

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

Defense. The Republicans have made an unfortunate choice to ratchet up the level of obstruction in Washington. Just when you thought things could not get worse, it gets worse.

We need to have this vote today. Why? You know, in times like this, it is nice to have a Secretary of Defense, not a lame duck. We have a war going on in Afghanistan. The war has been going on for 10 years. The President announced on Tuesday that half the troops are going to be coming home.

North Korea earlier this week tested a nuclear weapon. Just a couple months ago, they tested a missile to deliver a warhead. They have said publicly and very openly they want to make sure they can reach the United States.

We have a conflict going on in Syria. It is a serious conflict. The Middle East is still in turmoil. Iran is threatening everyone, including us. We have a few things going on. There is a NATO defense meeting next week, where NATO Defense Ministers, including someone from the United States, whom we hoped would have been the Secretary of Defense, would attend that meeting.

A couple of my Republican colleagues said: That does not matter. Just have somebody else attend.

What does that do to our standing in the world community?

We need a Secretary of Defense on the job. No one, no one knows, especially any Senator, what foreign challenge we will face in this country, perhaps within the next 10 days. It would be nice if we had a Secretary of Defense.

There is nothing that is going to change in the next 10 days about the qualifications of Chuck Hagel.

I served with Chuck Hagel. He is a conservative Republican representing the ultraliberal State of Nebraska. He served with distinction in the Senate as a Senator. He served on the Foreign Relations Committee, Armed Services Committee, and Intelligence Committee. He is a man of quality and of courage, not just being able to come and give a speech on the Senate floor.

During the Vietnam war, he volunteered to go into combat. That is what he chose to do because he thought it was the patriotic thing to do for his country, our country. His family felt that way. He and his brother went together. They didn't go to push pencils, they carried rifles; strapped to their sides, grenades.

He was wounded twice. He was an enlisted man. He didn't walk around ordering people to do things. People were ordering him what to do—except when it came to his brother. He saved his brother's life in combat in Vietnam.

They are filibustering him. That is what they are doing. I am going to call Chuck Hagel when I finish and say I am sorry, sorry this is happening. I am sorry for the President and I am sorry for the country and I am sorry for you. We are not going to give up on you.

We are going to vote, as I said, Tuesday, when we get back, in the morning.

I hope, I truly do hope nothing happens during the next 10 days we will not have a Secretary of Defense. We are not going to have one, and I hope nothing goes wrong and we will rue the day—more than just embarrassing the President, the Senate, and the country—in not confirming the President's nomination of this good man from Nebraska.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, to my knowledge we do have a Secretary of Defense, and his name is Leon Panetta. It is my understanding that Mr. Panetta is going to stay on the job, a job he has done very well as Secretary of Defense and as CIA director for the last several years. The majority leader knows full well the reason why cloture was denied—or closing off debate was denied, because there are reasonable requests being made on this side for additional information. I hope and trust information will be provided in the next few days. When we come back from the recess, we will have another vote and another opportunity for Senators to express themselves.

This is not any attempt to kill this nomination. This is not a filibuster. I realize it is the headline the majority leader would like the newspapers to write.

We actually had some very reasonable discussions going on earlier today among Senators on the Democratic side and the Republican side to try to work this out, given the fact that this nomination has just been so recently reported from the Armed Services Committee, and to accommodate the reasonable request for Senators to receive answers to their legitimate questions. We didn't need to have this vote today. We could have delayed it until after the recess. I am confident the vote would have turned out differently.

The White House and the majority leader were determined to have this vote in order to try to get a story in the newspaper, one that misrepresents the nature of the objection on this side which, as I said, was a vote not to cut off debate because it was premature. Reasonable requests for information have not been accommodated by the nominee.

There are solid public policy differences between Members of this other side of the aisle and the nominee.

This is not about politics. This is not about personalities. It is about questions such as whether Iran should be allowed to get a nuclear weapon. Should we have direct negotiations with terrorist organizations such as Hezbollah and Hamas?

What is the official posture of the U.S. Department of Defense and this administration relative to our best ally in the Middle East, Israel? What would be the plan for the nominee should he be confirmed when it comes to dealing with steep cuts to the military that are going to come out of the sequester, which was the President's idea and

which is now going to go into effect on March 1. This is something which the President himself said was not going to happen. All of these are legitimate areas of difference and areas of inquiry that could be accommodated, could have been accommodated without necessity of this vote today.

