

longer hide behind that and use that as a shield. The legislation we are introducing would make, of course, this subject to States rights and having States such as Nebraska intervene and work with the company to find this alternative route. It also would ensure and require strong environmental protections in the legislation. So that issue is something the legislation has addressed.

More than anything else, what it does is it at least forces some action. It at least says we are going to be serious about job creation in this country or we are not. We are going to support a shovel-ready project that could create 20,000 jobs and start immediately or we are not. All this rhetoric and all the hot air that comes from people here in Washington, DC, about wanting to create jobs, this is putting it to the test. This is where you have to put up or shut up when it comes to whether you are serious about creating jobs in this country.

I hope my colleagues here in the Senate on both sides of the aisle—because I believe this is a bipartisan issue—will work with us to advance this legislation. There is some thinking that perhaps the House of Representatives, the other body, may include it in some legislation they send us that could be coming this way in the not too distant future.

If that is the case, I hope we will pick that up and act on it because if we are serious and mean what we say about job creation in this country, there is no better way than to put some certainty behind this project. Again, it would be one thing if this had not been studied and overstudied and evaluated and analyzed and scrutinized—but it has, over and over again, now for the better part of 3 years. Mr. President, 700,000 barrels of oil today from Canada and the Bakkan region in North Dakota and U.S. refineries or 700,000 barrels of oil to some other place around the world that will benefit from it and, just as important if not more important, 700,000 barrels of oil the United States will have to import from some other country around the world that perhaps is not nearly as friendly as our neighbors to the north.

This is not complicated. This is a pretty straightforward issue and one where I don't think there is anything but support from the States that are impacted by this, anything but support from the leadership, political leadership at the State level and local levels. I am not suggesting there is—there is no project that has unanimous support. There are people who oppose this as there are people who oppose almost anything that happens in this country. But the huge majority of people I think in the States that are impacted see this for what it is—a positive, forward-looking project that would address so many of the important priorities for this country right now: economic growth, job creation, energy security, national security, addressing some of

the needs the State and local governments have for additional revenue. All these issues are addressed with regard to this project.

It is mystifying as to why the President of the United States and his administration would put this decision off until 18 months from now after the next election, other than purely and simply political reasons and motivations. That is wrong for the American people. It is wrong for this project. It is wrong for jobs. It is wrong for the economy. I hope this body, the Senate, will take steps to rectify that by putting a date certain out there by which this project is at least acted on, at least decided, at least permitted or not permitted—hopefully permitted—so these jobs can be created and we can get this economic activity underway in these many States.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Wyoming.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today as I have so many times since the President's health care bill was signed into law, with a doctor's second opinion. I do that because I practiced medicine in Wyoming, taking care of families from around the State for about a quarter of a century.

When I talk to patients at home and I talk to people on the street, when I talk to folks all around my State and around the country, what I hear they want from a health care law was an opportunity to have the care they need from the doctor they want at a cost they can afford. But what we have gotten in this country through this administration and this health care law is a law that is bad for patients, in my opinion; bad for providers, the nurses and doctors who take care of those patients; and terrible for American taxpayers. So I come to the floor again with a second opinion today because I am thinking about job creation.

We just heard about the Keystone XL Pipeline and the opportunity there with a shovel-ready project to get people back to work. I am reminded what former Speaker of the House NANCY PELOSI claimed after the health care law was passed. She said it would "create 4 million jobs." She went on to say "400,000 jobs almost immediately."

As we all know, that prediction never came true. In fact, the nonpartisan Congressional Budget Office said the health care law will actually encourage some people to work fewer hours or to withdraw from the labor market altogether.

This past week when the employment statistics came out we saw that over 300,000 Americans have withdrawn from the labor market altogether.

It is interesting that about the same time the health care law was signed, March 2010, Senator CHUCK SCHUMER, the New York Senator, claimed on "Meet the Press":

... as people learn about the bill, and now that the bill is enacted, it's going to become more and more popular.

