is counting on under his health care plan. Health insurance costs are continuing to go up, and that affects a lot of people, even though President Obama says they have nothing to worry about.

A leading Democratic Member of the Senate was interviewed the other day on New York television—his home State—and he conceded the health care law is contributing to those cost increases. But the President thinks it is nothing to worry about.

Here is how the New York Times last week summed up the President's attitude, under the headline: ''Health Care Law Is 'Working Fine,' Obama Says in Addressing Criticism.''

Working fine? Mr. President, tell that to the 22 million Americans who can't find a job or who can't get the full-time work they want. Tell that to the businesses that have to cut back their workers' hours. Why? Because of the health care law. They have to do that because the law says companies with more than 50 full-time employees have to provide this expensive one-size-fits-all health insurance. So we see small businesses have stopped hiring so they can stay below that number of employees. Other businesses are cutting full-time workers back to part-time status, and cutting their shifts to less than 30 hours a week.

Look at the latest jobs report that came out last Friday. In April, the number of people working part time because their hours have been cut back or because they can't find a full-time job across the country increased by 278,000. The shift to more part-time workers also means the average workweek is getting shorter. In April it dropped again. That is not good for our economy and it is not good for the workers. The statistics show we are going in the wrong direction.

The anecdotal evidence is even worse. Recently, the Regal movie theater chain sent a memo to all its employees saying it would roll back shifts to keep nonsalaried workers below that 30-hour cutoff. The company explained it was forced to take this step ''to comply with the Affordable Care Act.''

We are going to see more and more of this as employers start to figure out exactly how hard they are going to be hit by the expensive and burdensome health care law. Hiring during the past 4 years under President Obama has been weak, and it has also been concentrated in nonsalary fields such as retail.

We saw more of this in the latest jobs report. Nearly 1 out of every 13 jobs is now in ''food services and drinking places.'' These are the kinds of places saying they are going to have to limit hiring and cut back shifts to less than 30 hours. Why? Because of the health care law; otherwise, they could go bankrupt trying to pay for expensive Washington-mandated insurance—insurance much more than is actually needed by their workers but insurance that is mandated by the law.

It is not just bars and restaurants. Let's look at the city of Long Beach in California. The Los Angeles Times reports the city of Long Beach is limiting most of its 1,600 part-time employees to less than 27 hours a week, on average. The city says if it doesn't cut the hours, the new health benefits would cost up to $2 million more next year. The extra expense would trigger layoffs and cutbacks in city services.

It may be, in the end, that not every one of those 1,600 people will have his or her hours cut. Some of the city employees are probably already under the 30-hour limit. But for everyone else there is the uncertainty of whether their hours are going to be cut and when. The uncertainty is part of what is causing employers to hesitate or to cut now because nobody knows how bad this train wreck will actually be.

That is just one of the negative side effects of the President's health care law, but it is having ripple effects throughout our entire economy. We have seen wages continue to stagnate. We have seen awful economic growth. The new numbers for the first quarter GDP growth came out a few days ago. They show the economy grew at an annual rate of just 2½ percent. It has been nearly 4 years since the recession ended. We should have seen a much more robust economic recovery by now. The economy can't grow until we can get Americans back to work. People cannot get back to work if there are not more jobs, and employers cannot create enough jobs because of the health care law.

Here is a third thing the President said. He said: ''Even if you do everything perfectly, there will still be glitches and bumps.''

These are not glitches. These are people's jobs. These are people's lives. This is the health care of the American people. For a lot of American families, the President's health care law is not headed for a train wreck, it has already gone off the rails. They are not worried about what the health care law is going to do to them, they are busy worrying about what the health care law has already done. They know this law and the uncertainty it has created is an anchor on our economy. Here is how the Chicago Tribune put it in an editorial the other day. They asked the question:

> Glitches or a train wreck?

Then they said:

> Bet on the wreck. We're hurtling toward this massive restructuring of the health care insurance market, and no one has confidence about what will happen. There will be massive consequences, intended and unintended.

That is what the Chicago Tribune said.

The President says 90 percent of the American people have nothing to worry about from the health care law. He just doesn't get it. When I ask groups that I meet with back in Wyoming, I hear nearly 100 percent of the people say they expect to pay more under the President's health care law, and the care they get—they expect lower quality and less available health care as a result of the law.

People are very concerned about what is going to happen, and they do not think it is going to be good for them or for their families.

