hurt this country in terms of our national defense by letting sequestration take place.

My doubts about Senator Hagel's suitability extend beyond his prospective management of defense budgetary resources. The North Koreans recently tested another nuclear weapon. Iraq is

unraveling. The Iranians just rejected Vice President BIDEN's proposal at the Munich Security Conference for one-on-one talks concerning nuclear weapons. Libya, Mali, Tunisia, and Egypt are in various states of unrest, for which we have no strategy. We are in the most unsettled period since the end of the Cold War, and I have serious concerns as to the quality of Senator Hagel's professional judgment and the acuity of his views on critical areas of national security, including security in East Asia and the Middle East.

His record on Iraq was particularly troubling. As I alluded to a moment ago, in 2002 Senator Hagel voted to authorize the use of force against Iraq. By 2006, his support for the war had diminished.

After Republican losses in the 2006 midterm elections, the Senator wrote an opinion piece for the Washington Post under the title "Leaving Iraq, Honorably," foreshadowing his opposition to the surge and advocating "a phased troop withdrawal from Iraq." When President Bush announced his decision to surge troops in 2007, Senator Hagel actively campaigned against it.

He voted in February 2007 in favor of a bill expressing opposition to the surge and later in favor of measures to set a date certain for withdrawal of troops from Iraq, an equally bad policy. Senator Hagel wrote in his 2008 memoir, "America: Our Next Chapter" that "history . . . will show" that his legislative efforts to oppose the surge correctly framed the political matters at issue at the time.

CARL LEVIN, on the other hand, said in 2009:

In considering whether or not to surge troops in Iraq . . . I think that history will show that President Bush reached the right decision.

Senator Hagel advocated the complete withdrawal of U.S. forces from Iraq by 2007 rather than negotiating an agreement for an enduring presence of U.S. forces. The President ultimately did exactly what Senator Hagel recommended, reportedly against the advice of military leaders. In response to written questions on this matter, Senator Hagel again stated that the complete withdrawal of U.S. troops in Iraq was the right call and asserted that Iraq is in a better place today because of it. That is another Orwellian statement.

In fact, since the withdrawal of our forces in 2011, the fragile political accommodation made possible by the surge of 2007 has unraveled over the past year. Al-Qaida in Iraq is remobilizing. Iranian-backed Shiite militias are gaining strength. Meanwhile the country is on the brink of civil war as protests against the Maliki government draw thousands, Iranian aircraft are flying over Iraq with weapons for Syria, and there are many other examples. Nevertheless, Senator Hagel is equally quick to advocate full withdrawal from Afghanistan despite condi-

tions on the ground or the advice of military commanders.

Senator Hagel's views on Iran are also profoundly troubling. Consider, for instance, his recent set of incorrect and confused responses to basic questions about President Obama's Iran policy during his confirmation hearing last month, which one senior White House official rightfully described as "somewhere between baffling and incomprehensible."

I am more deeply concerned by Senator Hagel's overall record on this issue.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCAIN. Madam President, I ask for 2 additional minutes.

Mr. INHOFE. Reserving the right to object, may I ask how much time remains on our side?

The PRESIDING OFFICER. There is 19 minutes remaining.

Mr. INHOFE. I ask unanimous consent that the last two speakers on our side—the last would be me, the next to last would be Senator GRAHAM—be given 5 minutes for Senator GRAHAM and 7 minutes for me.

Mr. LEVIN. Reserving the right to object.

The PRESIDING OFFICER. Without objection—reserving the right to object.

Mr. LEVIN. How much time remains on our side?

The PRESIDING OFFICER. There is 30 minutes remaining on each side.

Mr. LEVIN. I assume the 12 minutes the Senator referred to would be counted against their time?

The PRESIDING OFFICER. The Senator is correct.

Is there objection?

Mr. LEVIN. No objection.

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

The Senator from Arizona.

Mr. MCCAIN. Finally, Senator Hagel's opposition to the use of sanctions, his apparent confusion about administration policies and its implications, and his apparent incomprehension of the threat a nuclear-armed Iran poses to international stability is alarming and would cause other nations to doubt the credibility of the President's commitments.

Senator Hagel is an honorable man who has sacrificed much and bravely for our Nation. About his character and love of country, there can be no doubt or debate. However, his positions on the principal national security issues facing our country—the Iranian nuclear program, the resurgent Islamist terrorist threat in North Africa and the Middle East, and, more broadly, whether we should maintain our ability to project strength in defense of our interests and allies—indicate to me a disqualifying lack of professional judgment. Also, Senator Hagel's complete lack of experience in running an enterprise of such size and complexity casts further doubt.

Therefore, despite my esteem for Senator Hagel, on the basis of his

record, I will not support his confirmation. I say this with regret, but he is the wrong person at the worst time for the job this day. We can and must do better.

I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, I wish to ask my colleagues to support the Hagel nomination. Let me just hit a couple of highlights.

He volunteered to go into the Army during Vietnam. He was assigned to Germany. He volunteered to go to Vietnam.

His brother was assigned in one part of Vietnam, he in another. His brother Tom and he asked to be in the same unit. While on patrol in the jungles at night, his brother saved his life. On another patrol at night, he saved his brother's life. He was wounded twice. He was medevaced. He asked to go back into the fight.

He has served as Deputy Administrator of the Department of Veterans' Affairs with a quarter of a million employees under his management. He represented the State of Nebraska in the Senate for 12 years. He coauthored the post-9/11 GI bill with Senator Webb. Out of uniform and away from Capitol Hill, he has lead the USO.

