

had no control over. In making such investments, Governor Romney was, in the words of the Obama campaign, betting against America. One can only wonder whether while serving as White House Chief of Staff for President Obama, Mr. Lew supported this line of attack.

Once again, Mr. Lew has repeatedly refused to acknowledge any contradiction or hypocrisy between the President's rhetoric and his own actions, defending himself only by saying that this investment was done legally and transparently. I think the same probably could have been said about Governor Romney's investments as well, which were in a blind trust.

The contrast between the President's past vilification of certain financial activities and individuals and Mr. Lew's very participation in those activities is striking. Yet we are now essentially being told that people should do as administration officials say, not as they did.

In addition to concerns about Mr. Lew's record, I have serious disagreements with him when it comes to policy. For example, in response to written questions, Mr. Lew backtracked from the administration's previous positions on the need for entitlement reform. At one time, commonsense reforms, such as raising the Medicare eligibility age, were on the table for the Obama administration. Such ideas have apparently been discarded by the President, and Mr. Lew has made it clear he shares that discarding position.

As a Social Security and Medicare trustee, the Treasury Secretary cannot simply wish away the problems with our entitlement programs. If he is confirmed, and I believe he will be, Mr. Lew will be tasked with addressing these problems. Sadly, it appears he will be just another voice in the Obama administration against taking meaningful action on entitlements and in favor of higher taxes—a repetitive theme at least all of us Republicans are getting very sick of. The use of the word "balance"—my gosh, what a perversion.

I think I have made my concerns about the Lew nomination very soundly and very clear. That being said, I have always believed that whoever is President, including our current President, whom I like—any President, regardless of party—is owed a certain degree of deference when choosing people to work in his administration. Therefore, though I personally would have chosen a different person for this position, I intend to vote in favor of Mr. Lew's confirmation.

Obviously, my vote in favor of Mr. Lew comes with no small amount of reservation, and I don't fault any of my colleagues for choosing to vote against him. Indeed, I share many of their same concerns. As I mentioned earlier, Mr. Lew has promised to be responsive to Members of Congress and their requests for information. I expect him to

be responsive to the Senate Finance Committee and to the Republicans on the Senate Finance Committee as well as the Democrats.

He has also promised to work in a bipartisan manner to address the problems facing our Nation. I believe Mr. Lew can, and hopefully will, do that. My hope is he does not view these promises as merely boxes checked off on the way to confirmation.

If confirmed, Mr. Lew will be the Secretary of the Treasury of the United States and not the Secretary of the "Obama treasury," although indirectly he will be. His first job is to the United States of America, and he might have to argue strenuously against some of the White House positions on financial matters and Treasury matters. He has to work for all the American people and not simply one political party.

If he does those things, I will be willing to work with him all the way, and I have to say I expect him to. I expect him to be the honorable man he has told me he is and that I believe him to be; otherwise, I couldn't vote for him, especially under these circumstances.

However, I have to say, if he fails to live up to the promises he has made, if he becomes just another Obama acolyte using his high-powered position in the administration to attack political opponents, I will personally be sorely disappointed and hurt by it. If that ends up being the case, he will have no greater adversary in the Senate. I don't want to be an adversary. I want to help him turn this country around. I want to be an asset to him up here, and I want him to be an asset to our country down there—and up here when he comes.

Given my many reservations and concerns about Mr. Lew, I hope he and the President take note that I am bending over backward to display deference to the President's choice of Treasury Secretary. This gesture, I hope, will not be in vain.

I can contrast Mr. Lew's positions when he worked in the Clinton administration. Many Republicans felt he was a straight-up guy, and I was one of them. I have suggested to him that we would like to see that type of person manage our Treasury rather than the partisan person we have seen in the last couple years. True, the position he had at the White House was a partisan position, and I make a great allowance for that.

I personally like this man. I personally believe he is a good man. But I also believe sometimes we can get so caught up in politics that we don't do what we know we should do. I am hoping he will. I believe he will. If he does, he is going to have a lot of support from me.

