

about \$370 billion in the first two-thirds of this where they say there is massive duplication. There is \$370 billion worth of expenditures a year.

I have talked with the President, and he disagrees with me on this, but when you think about it, we have 47 separate job training programs, of which all but three overlap. They are highly ineffective in total. So why don't we have two or three? We spend almost \$19 billion on those programs. We could spend \$9 billion, cut it down to three programs, put metrics on it, and make sure it is working. The reason I know it is not working is I looked at every job training program in my own State, and the ones that are most successful are the ones that are totally State run without any Federal Government interference. The ones that are federally run—and some are good, I will give you that, but most are not—most are not successful in efficiently and effectively giving somebody a life skill and getting them into employment.

We have 253 different, duplicative Department of Justice grant programs spending \$2 billion a year. If you are needing a grant, you might apply to DOJ in one of these 253 areas and then you might apply again over here in another area for the same thing. And the fact is that the Government Accounting Office says: We don't know if people are double- and triple-dipping. As a matter of fact, what did we find? We have people getting the same amount of money from different grant programs from the same grant application. So what we have is a tremendous problem.

We just discovered in the State of Oklahoma that we have a housing administrator for a city that has no houses. There are 3,700 housing administrators in the United States—probably closer to 4,000 because we are still counting. Some of those have very big responsibilities. I don't mean to diminish them at all. But couldn't we consolidate those, especially in areas such as rural Oklahoma and the other rural States so we spread that overhead and have fewer housing administrators?

We have 56 financial literacy programs. Think about that for a minute, 56 different programs for the Federal Government to create a program to make you financially literate.

First of all, there is a problem with that because we are not financially literate, borrowing \$1.2 trillion a year. No. 2, we don't know what the words efficiency and effectiveness mean in the Federal Government—or, at least, have limited knowledge of that. And, finally, why do we have that many financial literacy programs? There is no sane answer to that question.

As I outlined in some of the others, 160 housing assistance programs, \$170 million a year. We have 53 programs across 4 agencies to help entrepreneurs. The Federal Government is helping entrepreneurs? Our entrepreneurial spirit is not very active and not very successful in terms of what we are doing with-

in the government, and yet we spend \$2.6 billion on it.

We have 15 different separate unmanned aerial aircraft programs within the Federal Government. We are going to spend \$37 billion on that. Why do we have 15? Maybe two or three, because we have different requirements, but 15?

So we have the massive amount of duplication that is going on within the Federal Government which implies massive amounts of duplicative administrative and overhead costs. I would bet that one-third of what is happening in the sequester, if you consolidated programs—didn't eliminate any, just consolidated the management—you could save one-third of what the sequester is just from the administrative overhead associated with those.

So when you hear discussions about we shouldn't be doing the sequester, that the sequester is going to be painful—and it is; I don't deny that. But it doesn't have to be. All it takes is a small drop of common sense, both in Congress and the executive branch, to work our way through these problems.

My hope is the President will work with us on giving him flexibility in terms of managing this.

Remember, \$85 billion really isn't 85. It is only going to be about 44. That is what we are talking about. It is disproportionately heavy on the defense. I have a lot of colleagues on my side who disagree with me on the waste that is in the Pentagon, but I have seen it, I have looked at it, and I have had a lot of people inside the military call and talk to me about the waste that is there. We now have an admiral for every ship we have in the Navy. Nobody else has that anywhere else in the world, and with that comes an average of 200 other employees per admiral.

The question is, Can we do this? Should we do it? And can we do it in a way that is best for the American people? We are going to cut this money one way or the other. It is not because a Republican wants to cut it or because the President wants to cut it or because a Democrat wants to cut it. We are going to cut it because the math in our future is going to force us to cut it. I know people don't think discretionary programs are much of the problem with what we are spending money on, but I would surmise that well over 15 percent of everything we do in discretionary spending—including the Pentagon—is not effective or efficient.

Mr. President, I yield the floor.

THE PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I ask permission to speak as in morning business.

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

CONGRATULATING DR. FRANK CLECKLEY ON HIS RETIREMENT

Mr. MANCHIN. Mr. President, I rise to pay tribute to Dr. Franklin D. Cleckley, one of the true giants of the

legal system of West Virginia. I do so because Frank is getting ready to retire after nearly half a century of service to our great State—as a lawyer, as a professor, as a judge, and as an unwavering champion of justice. I wish to congratulate him for the extraordinary job he has done and to thank him for his countless contributions to the betterment of West Virginia.