This is exceptionally capable man, who is a patriot, has given extensive testimony to the Senate Armed Services Committee. He has cleared up the issues that have been asked over and over, including one that was raised about his role in authoring the Global Zero report. First, the report didn't propose anything. It was, in the words specifically used in the front end of the report, "illustrative," proposing nothing but laying out different scenarios and possibilities. There was nothing that was proposed in a recommendation that we unilaterally disarm, reduce the arsenal, or eliminate the triad. And that would especially be so since another of the coauthors was General Cartwright, the former commander of U.S. Strategic Command and the eighth Vice Chairman of the Joint Chiefs.

This is a critical time for national defense. It is a critical time for our country. We need to get on and approve the nomination so he can get on with his duties as Secretary of Defense.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, I have 5 minutes. Would the Presiding Officer let me know when 4 minutes has elapsed.

The PRESIDING OFFICER. Yes.

Mr. GRAHAM. Madam President, I ask unanimous consent to have printed in the RECORD an opinion piece by the editorial board for the Washington Post dated December 18, 2012.

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

[From the Washington Post, Dec. 18, 2012]

CHUCK HAGEL IS NOT THE RIGHT CHOICE FOR
DEFENSE SECRETARY

Former Senator Chuck Hagel, whom President Obama is reportedly considering for defense secretary, is a Republican who would offer a veneer of bipartisanship to the national security team. He would not, however, move it toward the center, which is the usual role of such opposite-party nominees. On the contrary: Mr. Hagel's stated positions on critical issues, ranging from defense spending to Iran, fall well to the left of those pursued by Mr. Obama during his first term—and place him near the fringe of the Senate that would be asked to confirm him.

The current secretary, Leon Panetta, has said the defense “sequester” cuts that Congress mandated to take effect Jan. 1 would have dire consequences for U.S. security. Mr. Hagel took a very different position when asked about Mr. Panetta's comment during a September 2011 interview with the *Financial Times*. “The Defense Department, I think in many ways, has been bloated,” he responded. “So I think the Pentagon needs to be pared down.”

While both Republicans and Democrats accept that further cuts in defense may be inevitable, few have suggested that a reduction on the scale of the sequester is responsible. In congressional testimony delivered around the same time as Mr. Hagel's interview, members of the Joint Chiefs of Staff said the sequester would lead to “a severe and irreversible impact on the Navy's future,” “a Marine Corps that's below the end strength to support even one major contingency” and “an unacceptable level of strategic and operational risk” for the Army.

Mr. Hagel was similarly isolated in his views about Iran during his time in the Senate. He repeatedly voted against sanctions, opposing even those aimed at the Iranian Revolutionary Guard Corps, which at the time was orchestrating devastating bomb attacks against U.S. troops in Iraq. Mr. Hagel argued that direct negotiations, rather than sanctions, were the best means to alter Iran's behavior. The Obama administration offered diplomacy but has turned to tough sanctions as the only way to compel Iran to negotiate seriously.

Mr. Obama has said that his policy is to prevent Iran from obtaining a nuclear weapon and that containment is not an option. Mr. Hagel has taken a different view, writing in a 2008 book that “the genie of nuclear weapons is already out of the bottle, no matter what Iran does.” The former senator from Nebraska signed on to an op-ed in *The Post* this September that endorsed “keeping all options on the table” for stopping Iran's nuclear program. But Mr. Hagel has elsewhere expressed strong skepticism about the use of force.

We share that skepticism—but we also understand that, during the next year or two, Mr. Obama may be forced to contemplate military action if Iran refuses to negotiate or halt its uranium-enrichment program. He will need a defense secretary ready to support and effectively implement such a decision. Perhaps Mr. Hagel would do so; perhaps he would also, if installed at the Pentagon, take a different view of defense spending. (Mr. Hagel declined through a spokesman to speak to us about his views.)

What's certain is that Mr. Obama has available other possible nominees who are considerably closer to the mainstream and to the president's first-term policies. Former undersecretary of defense Michèle Flournoy,

for example, is a seasoned policymaker who understands how to manage the Pentagon bureaucracy and where responsible cuts can be made. She would bring welcome diversity as the nation's first female defense secretary.

Mr. Hagel is an honorable man who served the country with distinction as a soldier in Vietnam and who was respected by his fellow senators. But Mr. Obama could make a better choice for defense secretary.

Mr. GRAHAM. This is an editorial about the nomination of Senator Hagel to be Secretary of Defense. The *Washington Post* said:

Mr. Hagel's stated positions of critical issues ranging from defense spending to Iran fall well to the left of those proposed by Mr. Obama during his first term and place him near the fringe of the Senate that would be asked to confirm him.

The last line is:

Mr. Hagel is an honorable man who served the country with distinction as a soldier in Vietnam and who was respected by his fellow Senators, but Mr. Obama can make a better choice for defense secretary.

That sort of sums up where I am: a fine man. If it were about friendship, there wouldn't be a problem. This is about the times in which we live. And I want to echo the statements of the *Washington Post* about him being out of the mainstream.

We have had two hearings, and we will have a couple of votes in the next week or so. I would say to my colleagues regarding the cloture vote today, they have every right to say now is not the time to end the debate about Senator Hagel. He was reported out of the committee at 5 o'clock Tuesday. There are some legitimate questions and information we haven't gathered, and we should be able to have an opportunity to look at that, and people not already committed should have a chance to review this information. So the idea of waiting until after the break makes eminent sense. I think we will be better informed regarding our decision. Debate should continue for at least that period of time.

Senator Kerry was able to get out of committee and to be voted on the same day because all of us felt comfortable with John Kerry, even though we may have disagreed with his politics. I believe John Kerry is a good man. We are on opposite sides of the issues sometimes when it comes to Iraq and initially Syria, but I have always thought he was in the mainstream of the debate. So he got 97 votes because we felt comfortable with him. You can tell people on our side, and some others, quite frankly, in the Democratic Party have expressed some discomfort.

I would argue that after the hearing there is more discomfort than there was before the hearing. Senator INHOFE and Senator LEVIN, we had a very good hearing, but to me it was unnerving, some of the things that came out of that hearing. The performance created more questions and doubts than it created confidence.

