

Senate or the Presidency itself. Senate Republicans strongly believe we need a full and fair process where the former President can mount a defense and the Senate can properly consider the factual, legal, and constitutional questions at stake.

For that reason, we suggest the House transmit this article next Thursday, but that apparently is going to be next Monday; that former President Trump's answer and the House's pretrial brief, I suggested, be due on February 4; and that the former President's pretrial brief be due, I suggested, on February 11. That timeline would have provided the Senate some more floor time before we step fully into the unknown of a trial—which, by the way, would have been of substantial benefit to the incoming administration and allowed them to get more of their Cabinet confirmed, on which we are cooperating as best we can to expedite.

#### NOMINATIONS

Mr. McCONNELL. Finally, Mr. President, on one final matter regarding nominees, we are considering President Biden's nominees to key Cabinet posts.

On Wednesday, Admiral Haines was confirmed as Director of National Intelligence on a big bipartisan vote, including my own. We hope to be able to consider Tony Blinken to be the Secretary of State early next week.

Today, we are considering GEN Lloyd Austin, President Biden's nominee to serve as Secretary of Defense. I voted to approve the waiver that would allow him to serve in this post yesterday, notwithstanding the 7-year cooling-off period after military service, and I will be voting in favor of his confirmation.

I am voting yes because the nominee is clearly qualified and because Presidents should get real latitude to fill their teams with qualified and mainstream people of their choosing. At the same time, the Senate should pause and reflect on the fact that we will have begun two consecutive Presidential administrations by issuing a waiver to a four-star general and former CENTCOM commander to lead the Pentagon.

The Armed Services Committee held a hearing last week to examine the waiver and the current state of civil-military relations at the Pentagon. I expect the committee will continue to pay close attention to this important issue in the months ahead and will investigate steps that Congress can take to help restore balance over at the Pentagon.

The law that we keep waiving actually exists for a good reason. Civilian control of the military is a fundamental principle of our Republic. We emphatically do not want high-ranking military service to become a tacit prerequisite for a civilian leadership post over at the Department of Defense.

It is not just about a simplistic fear that the military will end up running itself. To the contrary, many experts

worry that military leaders' appropriate fixation on being nonpolitical may not prepare them for the job, to forcefully fight for our armed services amid the political rough-and-tumble in the executive branch and here in Congress. To put it another way, they are taught from the beginning to stay out of politics entirely. But we do want a Secretary of Defense who is willing to engage in the issue-based discussions that we have related to the Department.

Nevertheless, I will vote today to confirm a clear patriot with an impressive career, but I will cast that vote with the understanding that our new Secretary of Defense specifically commits to balancing civil-military relations, empowering civilian leaders at the Pentagon, and playing an active role in the inherently political budget process to get our forces what they need. Our intensifying competition with China, Russia, and all the other threats we face demand nothing less.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Lloyd James Austin, of Georgia, to be Secretary of Defense.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate equally divided in the usual form.

#### NOMINATION OF LLOYD JAMES AUSTIN

Mr. PAUL. Mr. President, our Founding Fathers believed strongly in the civilian control of our military. Having escaped from the tyranny of the British crown, they did not want the powers of government and military to be fused. In America, the people would control their Armed Forces. This standard has endured, and was enshrined in law in 1947. Congress had to pass a waiver to the 1947 law in 2017, and we are being asked to do it again in 2021. I hope that this is the last time Congress will be asked to pass such a waiver.

Civilian control of the military goes beyond the basic question of how long ago a nominee wore the uniform. It is also a question of whether the nominee

is enmeshed in the interests of our vast defense contracting industry, an industry whose bottom line depends on an expansive American military posture and, with it, an ever-growing defense budget. Going from firing the missiles to selling the missiles is technically a move into a civilian role, but nothing more. It is every bit as corrosive to the principle of civilian rule for the head of the Pentagon to churn from the military to the boardroom to the Pentagon, working with many of the same people at every step along the way.

General Austin retired from the Army in 2016, and he immediately joined the board of United Technologies, which was acquired by Raytheon. He was very well-compensated for his work there, and is reportedly due a buy-out of up to \$1.7 million when he leaves Raytheon and his other work and returns to the Pentagon. All we are doing by confirming these types of nominees, no matter their other qualifications, is tightening the ever-increasing bonds between the military and the contractors who serve it. It is getting hard to see where one stops and the other begins. No pledge of recusal from a nominee will solve this larger problem. We are not limited to selecting our Secretary of Defense from the world of defense contractors, and our country would be better off if we stopped. However, with regard to experience and expertise, I do not question General Austin's qualifications and will vote to allow the President his choice.

Mrs. FEINSTEIN. Mr. President, I rise today in support of General Lloyd Austin's confirmation to be Secretary of Defense, and I urge my colleagues to support his nomination in the vote we are about to take.

General Austin has proven through his 41-year military career that he is extremely capable of leading our military as they confront multiple challenges.

First, General Austin is a proven leader that will provide stability within our military ranks. After 4 years of tumultuous leadership under the Trump administration, our troops deserve a steady hand to lead them in the defense of our Nation.

Moreover, our allies need a Secretary of Defense who speaks reliably on behalf of the President.

Second, General Austin brings a wealth of experience to counter global defense challenges. He oversaw U.S. and coalition forces in Iraq, served as a Vice Chief of Staff of the Army where he worked to increase diversity in the highest ranks of our military, and commanded U.S. Central Command in its fight against ISIS and other regional threats.

Third, General Austin's previous appointments to the Joint Staff and as Vice Chief of Staff of the Army prepared him to tackle strategic issues in the Department of Defense. He has committed to filling key positions with personnel that bring civilian expertise,

a sign he fully respects civilian control of the military.