This was the majority leader's choice, which was his prerogative, and the White House's choice. We could have done this differently. We could have worked this out, but that did not happen, unfortunately.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this is not a filibuster. This is not a filibuster. I would like to see what a filibuster is. This is the first time in the history of our country that a Secretary of Defense has been filibustered, filibustered successfully and probably ever filibustered, and for all this, the statement from my friend from Texas on a rant to make sure he is OK on Israel. He wants to make sure he is OK on Iran on this.

We had hearings, not singularly but plural. The Secretary of State came, the Secretary of Defense.

This has gone to the absurd. We were told by a number of Senators they would like a letter from the President's White House talking about what he did following Benghazi. Remember, Benghazi was debated at length in the Presidential election. That is over, we thought. No, it is not over.

The President said, OK, and he adhered to what he wanted and wrote in detail about calls he made right after the terrible occurrence in Benghazi and sent it to the chairman of the committee. We received reports back some of the Senators were offended because the letter was sent to the chairman and not to them. This is all foolishness.

People may say whatever they want to say, but we still have a Secretary of Defense. Leon Panetta gave his final closing, ending; it was all over with his speech yesterday. I am friendly with Leon Panetta. I have known him for 31 years. No one in the country has served with more distinction than a Member of Congress, chairman of the Budget Committee, head of the Office of Management and Budget, the President's Chief of Staff, head of the CIA, Secretary of Defense. He wants to go tomorrow, and yesterday he told everybody he was going home.

Yes, we have a Secretary of Defense. It is about as lame as a duck can be. How do you think the people in NATO feel when, I don't know who will go, I guess Ash Carter or somebody will go, but we don't have a Secretary of Defense.

I can't imagine—as I said this morning, I will just repeat, I guess to be able to run for the Senate as a Republican in most places in the country, you need to have a resume that says: I helped filibuster one of the President's nominees. Maybe that helps. Maybe that keeps a tea party guy from running against you. But this should not be politics. This should be substance, and

there is nothing wrong with Chuck Hagel.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, with all due respect to the majority leader, this was an unnecessary vote today. The majority leader said: What is a filibuster? I can remember one that wasn't called a filibuster. I can remember when President Bush the first nominated a very noncontroversial University of Tennessee president who had been Governor to be the Secretary of Education of the United States about 20 years ago.

There was a Democratic Senate at the time, and the Senator from Ohio decided he wanted more time to study the qualifications of the nominee from Tennessee. I was that nominee.

I thought that was an extraordinary period of time. It was 87 days between the time President Bush announced my nomination and the time the Senate unanimously confirmed me. That was a Cabinet position. I went around to see Senator Warren Rudman to see what I should do. He said: You don't have any cards. You don't do anything. The Senate has the right to consider, with its constitutional prerogative of advice and consent, the nominees of the President. That is what the Senate is there for.

I said: Warren, how did you get to be a Senator? He said: Well, I will tell you a story. President Ford nominated me in 1976 to be on—I believe it was the Federal Communications Commission. The Senator from New Hampshire, a Democratic Senator and a Democratic Senate, put a hold on Warren Rudman until Warren Rudman withdrew his nomination.

The end of the story was that Warren Rudman then ran against that Senator, beat him, and that is how Warren Rudman became a Senator.

We know what a filibuster is. A filibuster is when one side or the other—which it has a perfect right to do under our system of government—decides to try to kill a nomination by denying 60 votes or to stop legislation by 60 votes. The Democrats have done it on a regular basis when they were in the minority and the distinguished majority leader was one of the most effective persons in the Senate to do so. I presided many times over the Senate when he objected.

I remember when we were trying to get 60 votes to have a permanent change in the estate law, and we would get up to 57, 58 or 59 and the distinguished majority leader would object.

What are we doing today? We are doing today exactly what was said when the vote was called. The question was do 60 of us believe it is time to end debate on the nomination of the President to be Secretary of Defense, the leader of the largest military organization in the world, the largest employer in the United States. The Senate Armed Services Committee has reported that recommendation to the

Senate 2 days ago—not 10 days ago, not 15 days ago, not 30 days ago, 2 days ago.

Most of us aren't on the Armed Services Committee. Are we not entitled, are we not entitled to have more than 2 days to consider one of the most important nominations the President has to make without having the distinguished majority leader accuse us of a filibuster? What we do in this body is debate. We debate issues.