That is the question the *Washington Post* posed. It is one thing to be in the

left lane, the right lane, or the center lane, but I would say Senator Hagel's statements and votes put him in a league of his own. And that is why I will vote no.

When it comes to Israel and his statement that “The Jewish lobby intimidates a lot of people up here. I'm not an Israeli Senator, I'm a United States Senator,” Senator Hagel, to his credit, said that was inappropriate and he apologized. But think for a minute how many of my colleagues would have said that. I asked him to name one Senator who has been intimidated, and he couldn't name one. I asked him to name one policy we have enacted because of the Jewish Israeli lobby, and he couldn't name a policy.

Now we find out today—and I don't know if this has been verified, but it is posted—that an aide of his reported that during a speech Senator Hagel gave several years ago he said the U.S. Department of State was an extension of the Israeli Government. Now this is showing a chip on one shoulder about Israel—an unhealthy statement, to say the least, and I think patently false. But it is unnerving to a guy like me, and I can only imagine what kind of signal a statement such as that sends in these dangerous times.

On Iran he was one of two Senators to vote against renewing unilateral U.S. sanctions against Iran and Libya in 2001. He was one of twelve Senators who did not sign a letter asking the European Union to declare Hezbollah a terrorist organization. He refused to designate the Iranian Revolutionary Guard as a terrorist organization in 2007—

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. GRAHAM. I thank the Presiding Officer. While they were killing our soldiers in Iraq. He refused to sign a letter to President George W. Bush, he said, to engage in direct unconditional comprehensive talks with the Government of Iran. He was for that, telling Bush to do it unconditionally. He voted against comprehensive Iranian sanctions.

He was one of two Senators who failed to sign a letter to President Clinton showing unconditional support for the State of Israel.

I would argue that this man's record, when it comes to Iran and Israel, and statements he has made, puts him well out of the mainstream. The *Washington Post* was right when they said he is on the fringe. And now is not the time to have somebody on the fringe serving as Secretary of Defense when it comes to Iran and Israel. For that reason, I will vote no. I will oppose cloture because debate should continue. When we get back, unless there is a real bombshell, I will vote for cloture and move on to his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I yield 5 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I am proud to support Chuck Hagel for Secretary of Defense. If Chuck can make it through the jungles of Vietnam, he can surely make it through the bureaucracy of the Pentagon.

America needs Chuck as its Secretary of Defense to bring our troops home and to keep our military the strongest in the world. Sergeant Hagel is an American hero. When so many Americans were dodging the draft, he volunteered to serve in Vietnam. The draft board gave him the option to return to college, but Chuck refused. He said:

I think the best thing for me is to go in the Army. It may not be the best thing for the Army, but I think that's the way to get all this straightened out. I was the oldest of four boys. My father [had] passed away, and I just was not coming together the way I should come together. There was a war going on in Vietnam. I felt a sense of some responsibility. So I said, "No. Let's—let's go. And so I volunteered for the draft, went in the Army and celebrated my 21st birthday down at White Sands Missile Range."

And Chuck didn't serve in a safe billet. When assigned to Germany, he protested and asked to deploy to Vietnam. So he volunteered for Vietnam and saw the horrors of war as an infantry sergeant.

Chuck and his younger brother Tom are the only known American brothers to serve side by side in Vietnam. At different times, they risked their own lives to save each other's. At one point, Tom frantically dressed a wound around Chuck's chest hoping, praying, that his older brother would make it out of Vietnam alive. And Chuck eventually returned the favor by dragging Tom out of a burning vehicle just before it exploded, saving his brother's life. Talk about brothers in arms, these were real brothers in arms.

These experiences made Chuck who he is, and they help you and me understand why he is the right man to run the Pentagon and to be put in charge of defending America. Just listen to how Chuck describes what it was like to serve in Vietnam. He says:

I walked a lot of point, and my brother Tom and I together walked a lot of point, which was all right. You know what happens to a lot of point men, but I always felt a little better if I was up front than somebody else.

Chuck is willing to walk point for America now. He has been walking point for most of his life. This is how Chuck describes a point man:

A point man, as I think most people know, is the individual who is out front. And these are usually squad-sized patrols, sometimes a company-sized patrol, depending on the mission. And you have the front—physically the front position, but also the responsibility of essentially not walking your squad or your company into an ambush or a trap. So you had to be very, very focused on the peripheral vision and the antenna and just the sense and the instincts that something doesn't look right or grenades hanging in trees, which booby traps were just a way of

life. You dealt with that all the time. And there were a lot of guys who just didn't pay attention to it. They just—that's just the way they were. And I, again, always felt better if I was up front than maybe some others.

Let me repeat that: Chuck Hagel always felt better if he was up front, where it was most dangerous. We live in dangerous times today and we need a man such as Chuck Hagel right now who has seen the horrors of war and will do all he can to prevent another generation from seeing them.

In my interactions with Chuck, I have been struck by his honesty, his sincerity, and his commonsense approach. I know if he were still a sitting U.S. Senator, we would probably be great friends. That is because we come from similar backgrounds and the same generation. He is like many Americans. He grew up in a working class, "salt of the earth" family. In Chuck's words, he was raised in Little Town, NE, where the local legion club and the VFW hall were the centers of the universe.

I could go on and on about Chuck Hagel, but let me say this in closing. When I think about people and I go to my little town in my community where I grew up—in Farmington, WV—and I know Chuck grew up in a small town—I can shake people's hands and look them in the eye and they see me to my soul. They know if I am sincere or I am telling the truth. And I want to say to all of you that I have shaken Chuck Hagel's hand. I have looked him in his eyes and I saw the soul of a good man, a man I want leading this country and taking care of our youth, our infantry, our men and women in uniform. So I implore all of my colleagues to consider voting for Chuck Hagel.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, parliamentary inquiry: How much time remains on each side?