I wish to thank my chairman of the committee. He has always been very honorable and very straightforward. I understand a lot of the pressures he has had throughout this process, having been chairman a number of times my-

self in the Senate and experienced that stress. I want everybody to know this is an important position, this is an important human being, and I hope he lives up to all he has the capacity to live up to.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

VETERANS UNEMPLOYMENT

Mr. BAUCUS. Madam President, I would like to take a moment to speak on a topic that is very important to me, to Montana, and our Nation; that is, our veterans.

The Veterans Jobs Caucus has organized a day of action today to draw attention to veterans unemployment, and I am very proud to help shine a light on that.

Jobs must be our No. 1 priority. There is no better place to start than with our veterans. With the war in Iraq coming to an end and Afghanistan winding down, we have a responsibility to make sure every single one of these men and women returns home to a paycheck, not an unemployment check.

I urge my colleagues to join me in declaring war on veterans unemployment. Let us work together to make sure every American veteran has the good-paying job they deserve.

I yield the floor.

The PRESIDING OFFICER. Who yields time? If no one yields time, time will be charged equally to both sides.

The PRESIDING OFFICER (Ms. BALDWIN). The Senator from Alabama.

Mr. SESSIONS. Madam President, I have made it clear that I oppose the confirmation of Jack Lew to the most serious Cabinet position of Secretary of the Treasury. The President's Cabinet nominees should be given substantial deference; that is not in doubt. But our Constitution makes clear that appointments to high government office may only be made by and with the advice and consent of the Senate. Certainly, the Senate is not a rubberstamp or a potted plant.

I believe a decent respect for the seriousness of this occasion, for my colleagues and for their opinions, for the President and for the nominee, requires, in this case, that I set forth my objections to the appointment. They are serious, and I believe what I say is important; important for the institution of the Senate and important for our country.

I have not had a personal relationship or extended meetings with Mr. Lew. My objections arise primarily and first from his performance as Director of the Office of Management and Budget. It is, in many ways, a key position in our government. That is the office through which the President controls all the departments and Agencies of our government which he is required to supervise.

Normally and necessarily, the OMB Director is the single office that drives efficiency and demands accountability on behalf of the President and the American people throughout our great

bureaucracy. In that aspect of his job I have seen little leadership, and at this time of surging debt, I would rate that performance as an F. I have never seen a consistent, determined effort from Director Lew to reform and make more productive the government of the U.S. Indeed, his primary effort consistently has seemed to be to defend any program under attack, scrutiny, or question rather than examining vigorously to save every single dollar that can be saved for the taxpayers of the country.

If the OMB Director will not insist on efficiency and good government, who will? The Secretary of Energy, pushing out failed Solyndra programs? Is that whom we look to? Or the GSA leaders who host hot tub parties in Las Vegas? This government of ours has never been more poorly managed. It has never had, for a number of years, the serious oversight and management from the top supervisory agencies.

Congress is not empowered to daily manage the agencies of America. That is the Chief Executive's job, and the primary person in his administration, President Obama's administration, charged with this duty is the Director of the Office of Management and Budget. At least, historically, that has been the case.

But, my concerns go even deeper. I believe every public official in this Nation owes an absolute loyalty to the United States, to the betterment of this country and its government, and to the institutional processes that lead to the governing of America. There can be no doubt that every government official, from the President on down, is accountable to the institutions of our government and to the people ultimately.

Without doubt, the Director of OMB has such a duty. He is required to meet that duty with honor, honesty, efficiency, and responsiveness. He serves us; we don't serve him. He serves the American people.

The American people send their money to Washington, and they expect it will be honestly and openly managed—accountable. They have every right to demand high performance from all officials, but particularly the Director of the Office of Management and Budget.

Surely, there can be no higher duty for such an important official than to periodically report to the people truthfully on the important affairs of state—specifically to report the financial condition of the Nation and to produce a budget plan that will fix it. Without doubt, the great challenge of our time is how to confront effectively the unsustainable debt course we are now on. That is clearly the greatest threat to our Republic.

Admiral Mullen, former Chairman of the Joint Chiefs of Staff, has said debt is the greatest threat to our national security. We are heading toward a financial crisis if we do not change. All have told us that, including Simpson and Bowles of the President's debt

commission. They said this Nation has never faced a more predictable financial crisis. They jointly gave that statement to us in the Budget Committee.