In addition to that, there are a number of people on the Republican side who have asked for information for which they haven't received answers yet.

In every one of those cases, those are not requests I am interested in. They will not produce answers I need to know. They may be outside the range of questions I think ought to be answered.

After only 2 days of a nomination being on the floor, if Republican Senators have questions to ask and information to seek, they ought to be allowed to do that. That is what this is about.

What we have said—and the Democratic leadership knows this—we have talked in good faith through the morning. We have suggested to have this debate when we come back. Instead of 2 days after the bill was reported to the committee or to the Senate floor, it would be 2 days plus 10—a couple weeks. It would give us a chance to read the hearings, consider the evidence, ask our questions.

There were three Senators who came down to the floor today, including the Senator from Arizona and the Senator from South Carolina, who said then we will be ready to vote for cloture. In other words, we will be ready to vote to end debate to do what the Senate should do. Eventually, after a full consideration, we would have an up-or-down vote on a President's nominee for the Cabinet. At least that is my belief, that eventually you should have an up-or-down vote on the President's nominee for the Cabinet.

It is an unfortunate vote, and it is unfortunate to characterize this as a filibuster. This is a vote by Republicans to say we want more than 2 days after this nomination comes to the floor to carefully consider it because we have questions. Many have questions, and then most of us believe that after a sufficient time—and, for me, a sufficient time will probably be those 10 days—after those 10 days, it will be time to end debate. It will be time to have a vote and then it will be time to move on to something else.

I wish to make sure this is properly characterized. This was a motion to close off debate after 2 days of bringing to the full Senate the President's nomination to lead the largest military organization in the world at a time when Senators had reasonable questions for which they want answers. A vote to extend that until 10 days from now or some other appropriate time after that not only is reasonable, it is in the tra-

ditions of the Senate. Such reasonableness has been exercised by Democrats, as well as Republicans throughout the history of the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COWAN). The assistant majority leader.

Mr. DURBIN. Mr. President, Senator ALEXANDER is my friend. Sometimes that word is thrown around the floor of the Senate not very sincerely, but I mean it and he knows it. And I respect him very much. But I would say to the Senator, there is no other way to describe what we are going through than a filibuster.

A filibuster is, of course, an effort by at least one Member of the Senate to continue the debate and stop the vote on a matter, whether it is an amendment or a nomination. A cloture motion—in other words, to close off the debate—is an effort to produce 60 votes to overcome that Senator and to move to a vote, a final vote, on an amendment or a nomination. So by every Senate standard, by every definition, what we are facing with Senator Chuck Hagel as a nominee for the Secretary of Defense is a filibuster. It is. And that is why the majority leader filed a motion for cloture.

It is interesting to note that 59 Senators—a substantial majority of the Senate—were prepared to vote for Chuck Hagel to be Secretary of Defense, including four from the Republican side of the aisle. But we fell short of the needed 60 votes, the 60 votes under cloture, needed to end a filibuster. So I have to say to my friend from Tennessee, by every definition in the Senate, by every standard, your side has successfully filibustered the nomination of Chuck Hagel in the U.S. Senate.

It has happened before on Cabinet nominees—twice, I am told, in our history, and once while I was here involving Dirk Kempthorne, whose nomination was controversial and another cloture vote was called. I asked myself, how did I vote? After a while, you sometimes forget. And I was told, well, it turned out the cloture vote for Dirk Kempthorne was 85 to 7. So clearly, he had 60 votes, and I voted for the cloture vote in this circumstance. He was then affirmed by a voice vote thereafter. So it has happened before, but it happens rarely—twice in our history—when we have a Cabinet nominee who is filibustered.

I will concede to the Senator there are many times we have questions that need to be answered before we can make a sound or final decision, but what is peculiar about this vote is that the questions are being asked about a fellow colleague, someone the Republicans served with for years. This is not a name that was just dropped out of the blue. I would assume my Republican colleagues knew Chuck Hagel. You served with him, you were on committees with him, you sat hour after hour, day after day, and maybe month after month in meetings together. So

he is a known quantity more so on the Republican side of the aisle than on our side. I served with him on the Intelligence Committee, and I thought he was a person of sound judgment. There were times when I thought he showed real courage. I never doubted for a minute his commitment to some of the basic issues.