The PRESIDING OFFICER. The Democrats have 22 minutes and the Republicans have 12 minutes.

Mr. REED. Madam President, I yield myself 5 minutes.

As so many of my colleagues have described, Chuck Hagel is a soldier, a statesman, a businessman, a patriot. As my colleague from West Virginia pointed out, he could have chosen a much easier path in the 1960s, a path that many trod, but he chose the most difficult. He not only joined the Army, but he volunteered for Vietnam, when he had the opportunity to serve honorably and well in Europe. He joined his brother at Fort Dix. He knows the pressures our men and women face. And he knows the decisions we make here, and the decisions that are made in the Pentagon, ultimately are carried out by those young men and women in uniform. In fact, I can't think of anyone over the last several decades who has learned that lesson so well.

The other thing that is so impressive is that this is not a one-dimensional resume. Chuck Hagel was a businessman, and very successful. He founded his

own company, created jobs, and created opportunities. He was the Deputy Administrator of the Veterans' Administration. He has run a large Federal agency. Very seldom do people come into one of these positions having run a Federal agency, or at least being the second in command. And he has been a U.S. Senator. So he knows very well the procedures and the personalities that are here in the U.S. Congress.

To me, though, some of the most compelling endorsements come from those who have actually done the job before. When Bob Gates and Bill Cohen and Bill Perry stand up and say, this is the person for the job, you have to believe that. These gentlemen have done the job for Republican Presidents and Democratic Presidents, and they have done it with great distinction.

Then when you get somebody such as Brent Scowcroft, who is, in my view, one of the most knowledgeable and authoritative voices in national security, and was the National Security Adviser to President George Herbert Walker Bush—who also weighed in, along with Madeleine Albright—you have compelling, irrefutable evidence and testimony from those who have done the job that Chuck Hagel can do the job.

There has been a lot said and discussed as to whether he truly appreciates the relationship between the United States and some of our closest allies, particularly Israel. Here we have the current Deputy Foreign Minister of Israel Danny Ayalon, who also serves as our Ambassador from Israel to the United States, saying that he has met him, he feels, in his view—and I will paraphrase—he has a true understanding of the natural partnership between the United States and Israel. Again, that is compelling evidence.

If you add to that the unconditional endorsement of several former U.S. Ambassadors to Israel, American patriots who have dedicated themselves to maintaining a strong, vital, vibrant, and crucial relationship for both the State of Israel and the United States, the evidence accumulates more and more that the President has chosen well and wisely.

This is a critical time. We are looking at conflicts in Afghanistan, we are looking at a nuclear detonation on the Korean peninsula, we are looking at budget problems that have never faced any previous Secretary of Defense and that have to be addressed within days or weeks. There is a ministerial meeting next week in Brussels for our defense ministers. We have to maintain our alliances. All these forces come together.

So I think the evidence is overwhelming. The President has chosen well and wisely.

But let me make one final point. This is a historic vote. By my recollection, no nominee for the Secretary of Defense has been defeated, delayed, or dismissed on a procedural vote.

Our history suggests, because of this office, because it is one so closely associated with the President making life-

and-death decisions, that deference is given to that choice—at least that it is not caught up in a procedural battle, that there is an up-or-down vote. My colleagues, in good faith, after careful study, can vote yea or nay, but to defeat someone on a procedural vote would be unprecedented and unwarranted. As a result, I would urge that this procedural motion before us be carried, cloture be dispensed with, and we can get on to expressing our true feelings based on the evidence and based on our best judgment of whether Senator Hagel should serve as Secretary of Defense.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, my colleague, Senator CRUZ, is ill and unable to speak on this nomination. He has, however, expressed his concerns to me in the form of a letter. I appreciate his contributions to this debate throughout the committee process.

I ask unanimous consent the letter be printed in the RECORD.

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

U.S. SENATE,
February 14, 2013.

Senator JAMES INHOFE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR INHOFE: I continue to have considerable concerns with the unnecessary rush to force through a vote on Chuck Hagel's nomination before he has adequately responded to multiple requests from members of the Armed Services Committee for additional information.

Our requests directly relate to matters he would have significant influence over as our nation's Secretary of Defense and are based on his alarming record on foreign policy matters. For instance, Sen. Hagel has repeatedly declined to support measures to crack down on state sponsors of terrorism, belittled the notion of using any means to prevent a nuclear Iran, advised U.S. leaders to engage in direct negotiations with rogue nations and hostile terrorist groups, and expressed remarkable antagonism towards the longstanding U.S. alliance with Israel. Moreover, these are all positions he's disavowed since his nomination.

These deeply concerning positions rightfully raise the question of what conflicts of interest could exist as a result of financial compensation he has received in the recent past. Under the Senate's responsibility to advise and consent on nominations, it is completely appropriate to make these requests for disclosure—requests that are absolutely relevant to the role of our nation's Secretary of Defense. Several senators, who currently oppose such requests for information, contradict their own past statements that affirm the importance of disclosures related to executive branch nominations.

In a February 6 letter, 25 senators, including every Republican on the Senate Armed Services Committee and both the Minority Leader and the Whip, agreed that neither the Committee nor the full Senate has sufficient information to assess Sen. Hagel's nomination.

In order to have sufficient information, we have submitted several requests. This includes requests for disclosure on the personal compensation that he has received in the last five years—information which is en-

tirely within his own control; requests for additional disclosure on foreign funds that he may have received indirectly, and whether any such foreign funds raise conflicts of interest; requests for a complete list of his prior public speeches, notably multiple speeches on controversial topics have been made public by the press, despite those speeches having been omitted from his own disclosures; and a critical request from the Administration regarding additional information about the precise actions taken on September 11, 2012, during and immediately following the tragic murder of four Americans in Benghazi.