Federal Reserve Chairman Bernanke, when asked to make comments about some of the long, great projections of debt out into the future, said: That will never happen. You will never get that. In effect he said: You will have a crisis before that ever happens. We are on an unsustainable debt path.

Even the most current Secretary of Treasury, Secretary Geithner, made the same comments about Director Lew's budget. He acknowledged that that budget left the country on an unsustainable financial path. Therefore, the report of the Nation's top management official on budget and management to Congress on these issues must be absolutely accurate. It must be true. His budget that he would set forth as director of the budget each year, as required by law—the President submits a budget—must put the Nation on a sound and sustainable course, not keep us on an unsustainable course.

If changes in the operating methods of the country are needed, he should say so and help lead that reform effort. He is the one who keeps the books. He is the one who must, along with the President, rally the Nation, as mayors and county commissioners and Governors have done all over America to rein in reckless spending and unacceptable debt in their jurisdictions. Why is it not happening here, now, at this time of national crisis?

In February 2011, as Director of OMB, Mr. Lew produced a budget for the President, and he presented it to the people and to the Congress. That was February, 2 years ago. He was the budget director.

The budget he prepared utterly failed to meet the needs of the Nation. It just did. As Mr. Bowles said right after the budget was announced by Mr. Lew—he said with great disappointment, the White House budget request “goes nowhere near where they will have to go to resolve our fiscal nightmare.” This is the man President Obama appointed to head the debt commission, and he said this budget came nowhere near where they will have to go to avoid our fiscal nightmare. This budget was a disaster.

Instead of making our debt problem better, it made it worse. It taxed more and spent more. I was shocked and amazed.

Please remember, this was in February 2011, not long after the midterm congressional elections in which the American people rose up and shelled a lot of big spenders and demanded that we get our financial house in order. The American people were shocked by the explosion of debt and the surge of big government, and they demanded more accountability. They insisted on it. Presenting a budget that did not do what the public demanded, control spending and debt, would not have been popular.

Imagine what went on in the White House. I am just a Member of the Senate. I observe these things like all of us. The question was, Would the President of the United States now, after the midterm elections that gave the majority to the House of Representatives—would at that point a policy, a budget, set forth a sound, sustainable path for America that could lead the country out of this fix?

I know they discussed it. Surely, they did. It was the most important issue they faced. Would they back down from spending and investment and taxes? Would they opt for a more limited growth in spending in America?

They made their decision. Actually, it is pretty clear two decisions were made. I do not think this is unfair to analyze it in this way. First, they decided that despite the election, they would not curtail spending or lay out a plan that would alter the debt course of America; that they would not fix and save and strengthen our entitlement programs, such as Social Security; and they would lie in wait, I guess, for anybody in the House of Representatives, particularly, and criticize their plan. They would not lay out any plan in their budget, which is the time that you would normally lay out your plan. They would set up a method to attack the Republicans when they produced their budget, as required by law, and their budget would have to deal with these things and propose real cuts in spending, and they would criticize that. Apparently, that is a decision they made.

But this presented a problem. To announce a budget that did not do what the public had just demanded—control spending and control debt—would not be popular. So what do you do then? It is pretty clear to me how the conundrum was decided.

Mr. Lew would go before the American people and Congress and just declare that the budget he had put forth did put the Nation on a sound financial course; that it would end deficits and put us in a position to pay down our debt. They just decided that Mr. Lew would go out, despite what was in the budget, and declare that it would do those things. Thus, the statements of Mr. Lew amounted to what I have called—and will explain—the greatest financial misrepresentation concerning the finances of this Nation ever made.

If somebody has something different, I would like to see it. I would like to see somebody say, when we finish talking about this, that they have other examples of this kind of misrepresentation.

These statements were made carefully and deliberately calculated and for the political purpose, I have to say, of misleading the public. You may say: Surely not, Jeff. You are exaggerating this situation. Surely, he wouldn't do that.