In fact, this health care law is less popular now, today, December 2011, than it was at the time it was signed into law.

We look at all of these predictions that never came true. It has been 20 months. The health care law's popularity remains low. The law is in front of the Supreme Court to deal with the constitutionality of this government going into the homes of American people, telling them they must buy a product. It is clear that Washington Democrats and the President have miscalculated. They made promise after promise to the American people. They asked families, they asked businesses all across the Nation, to trust them. The President promised that if you like what you have, you can keep it. The American people know that promise has been broken. The President said that premiums, health care premiums or insurance costs for families would drop by \$2,500 per family per year. We know that the costs have gone up higher than if the law had never been passed in the first place.

Week after week we hear of more unintended consequences within the law, glitches that are found which show additional problems with the law and additional promises of the President being broken.

The American people know that they do not like this health care law. When you ask them do you think this health care law was passed for you or for someone else, most Americans will tell you that they think it was passed for someone else.

Today I want to talk about two specific examples of problems with this health care law and the possible unintended consequences and some of the repercussions of the things that have happened with this health care law.

One has to do with the labor statistics that came out on December 2 of this year. They released updated payroll employment and unemployment numbers. The Bureau of Labor Statistics data actually shows that health care employment was up in November. It was up for all the wrong reasons. The problem is, the health care law's excessive mandates and burdensome regulations are prompting the health care industry to create additional administrative jobs, not caregiver jobs.

The health care law was supposed to actually work to get more doctors and more nurses and more x-ray techs and physical therapists to take care of patients, but that is not what happened. Now we see it is administrative jobs that are up, not caregiver jobs. As a matter of fact, USA Today printed a half-page article, and the title was "Health Care Jobs Grow . . . in Administration."

The article actually talked about a New Hampshire hospital, and that hospital—according to the article—was forced to eliminate 5 percent of its

workforce. So we have a hospital eliminating 5 percent of the workforce after the State cut Medicaid funding last year. So here is a hospital where 5 percent of the workforce is cut. Many of those workers were nurses and other caregivers. When I hear caregivers, I think of physical therapists, radiation technologists, nurse's aides.

Yet in spite of the fact that they had to eliminate 5 percent of its workforce, they are actually still hiring. How can that be? Let's listen to what the hospital's vice president, Mark Whitney said. He said:

We need to deal with new technology, new services, new regulations, electronic health records, government reporting requirements on quality . . . a lot of this is related to the new Federal health law.

So they are eliminating nursing positions, eliminating positions of caregivers and hiring more people to push paper.

The President and the Democrats in Congress promised their health care law would expand health insurance coverage. Look at what is happening now. More and more people are pushing paper.

It is interesting that what the President and Democrats did not tell the American people is that the health care law's oppressive mandates, burdensome regulations would actually cause health care employers to lay off or stop hiring the very health care professionals needed to treat patients.

Instead, the health care employers must be hiring more clerks, more administrators, more paper pushers, all in an effort to figure out and then comply with the health care law's rules and mandates. I do not believe that is the change most Americans wanted when they started to think about health care reform.

The second example I would like to give is from a column in the Washington Post, December 2 of this year—just a week or so ago—written by George Will. The article is titled "Choking on Obamacare." The article talks about the health care law's crushing insurance mandates and how those influence both small and large businesses in terms of their willingness to actually hire new workers.

When we have this kind of record unemployment, such as we are dealing with in this country, we want to have businesses hire more people, get people back to work. That is what makes America grow. That is what helps our economy, putting people back to work.

In the article, they use the example of Carl's Jr. and Hardee's restaurants. There are about 3,200 of those restaurants around the world. The parent company said they have created about 70,000 jobs, and they want to hire more workers. But the CEO of the company, Andy Puzder, said they cannot hire more workers because they don't know how much they will need to spend on health care. They are planning to spend about \$18 million on health care, and they say that is just a guess.

