

care law would not weaken long-held life and conscience protections. In his public statements about the health overhaul, he vowed "Federal conscience laws would remain in place." He even issued an Executive order where he stated that "longstanding Federal laws to protect conscience will remain intact."

Many of us—myself included—during the health care debate warned that the Executive order was just window dressing to get votes and would do nothing to protect life in matters of conscience.

While supporters of the bill echoed the President's promise, I spoke on the Senate floor—once in November and again in March—warning Americans that they should not be fooled by hollow promises, and I urged my pro-life colleagues to join me in opposing this dangerous policy.

Two years after the law's passage, the truth behind the administration's priorities has been revealed. The President has, regrettably, punted the implementation of this controversial mandate until after the election. So now many religious organizations are forced to face two options: act against their convictions or drop health care coverage altogether. This decision comes from an administration that granted over 1,700 health plans with waivers from the law's major provisions, many of those to unions. A total of 4 million people, including select businesses and unions, have benefited from the waiver process. The administration has gone out of its way to guide its friends around the onerous mandates of this flawed policy. Yet this same administration is unwilling to protect a fundamental constitutional freedom by simply crafting a reasonable exemption for religious organizations.

Would Presidents Thomas Jefferson or James Madison have forced vast swaths of society to take action against their conscience? The answer is a resounding and obvious no. This political posturing is obvious, and it is appalling. This political maneuvering comes at a heavy cost for many Americans; it is a breach of values and beliefs. It runs counter to the very core of our identity as Americans.

Never before has the Federal Government required that individuals provide a product that violates their conscience.

Many Americans are questioning what will come next. They recognize that other strongly held beliefs could also be compromised.

I am not alone in being deeply troubled by this administration's complete disregard of the liberties in our Constitution. It is these liberties that make our country great.

I am a cosponsor of the Respect for Rights of Conscience Act introduced by my colleague Senator BLUNT. This legislation would reverse the administration's massive overstep and ensure that all conscience rights are protected. I will do everything in my power to push

this to a vote. We must act to right this wrong. We must ensure that America's values are not compromised. We must protect religious liberty. We all took an oath to do so. I am confident that, with prayer and persistence, we can reverse this course.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### BOILER MACT

Mr. BOOZMAN. Mr. President, I come to the Senate floor to discuss an important action this Congress can take to protect manufacturing jobs and strengthen our economy.

Specifically, I encourage Senate conferees on the payroll tax bill to include projobs bipartisan language—such as H.R. 2250 or S. 1392—that would address the EPA's proposed rule on maximum achievable control technology standards for boilers, also known as boiler MACT.

Fixing boiler MACT is important because if the EPA gets it wrong, it will cost tens of thousands of good-paying blue-collar manufacturing jobs. These regulations will be one more unnecessary weight dragging down our economy and making life harder for low- and middle-income families.

Fixing boiler MACT is important also because Congress should provide clarity and certainty to the rulemaking process. The process has been plagued by complications, administrative stays, court orders, and numerous other stops and starts.

For example, employers spent hundreds of millions working to comply with the 2004 boiler MACT rules only to be told they must now spend billions more. The boiler MACT legislation should be included in the payroll tax relief legislation which is intended to provide some help to our sluggish economy by allowing Americans to keep a little more of the money they earn. By addressing boiler MACT on this bill, we can further protect jobs—especially manufacturing jobs—and prevent our country from having to absorb one more sudden regulatory punch in the gut.

Fixing boiler MACT is important because our economy is weak and families are struggling. Last week, the non-partisan Congressional Budget Office predicted a weak and perilous economic situation for the next couple years. We see continued high unemployment, including estimates that the unemployment rate will tick up to 8.9 percent this year and 9.2 percent next year. We see projections of \$1.2 trillion deficits. On top of all this, we have

learned that the GDP growth slowed to just 1.7 percent last year.

I hope these troubling projections are wrong, but given what we know, we should be focused on encouraging job growth and opportunity. American families are counting on us. We should not stifle businesses that want to expand and create jobs. One way to help is to provide some regulatory certainty and to allow employers the time they need to adjust to new, burdensome regulations.