Let me tell you what happened. The day before the budget was to be released, on a Monday, Mr. Lew went on

the Sunday news programs to report on the budget that the President would be submitting to explain what was in it. This is what he said on CNN on a Sunday morning program.

I will put this up because the words should live in infamy. This is how he described the budget he laid out:

Our budget will get us, over the next several years, to the point where we can look the American people in the eye and say, we're not adding to the debt anymore; we're spending money that we have each year, and then we can work on bringing down our national debt.

That is exactly what the American people want to hear. There was no qualification placed on this statement, none whatsoever. He was speaking directly to the American people on a Sunday morning news programs. He said other things on several of the other programs that he participated in on February 12, 2011.

There were no qualifications. How could it be heard other than the way those plain words would suggest? It suggests that we had a plan, that the President had a plan, and that Mr. Lew was producing a budget—which his office produced—that would make sure we were on a sustainable financial course and we would not be adding to the debt anymore. "We're not adding to the debt anymore."

What else did that suggest? It suggested we can relax. We didn't need to talk about real spending reductions because we had a plan. Just follow the President's plan. Everything is going to be okay; relax. Don't get too excited as they did in this last election because we have everything under control. Our plan fixes it.

That is essentially what happened, but the budget documents Mr. Lew submitted revealed the opposite. The question is: Did his own documents confirm this analysis? Did it come close to it? Well, these documents will reveal the truth. Actually, his documents revealed a rosy scenario of the truth. The numbers I am going to give of what his documents reveal turned out to be less positive than even they predicted.

In his own accounting table, Mr. Lew's 10-year budget got nowhere close to the point where we could not say we are adding to the debt anymore or that we were in a position to pay down the debt. To anybody who has the slightest concern for the meaning of words—or who believes in the most basic concept of an objective truth—this statement must be condemned. Even though the Lew budget documents made calculations more favorable than the rosy projections of CBO, it still unequivocally showed that over the 10-year budget window there was never a year—not one year—when we would be able to pay down the debt or balance the budget or not add more debt.

Indeed, over the 10-year period his budget covered, which he was referring to in this document, we would add \$13 trillion to the total debt of the United States. It would almost double it. It

would be \$9 trillion to the public debt and \$13 trillion to the gross debt. The year with the single lowest deficit out of 10 years was \$600 billion in debt. In other words, the lowest single annual deficit in 10 years was \$600 billion. President Bush's highest deficit was less than \$500 billion over 8 years. This is a huge debt, \$600 billion, but would average almost \$1 trillion a year. On average it would be \$1,000 billion a year, which clearly leaves us on the same unsustainable path we had been on.

On Tuesday Mr. Lew appeared before the Budget Committee. I am the ranking Republican on the Budget Committee. I was amazed at what he was saying on television. After we scrambled around and looked at the documents, it became clear this was not close to correct. How could the Budget Director of the United States of America go on national TV and make these kinds of statements? How can we have any expectation of the truth in Washington when the Budget Director tells us we are on a sound path when it didn't appear to be so? And, indeed, it wasn't so.

He came before the Budget Committee, and I quoted this CNN statement to him. I read it back to him and directly asked whether his statement was accurate, and this is what he replied:

It's an accurate statement that our current spending will not be increasing the debt . . . We've stopped spending money we don't have.

Further, let me note that outside the 10-year window—based on the financial plan that that budget set forth—the deficits got worse. They were going up in the outyears. The lowest year was \$600 billion, but they were going up every single year, by his own accounting. CBO's numbers were much higher as far as the debt that would be added to the country.

For me this was a most stunning development. I don't believe it could be explained away. It is obvious he determined that he was going to stand pat with his story, which was a political narrative that they wanted to spin. They wanted to spin a political narrative, but it was not accurate, and that is important for us. The chief budget person in America needs to tell the American people and the Budget Committee of the U.S. Senate the absolute truth about the financial condition of this country. He is not entitled to sugarcoat it, and he is absolutely not entitled to totally misrepresent it.