I believe that to date, responses to these requests are insufficient. Very few positions have as great an impact on national security as does the Secretary of Defense and it is our responsibility to ensure that those nominated to serve in this critical position are held to the highest standards.

I am prepared to move forward on Senator Hagel's nomination in a timely manner, but I do not believe the Senate should vote on that nomination unless and until he provides adequate disclosure in response to these requests.

Sincerely,

TED CRUZ.

Mr. INHOFE. Madam President, let me start off by saying that I agree with almost everything they have said on both sides about Chuck Hagel. I agree that he was a hero. I think of my own Army career and I think of his and how much greater his was. That isn't the issue.

I think both Senator GRAHAM and Senator MCCAIN said it very well. Yes, his character is wonderful. We love the guy. He served his country. All of those things are true. The problem is the stances he has taken regarding Israel and countries like Iran. Israel has historically been a very, very close ally of ours and, I have often said, our only true ally in the Middle East we can count on. But we need to take a close look at Senator Hagel and how he would act, judging from his past performance, as the Secretary of Defense.

The vote that is coming up at 4:15 is the vote for or against Senator Hagel. All of this talk about a procedural vote and filibustering: no. This is the vote to determine whether Chuck Hagel should be the next Secretary of Defense.

This statement about filibustering has been made over and over again. They say this the first time this has ever happened. Look, we have people nominated all the time for Cabinet positions who are subjected to a 60-vote threshold. I will describe some of them right now, starting on the Republican's side:

Kathleen Sebelius is now the Secretary of Health and Human Services. In 2009 there were a lot of people who didn't think she would be good, and so they objected to force a 60-vote threshold. That is what happened.

John Bryson was up for Secretary of Commerce. I didn't think he would make a very good Secretary of Commerce. I opposed him, and he was subjected to the 60-vote margin.

Here is the interesting thing. Today we have Barack Obama, who is a Demo-

cratic President of the United States, and then we have HARRY REID, who is the majority leader, so the Democrats are in control. During the last Bush administration, we had exactly the reverse. George Bush was President of the United States and a Republican, and the Democrats were in the minority—the same situation.

So what happened? First of all, we had John Vogel come up. It was the same thing—subjected to a 60-vote margin. We had Senator Dirk Kempthorne. There were a lot of people who did not approve of him. He was nominated by President Bush, a Republican, and the Democrats didn't like him. They subjected him to a 60-vote margin. That wasn't a filibuster then. This isn't a filibuster today.

People are trying to blame me as the bad guy who is causing a filibuster. That is not the case at all, any more than it was the case back in 2005, 2006, and other times when we had a nominee who was put forth by President Bush who was objected to by the Democrats.

When Dirk Kempthorne was nominated to be the Secretary of Interior, there was a lot of opposition to him by the Democrats. Of course they said: We have to subject him to a 60-vote threshold. The Secretary of the Interior is a Cabinet position, but they seem to be drawing a distinction, for some reason, between the Secretary of Defense and any other Cabinet positions. As Cabinet positions, they are the same. And the process of requiring a 60-vote threshold happens over and over again.

Senator ROB PORTMAN—the same thing happened to him when he was appointed by President Bush to be the U.S. Trade Representative. The cloture motion was vitiated later on, but it was objected to first so that he would have been subjected to a 60-vote threshold.

One that is kind of interesting is Stephen Johnson. President Bush appointed him to be the EPA Administrator. Actually, he was a guy whom I thought a lot of, and he was a Democrat. So we have here President Bush, a Republican, appointing a Democrat who was objected to by the Democrats. Now we have President Obama, a Democrat, nominating a Republican who is objected to by the Republicans. It is exactly the reverse. There is no difference at all.

I am the ranking member of the Armed Services Committee. I will stand up and walk through fire to make sure every member of the committee has all their questions answered. That is what advice and consent is all about. We want to look at the individual. In the case of our committee, we want to make sure every member of the Committee has a chance to look at the process and make sure everything is out there.

This is kind of a funny thing. The distinguished junior Senator from Texas, Mr. CRUZ, lost his voice. For a Senator to lose his voice—what worse

can happen than that? So he is not able to speak, but if he could, I believe he would say: It is not so much my concern, the issues that have been articulated by Senator MCCAIN and by Senator GRAHAM. My concern is about the process.

Madam President, I give myself 3 additional minutes.

The fact is this new member of the committee, a new Member of the Senate, knew he was entitled to have all his questions answered. He has tried now for weeks. He was stonewalled. He can't get them. So this is about the process. Senator CRUZ is not making any accusations. He says: I just want the information I have asked for.

I have the utmost respect for CARL LEVIN. He and I, despite what the media wishes, get along great. I love the guy. We disagree now and then on policy, but I really like him.

The other day, CARL LEVIN said:

Every member, every member should add his or her voice to the demand for the production of relevant documents which Senators need to decide on confirmation or for any other legitimate reason.

I agree wholeheartedly with that, and that is exactly what these individuals are asking for. They are asking for that information.

Senator CRUZ is very articulate. I regret that he lost his voice today.

In the past, every time the minority has objected and has wanted as a matter of procedure, to have a 60-vote margin, that is what has happened. It has happened with a consent agreement. I asked for that, and I think we have that now, but we had to force it.

This is not a filibuster. It is the same thing that was required and requested by HARRY REID, back when he was the minority leader, against John Bolton, against Stephen Johnson, against ROBERT PORTMAN, and against Dirk Kempthorne. This is a normal way of operating.

A lot of us still don't have the information we want, but I am willing and they are willing. I have checked with the people who have not gotten all the information they want. They said: Let's go ahead and have the vote. So, in a way, are they caving in? In fact, they are just doing all they can to be conciliatory. I think we are doing everything we can. We are not filibustering, and we don't want to string this out.

I repeat one last time that this vote is the vote on Chuck Hagel. It is not on procedure or anything else. It is a vote on Chuck Hagel.