A new poll just came out from the Kaiser Family Foundation. It found that only 35 percent of Americans have a favorable view of the President's health care law. It is less popular now than it was when it first passed. It has gone down, actually, 8 percentage points since just last November's election. More and more people are realizing what is in this law and how it will hurt them personally and they are not happy about it. For the President to say otherwise is absurd. He is either not paying attention to what the American people are trying to tell him or he is intentionally misrepresenting the facts.

The health care law is headed for a train wreck. Saying it is going fine is just the President's Washington spin. The American people deserve better than that. They deserve for the President to tell them the truth. They deserve to hear from the President, to have him come clean on how much his health care law is costing and how much damage it is doing to our economy.

The American people deserve a vote in Congress to repeal this disastrous law. Until this law is repealed, we are going to continue to see weak economic growth and the American people are going to continue to pay the price.

I yield the floor. 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. FRANKEN. 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 SEQUESTER

Mr. FRANKEN. Mr. President, on March 19 of this year, the Minneapolis Star Tribune reported that Minnesota's tribal school districts were making plans to cut the school year short, increase class sizes, and let staff vacancies go unfilled. The White Earth Reservation is planning to consolidate its sixth, seventh, and eighth grades into a single class starting in the fall. This is happening because of the sequester.

On April 11, WDAZ, Channel 8 in Grand Forks, reported that special education programs in my State of Minnesota were going to be hit by a $90 million cut. This is particularly painful in the Crookston, MN, school district, where 20 percent of students benefit from special education programming. This is happening because of the sequester.

On April 17, Minnesota Public Radio reported that budget cuts were affecting our court system. Across the country, access to public defenders, a constitutionally guaranteed right, is becoming more difficult. This is happening because of the sequester.

It is not just happening in Minnesota, it is happening around the country. To take just two examples from the many I could cite from every State in the Nation, on March 13, the AP reported that an Indiana Head Start program was forced to use a random drawing to determine which 36 children would be cut from their program. On March 31, the Portland Press Herald in Maine reported that a local Meals on Wheels program, which had never before turned away a senior in need, was now using a waiting list and reducing the number of meals delivered to existing participants.

Then, on April 25, the Senate passed a bill to allow the Department of Transportation to shift funds from one account to another, therefore exempting DOT from the strict across-the-board cuts mandated by the sequester. The funding shift was needed to prevent the furlough of air traffic controllers, which was beginning to cause a significant inconvenience to American travelers and could have had harmful effects on our economy. The House passed the bill the next day and it has now been enacted into law.

I am pleased American travelers were spared this inconvenience, but as the reports I just cited from Minnesota and from elsewhere would suggest, there are a lot of people suffering needlessly because of the sequester.

A case-by-case approach is not the right way to handle the impacts of the sequester. The sequester, in fact, was designed to affect every government function equally, with just a few exceptions, and the extreme across-the-board nature of these cuts is the very definition of a thoughtless approach to deficit reduction. The sequester was designed to be replaced and that is what we must do. Just as the sequester affects every government function equally, our response to the sequester should be complete and inclusive, not piecemeal. We must replace the entire sequester with a mix of new revenues and smarter targeted cuts that do not inflict needless pain on those who can least bear it and that do not harm our ongoing fragile economic recovery.

There are both moral and economic consequences of allowing the sequester to continue. As Hubert Humphrey said:

> The moral test of government is how that Government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; those who are in the shadow of life, the sick, the needy and the handicapped.

If we ignore the effects of sequester cuts on the voiceless and address only the sequester cuts that are the most visible—in the form of longer lines at the airport, for example—we will have failed that moral test.

In April I received a letter from a family service worker with Head Start from Onamia, MN. She wrote:

> The families I work with have no idea what it means to have trillions of dollars cut from the budget. They are trying hard to keep $10 in their pockets or checkbook. . . . These cuts would be particularly catastrophic to the poor children and families we serve. . . . Congress and the Administration need to act quickly to restore fiscal stability and maintain funding for our at-risk children. Our nation's budget simply cannot be balanced on the backs of poor children.