The boiler MACT fix would provide the EPA an additional 15 months to prepare appropriate, justified, and achievable regulations for industrial boilers. Without this time, EPA will be forced to rush the rules out the door only a few weeks after they will receive hundreds of substantive comments and new data on boiler performance.

The boiler MACT fix would also give employers a little extra time to comply with the rules once they are finalized. This is vital because it will minimize job losses that would occur if employers had to rush to implement the new rules. The rules are very expensive and spreading the cost out over a couple extra years will make it less likely that employers will have to lay off employees.

In Arkansas alone, boiler MACT will cost over \$230 million and put 3,600 jobs at risk. These are real jobs and real people. I shake their hands and I hear their serious concerns when I visit communities such as Pine Bluff, AR, or Howard County, AR. In our State, the proposed boiler MACT rules will especially harm the employers with units that burn solid fuels such as biomass. The boiler MACT would help by stating that materials such as renewable biomass that have been used for fuel for decades should remain classified as fuel and not reclassified as solid waste.

We should be encouraging the use of renewable biomass, not discouraging it. Sending biomass to a landfill makes absolutely no sense when we can use it to power our industries and create jobs. The potential harm to renewable, carbon-neutral biomass is very bad for Arkansas. But it is not just our rural States with significant biomass that will be harmed; boiler MACT will hit all States, large and small, rural and urban.

For example, in Pennsylvania it will cost over \$751 million and put over 12,000 jobs at risk. In Montana it will cost \$32 million and put over 500 jobs at risk. In Maryland it will cost over \$195 million and put over 3,100 jobs at risk. In Rhode Island it will cost over \$19 million and put hundreds of jobs at risk. In Wyoming it will cost over \$155 million and put over 2,400 jobs at risk.

Some of the hardest hit States include North Carolina, Ohio, Michigan, Indiana, Pennsylvania, Louisiana, Wisconsin, Virginia, Illinois, and Minnesota. Several States will see more than 12,000 jobs put at risk. In Arkansas, the expense and uncertainty created by these rules will force some employers to scale back. Other employers

may be able to keep existing jobs but decide that it does not make sense to hire new employees while they face these mounting regulatory costs. Given these serious concerns, the boiler MACT fix will provide clarity and give businesses a reasonable timeframe to comply. The boiler MACT legislation passed the other body with bipartisan support from 275 Congressmen. In the Senate this legislation has the support of a strong bipartisan majority.

Over the last four decades our country has cleaned our air by reducing emissions that cause serious threats—threats to human health and to the environment. I strongly support appropriate, science-based protection for clean air, and we must continue to protect the environment.

The public will continue to support appropriate protections for clean air, especially if this Congress takes a reasonable approach and gives the EPA the time it needs to develop rules that are achievable and that can be implemented in a timeline that will protect important manufacturing jobs throughout our country. For these reasons I urge the Senate conferees on the payroll tax bill to include the boiler MACT fix. I also ask my colleagues to let the conferees know how important this issue is. Together, we can help create opportunities and protect these important, high-paying manufacturing and other blue collar jobs.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE ECONOMY

Mr. KYL. Mr. President, the Bureau of Labor Statistics released a new employment report last week for the month of January with some good news: more jobs created in the private sector than had been projected and unemployment dropped to 8.3 percent. President Obama has been taking a victory lap and touted the jobs report as a sign that his economic policies are working. But it reminds me of the two fleas on the back of the chariot in Stephen Leacock's famous fable. They look behind them and say: My, what a fine cloud of dust we've kicked up.

It could be in the 2½ years since the great recession technically ended and the 3 years since the passage of the stimulus bill that the President promised would keep unemployment below 8 percent, that whatever recovery we have had is not necessarily the result of the President's policies. Why has unemployment remained above 8 percent for the last 35 months? Why are there more unemployed today than when

President Obama took office? Is it more likely that some people are finding work in spite of and not because of President Obama's policies?

Today I would like to speak about that for a few minutes and try to put these numbers into perspective. The obvious point, of course, is that we still have a long way to go before anyone can claim that we have an economic success story.