Madam President, I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, how much time does the majority have?

The PRESIDING OFFICER. There is 17 minutes remaining for the majority and 3 minutes for the minority.

Mr. LEVIN. Madam President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, this is rare. Twice in the history of the Senate have we had a filibuster involving a nominee for a Cabinet position—twice.

But especially disappointing about this is that it was just a few weeks ago that we came together on a bipartisan basis and we said: We are not going to do this anymore. We are going to try to work together. We are going to try to avoid these filibusters. And here we have, sadly, a historic filibuster over an appointment of a former Senator—Chuck Hagel, a Republican of Nebraska—as Secretary of Defense.

I know there is controversy associated with his nomination, but I also know Chuck Hagel. I served on the Senate Intelligence Committee with him. We served together in the Senate. There is no question in my mind that the President made a good choice.

I will also tell you that you need to know a little bit about the man to understand why it is a historic choice. Chuck Hagel volunteered and enlisted in the U.S. Army during the Vietnam era. That was not a casual decision. That was a time when enlisting in the Army meant you might risk your life. He lucked out; he got stationed in a theater that wasn't at war. But what does he do next? He volunteered to go to Vietnam. He volunteered as an enlisted man to go to Vietnam. And he went there—with his brother, incidentally, the two of them—to serve in the U.S. Army. He was involved directly in combat, was given the Purple Heart for his service, and he told me personally about days he will never forget as long as he lives. So does Chuck Hagel know what it takes to be a soldier? Does he know what it takes to lead the Department of Defense? He certainly does.

I served on the Senate Intelligence Committee with him. I know his feelings on the issues. And when I listen to how some of his positions have been distorted, I find it hard to believe.

Chuck Hagel was a conservative Republican Senator and an honest man of integrity. And some of the things that have been said about him, some of the charges that have been made in the course of the Armed Services Committee were just embarrassing, to think that colleagues in the Senate would say that about a man they knew and served with personally, or they should have known better than to say. That is why we are here today.

The sad reality is that I have listened to many Republican Senators who are not going to vote for Chuck Hagel come up here and talk about how important it is to fill this position. The North Koreans detonated nuclear devices this week and raised concerns all over that part of the world and beyond. We know what is going on in the Middle East, in Syria and other places. We still have 68,000-plus American soldiers who are literally risking their lives—while we meet in the comfort and security of the Senate Chamber—in Afghanistan. They are risking their lives, and we are saying: Well, we would sure

like to appoint a Secretary of Defense, but we have to make a political point here today. We have to vote against him today and put it off for 10 days, and then we may reconsider it again. God forbid something awful occurs in the next 10 days. I hope it doesn't.

There are still good people at the Pentagon, and I am sure they will do a good job, but we should have that Secretary of Defense—one of the most critical appointments in the President's Cabinet—filled. This notion that we have to make a political stand here and stop Chuck Hagel today to make some political point really troubles me.

Some of the requests for information about Chuck Hagel go beyond any of the standards of disclosure we have ever seen before. This isn't fair. It isn't fair to Chuck Hagel. It isn't fair to the President. It certainly isn't fair to the men and women in uniform all across the United States and around the world who are risking their lives for this country.

Those who come to the floor and say that in 10 days, he will be fine, for goodness' sake, swallow your pride. Let's make sure we vote for him today. Let's fill this spot. Let's not have this sad historic filibuster on this appointment to the President's Cabinet.

I really hope my colleagues will reflect on what Chuck Hagel has meant in his life, his service to the country, his service to the State of Nebraska, and his service to this Nation as a Senator. He is a good man, and he will do a good job in the Department of Defense. I trust the President's judgment.

For anyone who thinks they are making a political point in order to kind of show the President that we can still filibuster, I remind them it was just a few weeks ago that we stood on the floor of the Senate and said we were going to be more thoughtful about the use of the filibuster in the future; we were going to be more careful that we don't politicize it. Unfortunately, what is happening today is a serious disappointment.

I yield the floor.

Mrs. BOXER. Mr. President, may I ask the Senator, through the Chair, a question?

Mr. LEVIN. Mr. President, I would be happy to yield time to the Senator from California. How much time does the Senator wish?

Mrs. BOXER. Whatever my friend wishes.

Mr. LEVIN. I will yield 2 minutes to the Senator.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am glad we are voting today on the President's choice for Secretary of Defense, our former colleague, Chuck Hagel. I stand here as a Senator who has had a number of questions as well about some of the things he said in the past, some of the votes he has cast, and some of his philosophy. And what I did, as soon as I learned he was the President's pick, was to ask those questions.

Remember the President is the Commander in Chief. This is a critical appointment. It has to be someone he has faith in, puts his trust in, and he picked someone. He picked a brave hero who served in Vietnam.

So I wrote all my questions down, and believe me, they covered some tough ground on women's rights, gay rights, Iran, and Israel. There were a number of questions. I asked if it would be all right if when the answers came we could put them online so people could see the answers. The answer that came back was absolutely yes. The answers to my questions were very clear and very strong.

Senator Hagel has evolved on certain issues. He admitted to a mistake on a couple. That is the hardest thing for any politician to admit. There are four words politicians hate to say, "I made a mistake." He admitted to that on a couple of issues.

I just think the way he is being treated is so sad. It is so sad. When I watch some of the questioning from my colleagues—not all of them, a couple of them, and I am not referring to my dear friend, Senator INHOFE—it was reminiscent of a different time and place when someone would say: I have here in my pocket a speech that you made on such-and-such a date—and, of course, nothing was in the pocket. It was reminiscent of some bad times.

I am so glad we are voting today. I know it is going to be a close vote. I don't know what the outcome will be. I do believe eventually this good man will be the Secretary of Defense. I believe that in my heart. If anyone is still undecided on this vote, let's understand that never in history have we had a 60-vote requirement—to my knowledge—for a nominee for Secretary of Defense. If I am wrong, I hope to be corrected. There is a reason for it.