Dr. Cleckley's stellar and pioneering legal career began in 1965 when he earned his law degree from Indiana University. It will end next week at West Virginia University with a retirement ceremony that so many of his family, friends, and colleagues will be attending to celebrate this great man. I only wish I could be there because I have valued and appreciated his friendship for so many years.

Frank Cleckley joined the faculty at West Virginia University College of Law in 1969, after serving as a lawyer in the U.S. Navy Judge Advocate General's Corps at the height of the Vietnam war. Not only was he the first African American on the staff at the West Virginia University College of Law, he was also the first full-time African-American professor in the history of West Virginia University.

As a law professor at West Virginia University, Frank literally wrote the book on practicing law in West Virginia. He authored two you will find in every courtroom and every lawyer's office in West Virginia—the "Handbook on Evidence for West Virginia Lawyers," and the "Handbook on West Virginia Criminal Procedure." These two books are continually updated and are, in the words of the West Virginia Supreme Court, the bible for West Virginia's judges and attorneys.

Of course, for the generations of West Virginia law students who have passed through Dr. Cleckley's classroom, the fact that he wrote those two books is a source of great amusement for them, whenever they hear him quoting himself in his lectures. "As it says in 'Cleckley,'" Professor Cleckley would say with a smile.

Also, as a member of the West Virginia Supreme Court of Appeals, the first African-American justice in our State, Frank Cleckley would pay special attention when lawyers stumbled over evidence in their arguments. And on more than one occasion, Justice Cleckley would quietly quip to one of his colleagues: There's one lawyer who didn't take my evidence class.

Frank Cleckley grew up in Huntington, WV, the youngest of 11 children. At one point, his ambition was to play pro football. But after working for former Indiana Congressman J. Edward Roush in the 1960s, he found his true calling—to be a lawyer and champion of civil rights.

Throughout his legal career, he has been an exceptional trial lawyer, not only in antidiscrimination lawsuits, but also in representing clients who couldn't pay him. In fact, he came to be known as the "poor man's Perry

Mason." He has been a one-man legal aid society.

He also was instrumental in reviving the Mountain State Bar Association, the oldest minority bar in the United States. In 1990, he established the Franklin D. Cleckley Foundation to help former prisoners with education and employment opportunities. Two years later, he set up another organization to bring civil rights leaders to the West Virginia University as lecturers.

Last fall, as he reflected on his long legal career, Frank said that when he was a kid in Huntington, he wanted to do something with his life that was meaningful and important in West Virginia. Well, he did. But it turns out it wasn't the NFL, as he once thought. It was WVU. Frank Cleckley is a true Mountaineer. He helped West Virginia University become the nationally respected institution it is today.

The Reverend Martin Luther King, Jr. once said that the arc of the moral universe is long but it bends toward justice. And, in my view, one of the reasons it bends toward justice is there are people such as Frank Cleckley bending it with their honesty, their integrity, and their commitment to what is right.

It fills me with great pride to stand here today and tell the Senate about the accomplishments of Prof. Frank Cleckley and his service to West Virginia. He is a great lawyer, he is a great man, and a great West Virginian, and Gayle and I join his family and friends in celebrating his long and distinguished pursuit of justice.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, shortly, I hope, we will be voting on the confirmation of Jack Lew to be the next Secretary of the Treasury, and I urge my colleagues to support that nomination. He is the right person at the right time to be Secretary of the Treasury. He has devoted his entire life to public service. I thank him for that, and I thank him for his willingness to continue to serve his Nation. He has a great record of accomplishment.

I have known Jack Lew for 26 years. I have served with him on common issues, and I want to bring to the attention of my colleagues some of the things he has done. He first served in the House of Representatives as a staff person for Speaker of the House Tip O'Neill. In that capacity, one of the responsibilities he had was to be the liaison to the commission that was working on Social Security reform when President Reagan was President of the United States. I mention that because I think we all point to that time when a Democratic-controlled Congress and a Republican administration were able to deal with one of the most difficult challenges of the time, the solvency of Social Security, and they were able to come together with a bipartisan product. Jack Lew's fingerprints were involved in that transaction. He was able to bring us together. We need that type

of person as Secretary of the Treasury today, a person who will bring together our Nation with the type of fiscal policy that Democrats and Republicans can rally behind as we look for a solution to our fiscal issues.

He was President Clinton's OMB Director, and during that time we balanced the Federal budget. We were able to do something that has only been done once in my lifetime; that is, we actually balanced the Federal budget. Jack Lew was the architect of bringing us together to balance the Federal budget. We need that type of leadership in the Treasury today—a person who understands fiscal responsibility and understands how to do it in a way where you can create job growth. During those years, let me remind us, we created millions of jobs.