Let's start with the recovery itself. The fact is, this has been the weakest recovery since the Great Depression. Consider this comparison: 31 months after the recession ended in June of 2009, payroll employment has increased by only 1.5 percent. During the Reagan Presidency 31 months after the end of the 1981–1982 recession, payroll employment had increased by 9.8 percent. So 1.5 under President Obama, 9.8 percent comparable timeframe with President Reagan.

At a comparable point in time during the Reagan recovery, payroll employment was 6.2 million jobs or 6.8 percent higher than the prerecession level. In contrast, today we have about 5 million fewer jobs since peak employment of 2007—not more but fewer—and more than 1.1 million jobs have been lost since President Obama took office.

How can that be? It takes a certain number of jobs just to keep up with the new entrants into the labor market. In fact, economists believe we need on average about 130,000 to 150,000 jobs per month just to hold even. So even though we have created more jobs—and the President's supporters say we have been creating now more jobs for the last 23 months. That is fine, but if it does not keep up with the number we need just to keep up with new entrants into the workforce; namely, 130,000 to 150,000, we are not making progress. In fact, we are regressing. If this recovery we are currently experiencing had duplicated the path of recovery from the 1981–1982 recession, there would be 14.9 million more payroll jobs than we have today—in other words, almost 15 million more jobs. That is a better measure of the success—or lack of it—in coming out of this recession.

Now, to make matters worse, much of the recent decline in the unemployment rate can be attributed to a decline in labor force participation—in other words, people who are still looking for work. Labor force participation dropped to 63.7 percent in January, meaning that many have simply stopped looking for jobs. This is the lowest labor force participation rate in nearly three decades. Labor force participation stood at 66 percent at the beginning of the recent recession. If the rate had remained at the prerecession level, the unemployment rate today would be approximately 11.4 percent. In other words, 3 percentage points more than it is today is accounted for by the fact that that many people have simply stopped looking for work. According to many economists, this is a better measure of the true employment situation in the country.

A commentator on one of the news shows that I heard yesterday gave this analogy: If we heard that fewer elderly people in America were sick, at least initially we would think that was really good news. But if the reason there were fewer sick people is that more of them had died, we wouldn't think that was a cause for celebration. And that is the problem here—too many people have just decided it is not possible for them to get a job and they are going to stop looking.

Finally, there is the underemployment and long-term unemployed situation. The plight of the folks who have been unemployed for a long period of time or those who are underemployed—they have a job but could be getting something that pays more—has really not changed. These are the Americans who want good jobs. In the latest report, the number of those who have been unemployed for 27 weeks or more has hardly changed at 5.52 million people, accounting for almost 43 percent of the unemployed population. Those are the folks who are really hurting. The underemployment rate, which includes part-time workers who would like to have full-time work and those who want to work but have given up looking, has remained largely unchanged, dropping to 15.1 percent from 15.2 percent.

I say all of this not to pile on President Obama and certainly not to denigrate the fact that we finally have a little bit of good news coming out of the economic picture but, rather, to make the point that the employment numbers from 1 month—last month—hardly tell the whole story. We have to have better progrowth policies if we are really going to have a stronger economy, if we are going to create more jobs and, over the long term, improve the employment opportunities for all Americans who want work.

It was very disappointing for the President to have rejected the Keystone Pipeline. That is a project which would have created as many as 343,000 private sector jobs, according to the Congressional Research Service, and all of that without having cost the taxpayers a dime.

We also need to consider how the policies of the last 3 years, which include the exploding debt and the massive new taxes and regulations that are contained in ObamaCare and the so-called financial reform bill, have put a drag on the economy. It has increased uncertainty for job creators, and it has actually weakened the economic recovery. If President Obama wants to continue any jobs momentum, I believe he ought to reconsider his position on the tax hikes coming at the end of this year. They are automatic. If we don't do anything, taxes will go up on everyone next January 1st, the largest tax increase in the history of our country, over \$3.5 trillion. Will businesses want to expand and hire new workers in the face of a tax increase that size over the next 10 years? Will they want to create