Lord knows I was one of the key voices of dissent on the Iraq war, and I was not happy about a lot of the people who were put into place by George W. Bush. Believe me, I didn't want to see them continue in those positions. I think they led us astray in Iraq, and it led to so many thousands of deaths. However, I never dreamed of requiring a 60-vote majority. In my view, this is not a good day for the Senate.

I know my friend, Senator INHOFE, is very sincere. I am on the Foreign Relations Committee; I am a senior member of that committee. We have listened to the State Department on Benghazi. We have had briefings and hearings and answers came in. We had secret briefings that were highly classified. We had open hearings—I would ask for 30 seconds.

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

Mrs. BOXER. I have to say, what more are you trying to get out of this? Benghazi was a crisis. It was a disaster. It was terrible. There should have been more security there, but don't blame the brave Americans for it. Blame the terrorists who did this.

As the facts became available, those facts came right out. Why are we trying to stop this good man because of something he had nothing to do with?

In closing, I hope if you are on the fence, you will vote today for Chuck Hagel, and a "yes" vote on cloture.

Mr. INHOFE. Parliamentary inquiry. The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Parliamentary inquiry before the clock starts: I understand we have 3 minutes left on our side. How many minutes are left on the majority side?

The PRESIDING OFFICER. The majority has 7 minutes 15 seconds.

Mr. INHOFE. I don't see anyone seeking recognition, so I will go ahead and take the last 3 minutes.

First of all, it is very interesting that all of those on the other side who are supporting Senator Hagel to be the next Secretary of Defense, not one of them has said anything at all about the issues. They all talk about the things with which we agree. He was a hero; we said it. Senator MCCAIN said it and Senator GRAHAM said it. We all agree he was a hero in the war, and he is deserving of this type of thing.

Why is it that no one has mentioned that Senator Hagel is one of only two Senators who voted against sanctions against Iran? Why is it they don't mention that he was one of only four—in fact, all of them in the Majority signed a letter for solidarity with Israel. Senator Hagel was one of four Senators who didn't sign that letter of solidarity for Israel. The same thing with declaring the Iranian Revolutionary Guard as a terrorist group. He was one of only four Senators who did that.

I would only say this is not a filibuster. Everybody knows it is not a filibuster. I hope the media is listening: This is not a filibuster. This is the same process that was required by the Democrats in the case of John Bolton, in the case of Steve Johnson, in the case of ROB PORTMAN, and in the case of Dirk Kempthorne. It is a prerogative of the Senate. It is not a filibuster. We merely want a 60-vote margin. We received it in all of those cases.

I commented earlier that when we had a Republican in the White House and a Democratic majority in the Senate they made that same requirement. I was here in the Senate for all four of them. I never objected to requiring a 60-vote threshold.

Then, of course, we had a 60-vote threshold for the nomination of Kathleen Sebelius, who is serving now in a Cabinet position. The same thing. This is a Cabinet position. We had the Secretary of Commerce, John Bryson. I objected to him. He passed the 60-vote margin. The only issue is the 60-vote margin, and that is what we are talking about. It is not a filibuster.

The last thing I will do is read—since our last speaker is my very good friend and chairman of the committee—what he said the other day. I wholeheartedly agreed with him when he said every

Member should add his or her voice to the demand for the production of relevant documents which Senators need to decide on confirmation. I agree with that. What we object to is the process where we have Members who have made requests for information that is relevant to this appointment, and they have been unable to receive that information. So it is a process.

As the ranking minority on the Senate Armed Services Committee, I will stand up for the rights of every single minority member of that committee. Senator LEVIN would do the same thing and stand up for the rights of every majority member of that committee in this process.

I thank the Chair.

The PRESIDING OFFICER (Mr. COONS). The Senator from Michigan.

Mr. LEVIN. I yield myself the remainder of the time.

First of all, the questions which have been asked of us to provide materials of the nominee have fallen into three categories: The first one is to the White House about Benghazi, and those questions have been answered. There have been requests for Senator Hagel's speeches, and those speeches have been provided. Relative to financial disclosure, additional financial disclosure, disclosure which is required by the rules, that has been provided.

The statement that was made by one of our colleagues about Corsair Capital is a statement which, frankly, is out of bounds. It is inappropriate for anyone to be asked about that when he is an adviser to a perfectly legitimate equity fund and has perfectly legitimate members on the board. There is no evidence—and the person making the innuendo acknowledged that there is no evidence—that the funding came from Saudi Arabia, Iran, or any other inappropriate place.

So as for the information that has been provided, it is probably more information than probably any nominee—at least in recent memory—has had to provide. We have done everything we possibly can.

Now in terms of the qualifications for Senator Hagel, this comes from former Secretaries of State, National Security Advisers, National Secretaries of Defense, including Secretary of State Albright, National Security Adviser Berger, Secretary of Defense Brown, National Security Adviser Brezezinski, Secretary of Defense Cohen, Secretary of Defense Gates, National Security Adviser Jones, Secretary of Defense Laird, National Security Adviser McFarlane, Secretary of Defense Perry, Secretary of State and National Security Adviser Powell, Secretary of State Schultz, and National Security Adviser Scowcroft.

This is what they said, and this is the validation: We, obviously, know Senator Hagel. We trust Senator Hagel. We believe in his qualifications.

These people are Democrats and Republicans who are outside of this body, and here is what they say: From his

time as the Deputy Veterans' Administrator managing a quarter of a million employees, to during the Reagan Presidency, to turning around the financially troubled World USO, to shepherding the post-9/11 GI bill into law as a United States Senator, and most recently through his service on the Defense Policy Board at the Pentagon and as cochairman of the President's Intelligence Advisory Board, Chuck Hagel is uniquely qualified to meet the challenges facing the Department of Defense.