The Senator from Texas, who is also a friend, said: Well, we are not sure where he stands on issues such as Iran. I think he has said unequivocally over the last several weeks his position is the same as the President's, that we need to stop Iran from developing a nuclear weapon. The same has been said relative to our relationship with Israel. If people still have questions about that today, they are ignoring his answers or they do not believe him. And in that case, they can vote yes or no. I don't know how many more times he needs to say that to satisfy his critics. Perhaps, for some of them, he will never satisfy them.

But it is troubling to me, and I would agree with Senator REID—and Leon Panetta is a close personal friend. We go back to our House days. I recall he had a unanimous vote when he was nominated for Secretary of Defense—an indication of the respect we have for him. But his days are coming to a close and he said so. What the President has said is, I need to move up somebody into this critical position for the national security of the United States, and Chuck Hagel is the person I propose.

We have had ample time. I would be surprised if there are any—perhaps many—Senators who didn't have a chance to personally sit down with Senator Hagel. He came to my office, and I know he made himself available to virtually every Senator before this process started. So Chuck Hagel has done what he was asked to do, answer the questions and appear before the committee. And for a person who is a former colleague, it is hard to understand or explain why there are so many people on the Republican side of the aisle puzzled by this fellow from Nebraska, someone whom they served with for so many years.

Let me also say I want to join with the majority leader in saying, God forbid anything happens in the next 10 days. I hope it doesn't, for our sake and for the sake of the Senate and the people of this country. We do need a Secretary of Defense. I would like to think if the tables were turned the other side would not be pillorying us for leaving the Secretary of Defense office vacant in these dangerous times. I am afraid many on your side would be asking, why didn't you get this done when you could have? This was a Democratic Senator; why do you need to keep asking questions over and over?

But we have reached this point and there is nothing we can do about it. Senators have left and we are going to be off next week for the Presidents holiday. I just hope, as soon as we return, as quickly as we return, we can defeat

this filibuster on Chuck Hagel—this rare filibuster in Senate history—and we give him his chance to continue to serve this Nation as ably as he did in the U.S. Senate and as a soldier in combat in Vietnam.

I yield the floor.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. I want to assure the assistant majority leader that we still have a Secretary of Defense. His name is Leon Panetta. And I am referring to an e-mail his press secretary George Little sent out on Thursday:

The Secretary plans to stay in office until Senator Hagel is confirmed and sworn in.

So if anybody is under any misapprehension, I believe the Pentagon press secretary has made that clear. We have a Secretary of Defense. He has not resigned, and he will continue to serve until such time as his successor is sworn in.

I would say again to my friend, the Senator from Illinois, the assistant majority leader, we all know what a filibuster is. A filibuster is designed to kill a nomination or to defeat legislation, as the Senator from Tennessee said. I would also say this is equivalent to what happened back in 2005.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks a letter signed by Chris Dodd and JOSEPH BIDEN.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. CORNYN. And I will quote from that letter. This is a letter signed by Chris Dodd, our former colleague who served on the Foreign Relations Committee, and JOE BIDEN, when he was a ranking member of the Foreign Relations Committee back in 2005.

Dear Democratic Colleague: We write to urge you to oppose the cloture on the Bolton nomination tonight. We want to make clear that this is not a filibuster. It is a vote to protect the Senate's constitutional power to advise and consent to nominations.

I will skip down, because the letter will be in the RECORD, to the last paragraph, which says:

The refusal of the Executive Branch to provide information relevant to the nomination is a threat to the Senate's constitutional power to advise and consent. The only way to protect that power is to continue to demand that the information be provided to the Senate. The only means of forcing the Administration to cooperate is to prevent a final vote on the nomination today.

And the letter, as I said, was signed by Chris Dodd and JOE BIDEN.

My point is, this is exactly what the Senator from Tennessee said it was—a vote not to end debate but to allow these inquiries to be answered. And the shoe will likely be on another foot some other time with some other nominee, so we ought to, I think at a minimum, respect and protect the right of the Senate and of an individual Senator to make reasonable inquiries of a nominee as part of the power of advise and consent.

This is not a filibuster. If it is, then this was in 2005, contrary to the asser-

tions of JOE BIDEN and Chris Dodd. But I agree with them in this instance, this is merely an effort not to close off debate but to allow reasonable inquiries to get information that will advise the Senators in their vote when it comes time to vote on this matter after the next break.