I examined him. He said we are going to have a primary debt. We are going to have a primary deficit. So what is this, a primary debt? Well, we don't count interest. I kid you not. The Budget Director of the United States of America said the statement—as I interpret it, and it was not inaccurate—that he was not counting the interest on the debt. Did he qualify that when he told the American people that? No, he did not. Did he make any kind of represen-

tations as to that? No. I would suggest the numbers clearly show that even if we have the kind of bogus accounting where we don't count our interest, who could possibly write a household budget, a city budget, or a State budget that didn't account for the interest they have to pay every year? How ridiculous is that? That is the kind of phony, gimmicky accounting that puts this country on a path to financial crisis. But that is what he said. Even by that definition it was not true, and this would not be true, and it is false. Well, phony accounting procedures, budget manipulations, and gimmicks such as this primary balanced idea are the way politicians have maneuvered us into a situation where our path is so dangerous.

The American people are not happy about it, and they should not be happy. There is no reason we have placed this country at such risk because of debt and spending—no reason we should do that. They sent us here to this Congress for a lot of reasons, but the primary reason is to properly manage their money.

I see my colleague from Vermont, and I think we might get there a different way, but I think we may share some of the views about this nomination. I respect his independence and gumption, as we would say in Alabama, to express his views openly and directly.

I will talk some more because this is an important matter, and I don't intend to let it go lightly. I believe this Congress and the American people are entitled to honest, sober, serious commentary and information from our leaders, and we are not getting it. It makes it hard to get the American people together to figure out how to tighten our belts and how to handle the financial crisis we are in if we have top officials who say: We don't have a crisis, don't worry about it, we have a plan that fixes it.

I don't see any reason to extend for a longer period of time the Lew nomination. He has come out of committee and he has bipartisan support. He is going to be in a position to be confirmed, but I am not going to vote for him. I wish to talk some more about some of the additional problems we have with his nomination but will do so later. I believe it is my responsibility to do so, and I intend to fulfill it.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, I say to my friend that he is right when he said that I oppose the Lew nomination also. I oppose his nomination for different reasons than he does, and I will speak later on that issue.

From my perspective, at a time when the middle class is disappearing, when we have 46 million people living in poverty, when we have the most unequal distribution of wealth and income since the Great Depression, we need a Secretary of Treasury who is going to

stand up for working families and be prepared to take on Wall Street. He needs to be prepared to change our disastrous trade policies, be prepared to defend Social Security, Medicare, Medicaid, and the safety net that is so important to tens of millions of Americans. That is my objection to Mr. Lew.

I agree with my friend from Alabama that deficit reduction is a serious issue. Where we disagree is that I don't believe we balance a budget on the backs of the elderly, the children, the sick, and the poor.

I ask my friend to take a look at the Cayman Islands and Bermuda. Take a look at all the corporations making record-breaking profits and stashing their money in the Cayman Islands. For what purpose? To avoid paying taxes to the U.S. Government.

The Senator and I have met with the parents of young men and women who have died in Iraq and Afghanistan, and that is called patriotism. It is not called patriotism when corporations run to the Cayman Islands to avoid paying their fair share of taxes.

Mr. SESSIONS. Madam President, would the Senator yield?

Mr. SANDERS. I will.

Mr. SESSIONS. With regard to the Senator's views, I am concerned that working Americans are not being fairly recompensed for their work on the American debt. We have gone a long time with no real net improvement in the income, inflation has been higher than wages, and Wall Street is doing fine. It seems as though they win whether things go up or down. I don't have any brief for that crowd. I think the Senator is right to be skeptical about how things are handled on Wall Street, and I salute my friend for being aggressive in that pursuit.

Mr. SANDERS. I thank my friend from Alabama, and with that, I yield the floor.

The PRESIDING OFFICER. The Republican whip.

BUDGET MALPRACTICE

Mr. CORNYN. Madam President, I come to the floor today to mark another lamentable milestone in the long record of deadlines and misgoverning that might be called malpractice over the last 4 years. As we can see, today is the 1,400th day our colleagues across the aisle, who control the agenda on the floor of the Senate through the majority leader, have failed to produce a budget or even bring one to the floor so we could vote on one. For 1,400 days this body has been truant from one of the most fundamental obligations to the American people.