I have already put into the RECORD many of the statements that have been written by veterans organizations in support of Senator Hagel.

Senator INHOFE said when no one talks about his position on Iran, well, yes, we do. Here is what he says:

Iran poses a significant threat to the United States, our allies and partners, and our interests in the region and globally. Iran continues to pursue an illicit nuclear program that threatens to provoke a regional arms race and undermine the global non-proliferation regime.

He is fully committed to the President's goal of preventing Iran from obtaining a nuclear weapon. All options must be on the table to achieve that goal. And relative to Israel, he has said he is a strong supporter of Israel. Even more importantly, the Deputy Minister of Israel said he is a good friend of Israel, and, indeed, in the words of Danny Ayalone, said he believes—and I am now talking about Senator Hagel—Hagel believes in the natural partnership between Israel and the United States and is proud of the volume of defense relations between Israel and the United States which are so important to both countries.

Now the only question that remains is what we are voting on. What we are voting on is to end the filibuster. My good friend from Oklahoma says it is not a filibuster, but the definition of "filibuster," under our rules, is you are going to continue to talk unless there are 60 votes to end debate. That is what we are voting on. It is called cloture.

If we get cloture today, then there will be another vote on the nomination of Senator Hagel. The proof of that is that we have three Republican Senators who stood up today and said that while they are going to vote against cloture today, they are going to vote for cloture a week from this Tuesday. That is a procedural vote if I ever heard it. They are still going to vote against his nomination, but they have decided that they will vote for cloture a week from Tuesday. That is the difference between the vote to end debate and the vote on the nomination itself. What we are deciding here today is whether a filibuster will continue. That is not just me talking; that is the rules speaking. That is what the rules provide for, that we need 60 votes to end debate.

Has there ever been a requirement before by opponents of a nominee that there be 60 votes to end debate? Has

this ever happened in history? Not for a nominee for the Defense Department, no; Secretary of Defense, no. For other Cabinet officers, there have been in the past requirements set by opponents that to stop talking we are going to have to get 60 votes. But that only means what the rules say it means, which is that under the rules of this body, conversation or debate does not end if the opponents insist on it until there are 60 votes. That is the definition of a filibuster and that is what I hope we could bring to an end today. If we don't bring it to an end today, then there will be another vote a week from Tuesday.

I hope we don't have to do that. This position is too important. The dangers in this world are too severe to leave this position in this ambiguous state between now and a week from Tuesday, or whenever the final vote on approval of this nomination is. The world is too dangerous to have this period of uncertainty. There is no need for it. We have provided the documents which have been required. The information relative to the financial situation of Senator Hagel has been provided. It is time for us now to bring the debate to an end, require 60 votes and then, hopefully, if we can get 60 votes today, then vote on the final approval of this nominee. But, again, if 60 votes aren't there today, the majority leader has made it clear he will then, of course, reconsider the cloture motion for a week from Tuesday. Either way, it is critically important that Senator Hagel's confirmation take place and that we fill this position of Secretary of Defense.

Mr. President, I don't know if there is any time left but, if so, I yield it back.

The PRESIDING OFFICER. All time has expired.

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Charles Timothy Hagel, of Nebraska, to be Secretary of Defense.

Harry Reid, Patrick J. Leahy, Sheldon Whitehouse, Barbara Boxer, Al Franken, Christopher A. Coons, Jack Reed, Carl Levin, Kirsten E. Gillibrand, Claire McCaskill, Robert P. Casey, Jr., Richard Blumenthal, Tom Harkin, Dianne Feinstein, Bill Nelson, Jeanne Shaheen, Sherrod Brown.

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

The question is, Is it the sense of the Senate that debate on the nomination of Charles Timothy Hagel, of Nebraska, to be Secretary of Defense shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. HATCH (when his name was called). Present.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

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

The yeas and nays resulted—yeas 58, nays 40, as follows:

[Rollcall Vote No. 21 Ex.]

YEAS—58

Baldwin	Hagan	Murphy
Baucus	Harkin	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Pryor
Blumenthal	Hirono	Reed
Boxer	Johanns	Rockefeller
Brown	Johnson (SD)	Sanders
Cantwell	Kaine	Schatz
Cardin	King	Schumer
Carper	Klobuchar	Shaheen
Casey	Landrieu	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Udall (CO)
Coons	Levin	Udall (NM)
Cowan	Manchin	Warner
Donnelly	McCaskill	Warren
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murkowski	

NAYS—40

Alexander	Fischer	Paul
Ayotte	Flake	Portman
Barrasso	Graham	Reid
Blunt	Grassley	Risch
Boozman	Heller	Roberts
Burr	Hoeven	Rubio
Chambliss	Inhofe	Scott
Coats	Isakson	Sessions
Coburn	Johnson (WI)	Shelby
Corker	Kirk	Thune
Cornyn	Lee	Toomey
Crapo	McCain	Wicker
Cruz	McConnell	
Enzi	Moran	

ANSWERED "PRESENT"—1

Hatch

NOT VOTING—1

Vitter

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

VOTE EXPLANATION

Mr. VITTER. Mr. President, I could not participate in this Hagel nomination cloture vote because I had to return to Louisiana to attend a funeral. Had I been present, I would have voted no for two reasons.

First, I would like to state for the RECORD that I believe this process has been rushed and that very reasonable Member requests for information have been denied.

Secondly, I oppose the nomination on its substance in light of Senator Hagel's long history of troublesome votes and comments regarding the defense of Israel and related Middle East issues.

Mr. REID. Mr. President, this will be the last vote of the day. We will have a vote Monday night and we will vote again on this matter Tuesday morning—a week from Monday and Tuesday.

I regret that Republican Senators, except the valiant four, chose to filibuster the nomination of President Obama's nominee to be Secretary of