Finally, our country faces several threats that President Biden's administration must address immediately. General Austin's intimate knowledge of our military will allow him to hit the ground running at the Department and make wise investments that deter global aggressors.

I especially welcome General Austin's pledge to support our country's pandemic response efforts, such as helping with the distribution of vaccines nationwide. Through his leadership, the military can provide much needed medical and logistical support to counter the COVID pandemic.

We are facing an unprecedented set of national security challenges, both at home and overseas. I have full confidence in General Austin's ability to help us overcome these challenges, and I urge my colleagues to vote in favor of his confirmation.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, it is my understanding that Chairman INHOFE is in route to provide his comments, and I just want to begin by thanking him for his tremendous leadership. Without his dedication to a bipartisan, thoughtful process, we would not be here today, and it is the hallmark of his leadership throughout the years we have worked together. I anticipate his arrival.

The PRESIDING OFFICER. Duly noted.

Mr. REED. In order to expedite the vote, I will proceed.

Mr. President, I rise to express my support for the confirmation of Lloyd Austin to be the Secretary of Defense of the United States.

General Austin is an exceptionally qualified leader with a long and distinguished career in the U.S. military. He has served at the highest echelons of the Army and capped his service as the commander of U.S. Central Command. His character and integrity are unquestioned, and he possesses the knowledge and skills to effectively lead the Pentagon.

The United States faces many complex security threats. If confirmed as Secretary of Defense, General Austin will lead the Department during a time when U.S. strategic priorities have shifted to focus increasingly on near-peer competition with China and Russia. The Department must also transform how it operates with an increased focus on critical technologies like artificial intelligence, quantum computing, biotechnology, and cyber security, while also emphasizing rapid delivery of advanced new weapons systems on timelines that keep pace with technological change.

In addition, President Biden must address the urgent and dire challenges that few of us would have anticipated 4 years ago. Our country is in the midst of a pandemic that has claimed hundreds of thousands of lives and infected

millions more and resulted in billions in economic damage, and the virus is still not under control. Recently, it was revealed that large segments of the Federal Government and major companies were hacked by Russia. We are still trying to ascertain the extent of the breach, but it could be the most significant cyber intrusion in the history of our country or perhaps the world. This event, too, should prompt us to move promptly to fill Cabinet positions that are critical to our national security.

Unfortunately, the Department of Defense is adrift and in desperate need of steadfast leadership. Over the course of the past 4 years, there has been repeated turnover at senior levels of the Department and a concerted effort to purposefully leave multiple civilian offices unfilled, necessitating the installment of career or midlevel officials into positions in an acting capacity.

Unlike other nominees for Cabinet positions, Congress must provide, as Senator MCCONNELL indicated, an exception for General Austin to serve as Secretary of Defense. Under the current statute, individuals are prohibited from appointment if they are within 7 years of military service. Congress found itself in a similar situation 4 years ago when President Trump nominated Gen. James Mattis to be the Secretary of Defense.

Prior to General Austin's confirmation hearing, the Senate Armed Services Committee held a hearing on civilian control of the Armed Forces that focused on the erosion of civil-military relations. At the hearing, valid concerns were raised about providing another waiver so soon after Secretary Mattis. However, at his nomination hearing earlier this week, General Austin pledged his commitment to repairing civil-military relations while also empowering civilian personnel within the Department of Defense. These are critical commitments by General Austin and ones that I support.

Therefore, yesterday I voted in favor of the legislation to provide General Austin with an exception to serve as Secretary of Defense, and I was pleased the legislation received strong bipartisan support.

General Austin is an outstanding choice to serve as Secretary of Defense. I am proud to support his nomination, given the unique challenges we face. I think from now on, in a few moments, we can refer to him as Secretary Austin, which is the appropriate title for his role.

With that, I yield the floor to my colleague, the chairman.

The PRESIDING OFFICER. The senior Senator from Oklahoma.

Mr. INHOFE. Mr. President, yesterday I had the opportunity to respond to the majority on my support for Tony Blinken to be the Secretary of State. He is someone I have known for a long period of time. I think we will see that with the new administration here and myself being a conservative Repub-

lican, there will be some appointments that I will not really be excited about and agree with, in which case I will state it. But in the case of the Secretary of State, I expressed myself yesterday and I want to do it again today for what I consider to be a really critical first appointment—second appointment that the new administration makes, and that would be for General Austin to be the person in charge at a time that is very unique.

I agree with the Senator who just spoke about the qualities of this general. We know that he rose through the ranks through the Army to become the first four-star general and commander of Central Command from 2013 to 2016. He has done everything right.

We, right now—I know the Presiding Officer is aware of this and certainly the ranking member of the committee is aware of this—we are in the most threatening times that we have ever been in. We have China and Russia out there with capabilities that we didn't really believe we would find ourselves with. So that is going to be the primary concern of this new administration, and I can't think of a better person to take the helm than General Austin to provide the leadership.

And it is true that we had to have a waiver yesterday. That waiver was overwhelmingly supported in a bipartisan way. So everyone knows that we gave a lot of thought to it. And this is at a time where we really needed someone with the background of General Austin to take that position, and I strongly support it and look forward to serving with him.

I yield the floor.

#### VOTE ON AUSTIN NOMINATION

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from West Virginia (Mrs. CAPITO), the Senator from Mississippi (Mrs. HYDE-SMITH), the Senator from Kansas (Mr. MORAN), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from Kansas (Mr. MORAN) would have voted "yea."

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

The result was announced—yeas 93, nays 2, as follows:

[Rollcall Vote No. 5 Ex.]

#### YEAS—93

Baldwin	Blackburn	Booker
Barrasso	Blumenthal	Boozman
Bennet	Blunt	Braun