Here is a letter I received from a mother in Hoffman, a rural community in West Central Minnesota. She wrote:

> My heart was saddened today when I learned that due to a sequester, my 4 year old daughter's Head Start program was to end 2 weeks ahead of schedule, that 2 of her amazing teachers will be looking for work come May 30th and her head teacher will be having to take on a 2nd job to compensate for a pay cut she took to continue with the program. Our Head Start program is an amazing program. My daughter has benefited from this program in ways a mother can only dream of and only a classroom environment can provide. The fear that it maybe not be there for her next year sickens me. We may not have the numbers that are looked at when these kinds of decisions are made, but our program is one of a kind with teachers that are so special they deserve awards. My daughter wants them to come to her birthday party. The people making these decisions need to actually go to the class rooms, see what goes on. Visit again and see the difference this program and these women are making in these kids' lives. The decision makers need to see what it is they are choosing to take away from these young people. I will be writing a letter to all of my local reps, and I'm committed to send them letters once a week until my pleas are heard and our government stops taking money and the education that comes with that from our rural school!

That is a story from a mother based on her experience with her daughter.

Economists agree and studies have demonstrated that high-quality early education programs can produce anywhere from $7 to $16 in benefits for every dollar of Federal investment. The return on investment comes from the long-term savings associated with a quality early childhood education.

A child who has a quality early childhood education is less likely to be in special education, less likely to be left back a grade, has better health outcomes, and girls are less likely to get pregnant before they graduate high school. They are more likely to graduate from high school, more likely to graduate from college, more likely to have a better paying job, pay taxes on that job, and much less likely to go to prison.

If we care about the long-term sustainability of our debt, we should be putting more money into quality early childhood education, not less, as we are doing because of the sequester.

Here is a letter from Columbia Heights, MN:

> As someone who has worked with seniors my entire career and now volunteers to deliver meals on wheels, I would encourage your support of this program and discourage cuts. This program is one that allows seniors and disabled adults to remain in their home and still receive proper nutrition. For many it is also the only contact they may have with someone during any given day. While providing a service it is also a means to check in on these individuals' well-being. By eliminating or making significant cuts to this program we would be turning our backs on many of our citizens.

I am sure every Member of the Senate has received similar letters—letters begging us to protect funding that assists poor children and the elderly in their communities. It is not just Head Start and Meals on Wheels which suffer as a result of the sequester, it affects so many other critical programs.

HUD estimates that sequester cuts could result in 100,000 formerly homeless people, including veterans, being removed from their housing and shelter programs and putting them back at risk for homelessness. The USDA estimated that it will result in 600,000 fewer participants in WIC, the nutrition program for mothers and their children.

Replacing the sequester is the right thing to do. The sequester is a perfect example of the moral test of government Hubert Humphrey talked about, and replacing it is the only conceivable response to it we can have as Americans. But apart from failing to protect our most vulnerable, the sequester cuts also do direct harm to our economy and prevent us from making the critical investments in education, infrastructure, and innovation that have always been what has made America great and prosperous.

As Secretary Arne Duncan wrote in a letter to Chairwoman BARBARA MIKULSKI about the effects of the sequester:

> Education is the last place to be reducing our investment as the nation continues to climb out of the recent recession and to prepare all of its citizens to meet the challenges created by global economic competitors in the 21st century. Indeed, I can assure you that our economic competitors are increasing, not decreasing, their investments in education, and we can ill afford to fall behind as a consequence of indiscriminate, across-the-board cuts that would be required by sequestration.

Secretary Duncan goes on to explain that the sequester will create particular hardships for recipients of Impact Aid, which includes schools that serve the Native American students and children of military families.

In addition to investing in education, we should be building up and repairing our Nation's infrastructure. Cuts to the Economic Development Administration will hinder the ability to leverage private sector resources to support infrastructure projects that spur local job creation—likely resulting in 1,000 fewer jobs created nationwide. The Department of Interior has warned that the sequester will delay high priority dam safety modifications.

Finally, America has always been at the cutting edge of global technologies, but the sequester may change that. Cuts to the National Institute of Standards and Technology will force

NIST to end its work on the Manufacturing Extension Partnership, which helps small manufacturers innovate in their business practices and develop market growth at home and abroad.

The Department of Education is the operator of 10 world-class national laboratories that specialize in developing advanced commercial technologies. DOE's Advanced Research Projects Agency, ARPA, has achieved several remarkable breakthroughs in recent years, such as doubling the energy density of lithium batteries, increasing the capacity of high-power transistors, engineering microbes that can turn hydrogen and carbon dioxide into transportation fuel. Sequester cuts are going to slow and curb our Nation's progress toward a 21st century energy sector.

Not only does the sequester fail to invest in things that make America great and make America grow, the sequester is also costing the government more money for the same product in the long run. There are certain weapon systems that DOD knows it needs and will purchase in the future; however, because of sequestration, they have canceled the contract order for the time being. As a result, the manufacturer has shut down that production line and possibly terminated jobs. Restarting that process is expensive, and those costs are ultimately passed on to us, the government—the American people.