If someone is running a business, they want to be able to figure out what their future costs are going to be, and what the expenses are going to be, and they would rather have a little more predictability than just guessing. Thanks to the health care law's complex formulas and many regulations which have not yet been released and many of the uncertainties that continue to exist, this is a company that is going to have to guess about how much they will need to spend on health care.

What business can afford to guess what one of their largest costs is going to be? They are guessing they are going to have to spend about twice the amount of money on health care as they did building new restaurants last year. So they talk about building new restaurants—and those are construction jobs and jobs for the people who work in the restaurants providing services—and they are going to end up spending twice as much on health care as building new restaurants. It doesn't take a lot to realize that hindering a company's ability to build new restaurants means fewer available jobs for construction workers and for service suppliers in a struggling economy.

The CEO of the company is right when he says that "employers everywhere will be looking to reduce labor content in their business models as Obamacare makes employees unambiguously more expensive."

If we want to spur the economy and economic growth and job creation, Washington must take its shackles off our job creators. This is just one more reason why the President's health care law must be repealed and replaced.

I thank the Chair.

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

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CORDRAY NOMINATION

Mr. FRANKEN. Mr. President, I rise today to strongly support Richard Cordray, the President's nominee to be Director of the Consumer Financial Protection Bureau.

Three years ago our economy was tumbling into the deepest recession since the Great Depression. In the fall of 2008, the stock market was plummeting, unemployment was skyrocketing, and there were daily reports of yet another financial institution crumbling. Our economy was in a chaotic tailspin. That was only 3 years ago.

Today we are in a slow and tenuous recovery. Unemployment is still way too high. Millions of Americans are out of work and have been for some time. Long-term unemployment is stagger-

ingly high. Retirement accounts are still reeling. Yet in the Halls of Congress we are dominated by discussions of our Nation's debt and deficit. In fact, we are doing little else. These discussions are necessary. We need to tackle our deficits and our long-term debt. But as we do, we shouldn't lose sight of how we got here.

The lessons we learned in the aftermath of the 2008 crash shouldn't be so quickly forgotten. The crash of 2008 was driven in no small part by unfair practices in the mortgage industry which led to many consumers being trapped in loans they didn't understand and couldn't afford. It should come as no surprise that this was as a result of increasing deregulation of the banking industry.

So in response, Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act. Dodd-Frank, which was passed into law last year, sought to rein in abusive practices, protect American consumers, and prevent future meltdowns. One of the bill's centerpieces was the establishment of the Consumer Financial Protection Bureau. The CFPB is the first Federal financial regulator devoted solely to looking out for the best interests of American consumers and to do so before a crash and before any taxpayer-funded bailouts are necessary.

The CFPB's mission is a common-sense one. The CFPB is tasked with ensuring that consumer financial markets are fair and competitive; that consumers have clear information about financial products; that financial practices are not unfair, deceptive, or abusive; and that consumer financial regulations are improved and streamlined. The CFPB seeks to empower American consumers to make the best financial decisions for their families, and that can only help out our Nation as a whole.

Several months ago, on the 1-year anniversary of the enactment of Dodd-Frank, there was good news and bad news. The good news was that the CFPB officially opened its doors. It has already hired staff and begun some of its work. In fact, a while back I met with Mrs. Holly Petraeus, who is heading up the Office for Service Member Affairs at CFPB. She wanted to discuss a few problems that disproportionately harm members of our armed services.

We talked about ways to educate servicemembers about the potential downfalls of certain types of loans. This is exactly the type of work I am so happy that the CFPB has begun. That would be the good news.

The bad news is the CFPB still does not have a Director. Under Dodd-Frank, the CFPB cannot fully do its job until a Director is in place. It can do some things, but it will be limited until the Senate confirms a nominee. President Obama has nominated Richard Cordray. Rich is an impressive figure, and he has my full support.

Rich Cordray has been on the front lines protecting homeowners from