He then returned to public service as the OMB Director for President Obama and as Chief of Staff. He has the experience we need to be Secretary of the Treasury, and he has the political know-how to bring us together—Democrats, Republicans, Americans—to do what is right for this country.

I am proud he is willing to step forward. I urge my colleagues to support his nomination. He is the right person at the right time to lead our Nation on fiscal policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that there be 10 minutes remaining for debate, equally divided in the usual form, on the Lew nomination; that following the use or yielding back of time, the Senate proceed to vote.

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

Mr. BAUCUS. Mr. President, earlier today I spoke in support of Jack Lew's nomination to be the next Treasury Secretary. Over the last 6 hours or so some have come to the Senate floor to question Mr. Lew's character, claiming he has not been forthcoming throughout his confirmation.

Let me remind my colleagues that Mr. Lew participated in one of the most thorough reviews of any candidate for this position: a process that included hours of interviews and the examination of 6 years of tax records and more than 700 questions for the RECORD. In comparison, the committee asked Secretary Geithner only 289 questions—only; Secretary Paulson 81; and Secretary Snowe 75 questions. Remember, Jack Lew was asked over 700 questions.

Throughout the confirmation process, Mr. Lew has been nothing but open and transparent. I believe he has gained the trust and confidence of many in this Chamber. In fact, 19 of 24 Senators on the Senate Finance Committee yesterday voted on a bipartisan basis in favor of Jack Lew's nomination.

Many recognize that Mr. Lew is well qualified to be the Nation's next Treas-

ury Secretary. He has demonstrated time and again that he has the knowledge and policy expertise to help get the Nation's economy back on track. He is a very smart man and a very dedicated, total public servant.

If confirmed by the Senate today, Mr. Lew has said he is eager to work with all of us here in the Congress to strengthen the American economy and create more jobs. That is the key, work together to create more jobs. The only way we could get past these constant budget battles is by working together, Republicans and Democrats, in the House and the Senate, and we need to work with Mr. Lew and the administration to craft policies that create more jobs and spark economic growth.

If confirmed, we will be entrusting Mr. Lew with the authority to oversee America's financial system and economic policy. It is a great responsibility, one which I believe Mr. Lew will live up to. I think he has what it takes.

The Treasury Secretary is obviously the top economic adviser to the President. He works for the President and he works for the country. So the second role of the Treasury Secretary is to speak to the Nation about our Nation's finances. It is a dual role. He is working for the President and he is also working for all of us, the people of the United States of America. It is a very prestigious, very important position. When he speaks, he is speaking for America on financial matters and also on economic matters. It is a separate role that all Treasury Secretaries perform, the good ones, and I think Jack Lew is going to be a very good one.

I ask my colleagues to confirm Mr. Lew today as the Nation's next Treasury Secretary so he can get to work and help strengthen the economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I will wrap up here with a few thoughts before we vote. I spent a good deal of time today delineating a series of serious, deep problems with this nomination, why I truly believe he should not be confirmed. I suppose maybe there are votes to confirm him. We will see as that goes forward. I do not see any need to delay any further, but it is time for the American people and the Members of this Senate to consider where we are with this nomination.

On February 13 of 2011, a day before the President submitted the budget, the budget Jack Lew wrote, he went on CNN and other TV stations and said these words, words that will live in infamy if we care anything in this body about respectful treatment from the executive branch, if we have any commitment to the plain truth. He said:

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.

How unbelievable a statement could that be, since his own numbers—not somebody else's, his own numbers when he submitted the budget on Monday, the next day—showed that the lowest single deficit in any one of the 10 years was \$600 billion. He would have added \$13 trillion to the gross debt of the United States over 10 years and the numbers, the deficits were going up in the last 5 years—a totally unsustainable course.

Erskine Bowles, the head of the fiscal commission, was in shock, I think, when he saw this. He was appointed by President Obama to head the commission. He said this will take them nowhere near where they have to go to avoid the Nation's fiscal nightmare—nowhere near. And he was absolutely right about that.

Then he also said, on CNN on a different day, another interview, the budget “takes real actions now so that between now and 5 years from now, we can get our deficit under control so that we can stabilize things so we're not adding to the debt anymore.”

It had never come close to that. It is a horrible thing. He said this. I asked him about it before the committee. I read that very quote to him before the committee 3 days later and this is what he said. I asked him, is it an accurate statement, this statement right here? And he said:

It's an accurate statement that our current spending will not be increasing the debt. . . .

He went on to add:

We've stopped spending money that we don't have.