EXHIBIT 1

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, May 26, 2005.

DEAR DEMOCRATIC COLLEAGUE: We write to urge you to oppose cloture on the Bolton nomination tonight. We want to make clear that this is not a filibuster. It is a vote to protect the Senate's constitutional power to advise and consent to nominations.

For more than a month, we have been requesting two types of information from the Executive Branch. First, materials related to the preparation of congressional testimony on Syria and weapons of mass destruction that Mr. Bolton planned to give in July 2003 and ultimately gave that September. We think this will show Mr. Bolton's continued effort to exaggerate intelligence information. It may also show that he misled the Foreign Relations Committee when he told us that he was not personally involved in the preparation of the testimony. Second, information related to National Security Agency intercepts and the identity of U.S. persons on those intercepts. During the past four years, Mr. Bolton requested the identity of U.S. persons on ten occasions. There may be nothing improper in this; or there may be something highly improper. But we won't know unless we see the very same information shown to Mr. Bolton. So far that has not occurred. The Chairman and Vice Chairman of the Select Committee on Intelligence were shown the intercepts, but not the identities of the U.S. persons.

In refusing to provide the information about the Syria testimony, the State Department has asserted that it does not believe that the request is "specifically tied to the issues being deliberated by the Committee." In other words, the Executive Branch is deciding what it thinks is relevant to the Senate's review. That's unacceptable. In the case of the NSA intercepts, no one in the Executive Branch has even tried to explain why the chairman and ranking member of the Intelligence and Foreign Relations committees are not allowed to see information that was made available to Mr. Bolton and even to his staff. That, too, is unacceptable.

The refusal of the Executive Branch to provide information relevant to the nomination is a threat to the Senate's constitutional power to advise and consent. The only way to protect that power is to continue to demand that the information be provided to the Senate. The only means of forcing the Administration to cooperate is to prevent a final vote on the nomination today. We urge to you vote no on cloture.

Sincerely,

CHRISTOPHER J. DODD.
JOSEPH R. BIDEN, Jr.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SEQUESTER LEADERSHIP

Mr. SESSIONS. Mr. President, we are facing a very serious problem with the sequester that will impact our Defense Department and other government agencies. It is a very serious matter. It has been out there for well over a year. We have known this is coming, and it is time—long past time—for the Democratic Senate and the President of the United States to provide some leadership on the issue.

I was pleased with Senator MCCONNELL this morning when he raised this matter, suggesting we are in a pattern here of how business is being done in the Senate. It goes something like this, Senator MCCONNELL said: Phase 1, Republicans identify a challenge and propose a solution; phase 2, the liberals sit on their hands until the last minute; phase 3, they then offer some gimmicky tax hike designed to fail and then blame everybody when it does.

This is essentially, I am afraid, where we are. We are now at the time where they are about to sweep in with some gimmicky solution that won't be successful. I don't know where they are in that. We have seen a 1-page outline that suggests there is a plan out there, but we haven't seen legislative language, I don't believe, unless it was produced in the last few hours. So we are 2 weeks away from a sequester that will include cuts that I believe will be too damaging to the U.S. military and can be avoided and should be avoided.

The sequester, remember, was part of an agreement that was reached in August a year ago—August 2011—between the President of the United States, the Democratic leadership in the Senate, and the leadership in the House of Representatives. It was designed to raise the debt ceiling because we had borrowed all the money that could legally be borrowed and the administration wanted to spend more and borrow more money. We were borrowing well over 35 cents out of every dollar we spent at that time—and still are—and the President wanted to raise the debt ceiling. The people holding the credit card—the U.S. Congress—said: Wait a minute. You have run up too much debt. You have to lay out a plan that, at least over 10 years, would equal the amount you want to raise the debt ceiling. The Administration could spend that money now—and it was spent in 18 months, because we have already hit the debt ceiling again—and we will raise the debt ceiling \$2.1 trillion.

So an agreement was reached to reduce spending over the next 10 years by \$2.1 trillion. That was the agreement. The President signed that, the Democratic leader in the Senate agreed to that, the Speaker of the House, the Republican, agreed to that, and that became the law.

