

We thank Reverend Culpepper for his blessing. We thank him for gracing us with the same spirit that drives him and the Pleasant Hill Baptist Church family back home. We thank him and his church for reminding us that the problems that affect our neighborhoods, our cities, our Commonwealth, and our country aren't someone else's problems, they are all of our problems.

I am honored to have Reverend Culpepper here today.

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. REID. Following leader remarks the Senate will be in morning business for 1 hour, with the majority controlling the first half and the Republicans controlling the final half.

Following morning business the Senate will resume consideration of S. 601, the Water Resources Development Act.

We will continue to work through amendments to the bill today. We may also consider two district court judges sometime today, the Dick nomination from Louisiana and the Roman nomination from New York. Senators will be notified when those votes are scheduled.

OBSTRUCTION AND DELAY

Mr. REID. Mr. President, by now the minority's tactics, the Republican tactics of obstruction and delay are well known, but they are also well worn. Those methods were once again on display yesterday when Republicans delayed for the second time in 2 weeks a Senate HELP Committee vote on the nomination of Tom Perez to lead the Department of Labor.

The able and considerate chairman TOM HARKIN had already postponed the vote 2 weeks at the request of one of the Republicans. They requested more time to review documents related to Tom Perez's nomination. It was terribly disappointing that, after they were granted additional time as a matter of courtesy, an anonymous Republican would employ an arcane procedural tactic to prevent the committee from even meeting, and, of course, voting on that nomination.

Republicans had 7 weeks, 49 days to consider this nomination. He was nominated on March 21. Since his confirmation hearing in April, he has responded in writing to more than 200 questions.

He is an extremely qualified candidate for this job. The President was smart in nominating him. He is what the American dream is all about. He is the son of immigrants. He paid his way through college by working as a garbage collector and at a warehouse. He went on to become the first lawyer in his family.

Mr. Perez was appointed by Governor O'Malley of Maryland to be the secretary of the Department Labor, where he helped implement the country's first statewide living wage law. In his

current role as the head of the Civil Rights Division of the U.S. Department of Justice, Mr. Perez helped settle cases on behalf of families targeted by unfair mortgage lending.

As anyone can see, he is an extremely qualified nominee. His knowledge and experience will make him an outstanding Secretary.

Unfortunately, impressive qualifications and exceptional character are no longer enough to satisfy Senate Republicans. Instead of a fair and constructive confirmation process, Republicans have chosen to play partisan political games with dozens—scores—of President Obama's appointees.

They have also slow-walked the nomination of dedicated public servant Gina McCarthy to lead the EPA, the Environmental Protection Agency. This morning, just a few minutes ago, Republican members of the Senate Environment and Public Works Committee sent a letter to Chairman BOXER indicating they will boycott committee markup of Ms. McCarthy's nomination.

This type of blanket partisan obstruction used to be unheard of. Now it has become the pattern Republicans have adopted. They will use any procedural roadblock or stalling tactic to deny President Obama qualified nominees.

My Republican colleagues can try every trick in the book—and they have and they probably will—but I assure you he will have his day in the Senate. I assure everyone Ms. McCarthy will have her day in the Senate, and I will do all I can to ensure these highly qualified are confirmed, as the President has requested.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

UNEMPLOYMENT

Mr. MCCONNELL. Today the President plans to travel to Austin, TX. I understand his trip includes a visit to a technical high school and a chat with workers. The idea, I presume, is to show folks that the White House has once again pivoted to jobs. If you are someone who is all about the visual, then, of course, putting on a pair of goggles or showing up at a factory is a great way to at least look as though you are doing something about the situation.

Whether that means you are actually getting the job done is a different story. Unfortunately, robust job creation has been talked about a lot in this administration, even as millions remain out of work or stuck in part-time jobs.

Take a look at last month's jobs report. It was touted by the White House as proof of an economy on the mend, and surely we on this side hope that

will soon be the case. We are not there yet. We only have to drill down below the top line to find a lot to be concerned about. For instance, the unemployment rate technically edged down to 7.5 percent, but it actually moved up to 8 percent in my home State of Kentucky. While the Federal rate is still pretty high, even those numbers don't tell the full story. Because so many Americans have stopped looking for work altogether, we now have the lowest labor force participation rate since Jimmy Carter.

Our actual Federal unemployment rate is nearly 11 percent. That is quite a ways off from the 5 percent or so the administration boldly predicted we would have by now if only Congress would pass the stimulus.

Consider this. If all we did was match the average of recoveries since World War II, we would have about 4 million more private sector jobs than we do today. That is how much worse this recovery is than other recoveries since the war.

Unfortunately, that is the Obama economy. I hope the President is traveling to Austin today because he is finally serious about turning that around, about changing course and implementing policies that might actually work to get the economy moving again. Given that he will be in Texas, he might want to think about developing more jobs in the energy sector. It is a huge industry—huge—not just in Texas but all across our country. His administration has the power, if it chooses, to spur more job-creating energy resource exploration and development.

There is a lot more Texas is doing right too. That is why it has been touted as a national leader in job creation. One study showed Texas, with less than 10 percent of the population, accounted for almost one-third of private sector jobs created in high-paying sectors in recent years. If the President is interested in duplicating that success at the Federal level, he might take note of the fact that policymakers in Austin have taken a very different approach from Washington when it comes to how they tax and spend.

Basically, they do less of it with no income tax, for instance, and a low ratio of spending per capita. They don't ram through laws such as ObamaCare.

I hear the President plans to hold another event tomorrow where he will claim that ObamaCare is helping women. Let me tell a story of how ObamaCare is affecting one woman, and I am sure there are many more just like her.