When they look to see what is happening in Washington, DC, they are incredulous. No family, no small business, no local government, no State government, no one except for the Federal Government, could actually operate without a budget. For nearly 4 years the Democratic leadership of the Senate has failed to put forward a fiscal plan to break our economy free from the lingering effects of the Great

Recession. And the consequences of that are pretty clear when we look at trillion-dollar annual deficits and when we look at \$16.5 trillion of debt which has threatened our economic recovery and job creation. That is the bitter fruit sown from the negligence of failing to produce a budget for 1,400 days.

I realize none of this is maybe as easy as it looks, and I know our Democratic colleagues have been under constant pressure from the White House. Indeed, the White House itself has long reinterpreted the role of its annual budget submissions to Congress from the governing documents they once were to now really no more than political posturing. As evidence of that, I would point to the fact that the President's last budget he submitted got zero votes out of 99 Senators voting. No Member, even of the President's own political party, would support his budget proposal last time because they believed it was not a governing document they could support instead of just a political statement.

These are some of the reasons I can't vote for Jack Lew for Treasury Secretary. After all, it was on his watch that most of this happened.

I am also deeply troubled by the fact that in my office as well as in the hearing before the Senate Finance Committee, Mr. Lew would not commit to any limit—to any limit—on Federal spending. Traditionally, over the last 40 years or so, the Federal Government has spent roughly 20 percent of our gross domestic product. It has been as high as 25 percent under the Obama administration. When I asked Mr. Lew what is the right figure we ought to be shooting for, he wouldn't even mention any figure. So he would not commit to any limit on Federal Government spending.

He also would not commit to the administration complying with Federal law requiring it to submit a blueprint for reforming Medicare, known as the Medicare trigger. It is a complex formula. But if Medicare is in trouble, Federal law requires the administration to submit a plan to fix it. Mr. Lew said: We didn't do it, and we are not going to do it.

I can't support a nominee who refuses to commit to tackling one of the biggest drivers of our debt on the eve of another manufactured fiscal showdown that was actually the President's and the White House's idea—this sequester people are hearing so much about which is now being used as a means by which to extract more money from the American taxpayer. So instead of the Federal Government doing what every family and every business has to do when there is not enough money coming in the door, the White House and the Democratic leadership are insisting on more from hard-working Americans, after a \$600 billion tax increase in December.

Unfortunately, it is hardly surprising that President Obama would nominate someone who cannot simply commit to

following the law. This administration has a record, sadly, of flouting the law of the land, and I will give some examples.

This administration, of which Mr. Lew has been an essential member, has, for example, during the government-run automobile bankruptcy process—the company's secured creditors, who were supposed to get paid first, found they were given less than unions were because of politics and flouting the rule of law.

As Solyndra was going bankrupt, we know the administration, rather than letting the private lenders pay for their bad judgment, decided to make the taxpayers subordinate to those private lenders.

We know that last year, because the circuit court of appeals in the District of Columbia has told us so, the President made unconstitutional appointments to the National Labor Relations Board and to now the Consumer Financial Protection Bureau. That case hasn't been decided, but it is impossible for me to see how the rationale would be any different from the court of appeals' decision in the NLRB case.

We also know that last year the President waived key requirements of the 1996 welfare reform law. And to help implement ObamaCare, the Internal Revenue Service has announced that it will violate the letter of the law and dispense health insurance subsidies through Federal exchanges in those States that do not create State-based exchanges.

We know that when the 2,700-page behemoth known as ObamaCare began to be implemented, when some of the supporters—and some of the President's own supporters—complained about it, they were issued waivers even though the rest of the American people had to simply take it.

Finally, the President has again missed the legal deadline for submitting his own budget for this year. That was on February 4. In fact, four of the last five budgets have been late.

Simply put, we can't keep living like this. We can't allow this to become a precedent for future Presidents and future majorities, regardless of party, to rely on. We can do better. We must do better. And my 26 million constituents in the State of Texas demand that we do better.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Madam President, just to follow up further on the situation we face, I talked earlier about the critical importance of having honest numbers. We can disagree on certain numbers. Mr. Lew predicted that under