These are numbers we live with every day. I am the ranking Republican on the Budget Committee, and it is a constant item in our face out there. We were then spending \$3.7 trillion a year. So if you extend that for 10 years, we

would spend \$37 trillion over 10 years. But the budget was expected to grow. It was expected to grow so that we spent \$47 trillion over 10 years. At the end of that time we would have increased spending by almost \$10 trillion over 10 years. This deal would have said that we wouldn't spend \$47 trillion but \$45 trillion, therefore reducing the increase by a modest amount.

These were the first significant cuts we have had in the Congress in a long time. It is the first time we have actually made some alteration in the growth of spending. And really, it is not a cut in spending; it is reduction to the growth of spending. But the President not only agreed to the sequester, he actually proposed the sequester as part of the deal.

The sequester came about under the theory this would be a stopgap emergency measure if the committee of 12 didn't reach some long-term fiscal plan to alter the debt course of America, and the committee didn't reach that agreement.

The agreement fell apart and the sequester happened. The sequester was put in the bill at the last minute, according to Bob Woodward in his book, at the request of the President and the White House. It was put in there, and nobody knew what it meant. That is the reason primarily that I voted against it. I didn't like this situation that looked to me as though it would be a meat-axe cut that would fall disproportionately on the Defense Department. At any rate, good people disagreed, the bill passed, and it became law. So that is how the sequester came to be, and it is set up in a way that disrupts the Defense Department.

If you cut the Defense Department as much as is presently scheduled to be done now, it would hurt under any circumstances. But if it is done the way the sequester says, everybody agrees it will be far more damaging than it needs to be because it gives the Defense Department very little control over how to manage their money in a way that has the least adverse circumstances, and that is why we should not let the sequester go forward.

The sequester needs to be reevaluated for a lot of reasons. One-sixth of the federal budget is the Defense Department. One-sixth of the amount of money we spend is by the Defense Department. One-half of all the cuts in the sequester falls on the Defense Department. It is disproportionate.

Some people are under the impression that it is the war costs that are being cut. This is not what we are talking about. The war costs are funded in a separate account. All of these cuts fall on the base defense budget of the United States of America.

It means too rapid and severe a reduction in our military and civilian personnel, and it endangers the smart management of the war, while entire portions of our government—almost one-half of our government—have no cuts at all. Amazingly, there is no re-

duction in the growth of the spending of one-half of our government; and defense spending increases are less than half of what you see in many of the other major spending programs in our government.

The base defense budget has not been surging out of control. It has been increasing at about the rate of inflation in the last several years. But defense has already reduced its budget as part of the first part of the Budget Control Act agreement last August. That was \$487 billion. So this sequester would be an additional \$500 billion, should it go through. It would be a cumulative reduction of almost \$1 trillion over 10 years. That is a big reduction. It alters the ability of the military to function in the way they have been functioning, and it threatens the ability for them to carry out the missions they have been assigned to carry out today.

The Chairman of the Joint Chiefs, General Dempsey, said this week:

If sequestration occurs, it will severely limit our ability to implement our defense strategy. It will put the nation at a greater risk of coercion, and it will break faith with the men and women in uniform.

That is a serious statement and we should respect it. I know right now they are threatening all kinds of draconian cuts, and probably when the dust settles it won't be quite as draconian as they tell us. But the fundamental truth is, this is disproportionate and dangerous to the Defense Department, and it is not necessary.

Remember how we got here. We saw this coming. The defense authorization bill was not brought up before the election maybe for the first time in 50 years. Why was it not brought up in July, August, September, or October? Why was it not?

One of the reasons I think was that everybody knew the sequester was out there. It needed to be fixed, and this would have been the opportunity to fix it when that bill moved through the Senate. And so Senator REID wouldn't bring up the defense bill. He refused to bring it to the floor.

Senator MCCAIN came to the floor and said, shame, shame, shame, as ranking Republican on the committee, pointing out this failure was the first time I believe in 50 years that the defense bill had not moved. No other appropriations bill had moved, either; not a single one. But not passing the defense authorization bill was historic—again, I think in big part because they didn't want to talk about the sequester.

In the debate, I believe last October, with Governor Romney, the sequester came up. What did President Obama say? It will not happen. The sequester will not happen. And here we are, with no plan to fix it from the White House, no plan to fix it from the Democratic majority—which apparently wants to lead this country, wants to be in the majority, wants to justify their leadership position. Senator REID has not brought forth—unless it is today, until