The Wall Street Journal recently profiled a businesswoman named Elizabeth. She is in the clothing business, and she had been hoping to hire more employees. But thanks to ObamaCare, Elizabeth is now being forced to turn to independent contractors because if she brings on just a few more people and exceeds 50 employees, the government could punish her business.

There are many other small business-women who will see their dreams crushed under the weight of ObamaCare's nearly 20,000 pages of regulations. There are many women in their twenties and thirties who will be unable to afford the law's massive premium increases. There are many mothers who will not be able to get by if their employers cut their hours due to ObamaCare or if they lose their jobs because of it.

Here is something else to consider. This morning, Speaker BOEHNER and I informed the President we will not be recommending individuals to serve on the Independent Payment Advisory Board. The IPAB, as some call it, is a commission set up by ObamaCare that is charged with reducing Medicare payments to health care providers and determining what services should be available to seniors. Of course, we know that will lead to access problems, waiting lists, and denied care for seniors—what most people would call rationing. It threatens to disproportionately affect women too.

According to the Department of Labor, women make approximately 80 percent of health care decisions for their families and are more likely to be the caregivers when a family member falls ill. That family member could be a child, could be a spouse, or, more often these days, a parent who relies on Medicare. We want to know Medicare will be there to take care of them, and we want to know those decisions will be made between patients, their families, and their physicians, not an unaccountable board of bureaucrats such as the IPAB—one that even has the power to overrule payment decisions made by Congress and signed into law by the President. That is how powerful IPAB is.

So the President should rethink the purpose of this event. I hope he will use it instead as a platform to prepare women for the actual consequences many of them will soon face under ObamaCare.

More broadly, the President needs to get out in front of this train wreck before Americans—men and women alike—are completely blindsided by it. Polling suggests that almost half of Americans are unsure how ObamaCare will affect their families. So he really needs to get out there and prepare them for what is coming.

If the President is truly concerned about jobs, then it is time for him to admit ObamaCare was a mistake and work with Congress to repeal it because we need reforms that lower the cost of care. What we don't need is a 2,700-page law and a resulting tower of redtape that will continue to kill jobs and hurt our economy.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each and with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half.

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

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

The bill clerk proceeded to call the roll.

Mr. COATS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHATZ). Without objection, it is so ordered.

HEALTH CARE

Mr. COATS. Mr. President, back home in Indiana last week, I heard from many Hoosiers who are concerned about the impact of ObamaCare. I went back to listen to the people, and almost invariably, no matter what subject was on the table, the impact of ObamaCare was what was brought up first and discussed the most.

I particularly focused on those businesses which are in a position to expand and hire but are simply not doing so, and the question is, Why? The answer was that they are deeply concerned about the implementation of the so-called Affordable Care Act, basically saying that it is an unaffordable care act.

They also said they were confused about what it means and what it doesn't mean. These regulations are continuing to come out, but many of them are delayed, so there is a huge cloud of uncertainty over their future. As a consequence, Hoosier employers have to make decisions about hiring or not hiring, about expanding or not expanding, about buying new equipment or not buying new equipment, about building new factories or not building new factories.

In Indiana, we have positioned ourselves to be a very business-friendly State. In fact, a major survey came out a couple of days ago that said Indiana is among the top five States in the Nation in terms of being business-friendly. As a result, we have a lot of inquiries from businesses in other States, and essentially what they are saying is that they would like to come to our State.

We have a lot of people in our State who are operating businesses and would like to hire more employees, but they are frozen because of this health care bill, and all of the regulations, penalties, taxes, and uncertainty that surround what is going to play out is leaving them in limbo. We are treading water. We can't make decisions. The word of the year is "uncertainty"—un-

certainty about what Washington is going to do, uncertainty about the impact of what Washington has already decided to do. The No. 1 topic that beats all the rest is the impact of the Affordable Care Act—the ObamaCare act—which is now starting to impact various businesses across the State.

These concerns have been expressed both by business owners and by employees working in a wide range of occupations. Their concern has been confirmed by data released by the Labor Department last week. The recent report revealed retailers appear to be cutting working hours at a rate unheard of over the last 30 years.

We saw some positive news come out of the jobs report last week. Unemployment is coming down slightly. Of course, it doesn't begin to address the issue or consider those who have literally dropped out of the workplace or have literally given up trying to find a job because they simply aren't there. But now we face another problem. More and more Americans are being pushed into part-time work, which isn't enough to provide for a family. Last month, nearly 280,000 Americans involuntarily entered part-time employment. Weekly take-home pay continues to decline and, of course, the number of hours employees are working continues to shrink.

Why is this change occurring? Investor's Business Daily reported that "all evidence points to the coming launch of ObamaCare as the reason for this decline in the average retail workweek."

Beginning next year, as we know, job creators will face fines of \$2,000 and, in some instances, up to \$3,000 for every full-time worker who receives subsidized coverage in the exchanges created by ObamaCare if qualifying coverage isn't available in the employee's workplace, or if that employer is no longer able to afford the cost of government-mandated health plans. These are small businesses. We are not talking about Fortune 500 companies. We are not talking about those firms that can hire a back room full of lawyers and accountants to figure out how this health care plan is going to impact them and what it is going to cost. We are talking about the service industry, we are talking about the retail shops—those that employ anywhere from 30 to 40 to 60 to 70 to 90 or whatever. A lot of them are trying to stay under the 50 level—the exclusion for small businesses—50 and under. So a lot of them are stuck at 45, 48, and they are not going to hire to go above that and they are looking for ways to move employees to part-time employment so they are not burdened with these fines.

Many Hoosier employers have told me they would like to expand and hire more full-time workers, but they simply cannot afford to do so given the fines, taxes, and regulations that will hit when the ObamaCare act is implemented starting in 2014.

The U.S. Chamber of Commerce has said 71 percent of small businesses say