First of all, this Senate, this Congress, should defend the integrity of our process. We should not have high government officials come before our committees and before the American people and misrepresent in such a dramatic way the financial condition of our country. I called it then and I repeat now that this, I believe, was the greatest financial misrepresentation in the history of this Republic. If anybody has one that is bigger, let me hear it, but I don't think they will. I said that earlier today. You tell me—\$13 trillion added to the debt and they say we are not going to be adding to the debt anymore.

The budget was a terrible budget. It was a terrible budget. Editorial board after editorial board—the Washington Post, the Los Angeles Times, the Denver Post, the Dallas Morning News—there must have been 40 editorial boards that hammered this budget for failing to lead—the Wall Street Journal, Financial Times, Investor's Business Daily—they all hammered this budget because this was early in 2011, after the 2010 elections, after the shelling of the big spenders, and there was a hope somehow that we would be able then to get the administration to come around and change some things. But they stayed right with their big spending policies. They stayed right with it and they decided not to tell the

truth, that we are not backing down, we are going to continue to spend, we are not going to cut spending. They would not say that. This is what they said. Whereas their budget did just the opposite.

I feel strongly about this. This is not right. We in Congress should not have this kind of misrepresentation before us and we should not reward people who participate in such misrepresentation. He is the architect of the administration's calculated plan to misrepresent the budget, to not have a budget in the Senate, to not expose themselves any more than possible, to attack Republicans such as PAUL RYAN in the House, who actually laid out a plan that would change the debt course of America. That is what the plan was, and Mr. Lew was the architect of it and he executed it. Boy, what was it like, do you think, for him to be in the Senate, in the White House, and have to be told or asked: Would you go out and say this?

Mr. Geithner, Secretary of the Treasury—I ask consent to have 1 additional minute.

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

Mr. SESSIONS. Mr. Geithner—and this is important, colleagues—Treasury Secretary Geithner came before the committee. He would not repeat these words. I questioned him. Of course he tried to avoid it but eventually when asked directly he honestly said: Senator, this budget will not put us on a sustainable path, exactly opposite of what Mr. Lew was saying.

I ask my colleagues to consider this. I ask them not to award the person who participated in so calculated a plan to misrepresent the financial condition of America and cause the American people to believe we had some sort of time that had the country on a sound path when we remain to this day on an unsustainable path that endangers working Americans.

I yield the floor.

Mr. CARDIN. Mr. President, I yield back all remaining time. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Jacob J. Lew, of New York, to be Secretary of the Treasury.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

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

The result was announced—yeas 71, nays 26, as follows:

[Rollcall Vote No. 25 Ex.]

YEAS—71

| | | |
|------------|--------------|-------------|
| Ayotte | Graham | Murkowski |
| Baldwin | Hagan | Murphy |
| Baucus | Harkin | Murray |
| Bennet | Hatch | Nelson |
| Blumenthal | Heinrich | Paul |
| Blunt | Heitkamp | Portman |
| Boxer | Hirono | Pryor |
| Brown | Hoeben | Reed |
| Burr | Isakson | Reid |
| Cantwell | Johanns | Rockefeller |
| Cardin | Johnson (SD) | Schatz |
| Carper | Kaine | Schumer |
| Casey | King | Shaheen |
| Coats | Kirk | Shelby |
| Cochran | Klobuchar | Stabenow |
| Collins | Landrieu | Tester |
| Coons | Leahy | Thune |
| Cowan | Levin | Toomey |
| Donnelly | Manchin | Udall (NM) |
| Durbin | McCain | Warner |
| Feinstein | McCaskill | Warren |
| Flake | Menendez | Whitehouse |
| Franken | Merkley | Wyden |
| Gillibrand | Mikulski | |

NAYS—26

| | | |
|-----------|--------------|----------|
| Alexander | Enzi | Risch |
| Barrasso | Fischer | Roberts |
| Boozman | Grassley | Rubio |
| Chambliss | Heller | Sanders |
| Coburn | Inhofe | Scott |
| Corker | Johnson (WI) | Sessions |
| Cornyn | Lee | Vitter |
| Crapo | McConnell | Wicker |
| Cruz | Moran | |

NOT VOTING—3

| | | |
|--------|------------|------------|
| Begich | Lautenberg | Udall (CO) |
|--------|------------|------------|

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I think the Senator from West Virginia is preparing to speak, but I will speak if he is not ready.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I understand the Senator from West Virginia is going to have the floor, followed by the Senator from Tennessee, and I wish to be recognized to make some remarks following the Senator from Tennessee.

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

The Senator from West Virginia.

Mr. MANCHIN. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator is correct.