I urge my colleagues to rethink the current strategy of addressing the sequester crisis by crisis and whatever is on the front page of the news. It ultimately is not equitable. It disadvantages our Nation's most vulnerable and it is harming our economy.

In February, CBO's Doug Elmendorf testified that the effects of sequestration would reduce employment by 750,000 jobs this year. That is the opposite direction we need our job numbers to go during our economic recovery. I have not even been able to touch on the risk the defense sequester poses to our military readiness in my remarks here today.

The bottom line is we need to address every facet of the sequester together with a mix of new revenues and smarter targeted cuts. We should meet every new, high-visible consequence of the sequester with the same response. It is more evidence that we need to replace the entire sequester.

Democrats have put forward a plan to address the most immediate consequences of the sequester with a mix of new revenues and targeted cuts to replace the first year of sequestration, and it garnered a majority in the Senate. But because a majority is not enough to pass legislation in today's Senate when the minority chooses to obstruct, that plan failed to pass.

What we have passed in the Senate is a budget that proposes to replace the entire sequester in a balanced way that would also spare the most vulnerable pain and protect our economic recovery and our economic future. That is the kind of approach we need to take.

I hope in the days ahead we can begin a dialogue about fixing this problem so kids in Minnesota, Indiana, and in the Presiding Officer's State of Hawaii—kids all around the country—can return to Head Start. We need to help the senior citizens in Maine so they can get off the Meals on Wheels waiting list. We address this issue so that Minnesota's tribal school districts can finish out the school year as scheduled.

When we hear about the next highly visible problem the sequester has caused, we should think about all the problems the sequester has caused, and that is what I will be doing. We need to fix the problem in a comprehensive and balanced way.

I stand ready to work with my colleagues and achieve that comprehensive and balanced fix for the sequester.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. 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.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF DAVID MEDINE TO BE CHAIRMAN AND MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of David Medine, of Maryland, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour for debate equally divided in the usual form.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I oppose the nomination of David Medine to be the Chairman of the Privacy and Civil Liberties Oversight Board, which is commonly referred to as the PCLOB.

Mr. Medine was nominated for this position during last Congress and the Judiciary Committee, where I serve as the ranking member, held a hearing on his nomination in April 2012.

At the hearing, I asked a number of questions about the various national security statutes that the Board is tasked with overseeing. This included questions about the Foreign Intelligence Surveillance Act and the PATRIOT Act.

Specifically, I asked for his views on these laws. Unfortunately, the responses I received failed to provide his views. He simply stated that he would balance the views of the government against the Board's mandate to review privacy.

I also asked Mr. Medine about his views on the use of law enforcement versus military authorities for combatting terrorism.

I was disappointed that he failed to answer a basic yes-or-no question about national security law: ''Do you believe that we are engaged in a war on terrorism?''

Instead, of a simple yes or no, he opted for a more limited answer that military power is permissible in appropriate cases.

This technical answer gives me pause especially in light of the continued threat we face from international terrorist organizations.

Perhaps the most concerning response he provided was to another simple constitutional law question. I asked all the Board nominees an important question about the use of profiling based upon country of origin for immigration purposes.

The Constitution provides broad discretion to the government for purposes of immigration. Each year the government places quotas or caps on how many and what types of visas are allowed for each particular country.

For example, if we face a threat from an unfriendly nation, it is important that we have the ability to limit immigration from that country. At the least, immigration and customs agents and consular officers should be able to make decisions of admissibility solely on country of origin.

I asked this same question to the other four current members of the Board—two Democrats and two Republicans. They all answered the same way, that foreign nationals do not have the same constitutional or statutory rights as citizens and therefore U.S. officials should be able to use this as a factor in admissibility determinations.

In contrast to the other four nominees, Mr. Medine argued that use of country of origin as the sole purpose was ''inappropriate.''

Specifically, Mr. Medine noted that it would be ''inappropriate'' for the Federal Government to profile foreign nationals from high-risk countries based solely upon the country of origin. This is troubling.

As the other four nominees noted, foreign nationals do not have the same constitutional or statutory rights as U.S. persons and the government may, lawfully and appropriately, use country of origin as a limiting factor for purposes of admission to the United States.

I think this is especially concerning given the recent attacks in Boston and the concerns surrounding potential holes in our immigration system related to student visa overstays.