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Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are concealed, cleanse the thoughts of our hearts by the inspiration of Your Holy Spirit that we may perfectly love You and worthily magnify Your holy Name.

Lord, look with mercy upon our Senators and use them to heal the brokenness in our land. May they use their talents to lead people to replace fear with faith, cynicism with courage, and division with unity. Keep them from the forces that impede them from doing Your will.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 3, 2011.

To the Senate:

Under the provision of rule I, paragraph 3 of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will debate the motions to proceed to S. 1769 and S. 1786. One is a Democratic-sponsored infrastructure bill, and the other is a Republican-sponsored bill. The time until 3 p.m. will be equally divided and controlled between the two leaders or their designees. At about 3 p.m., there will be up to two rollcall votes. The first vote will be on a motion to proceed to S. 1769, the Rebuild America Jobs Act. If that is not successful, there will be a second vote on the motion to proceed to S. 1786. Both motions will require 60 votes.

We also expect to vote on a number of judicial nominations today.

REBUILD AMERICA JOBS ACT

Mr. REID. Mr. President, yesterday evening, I called my friend from Searchlight, NV, Arthur Fraijo. Arthur's family has been in Searchlight for many years. His mom and dad have passed away. I keep in touch with him. He is a wonderful, hard-working man. I said, "Where are you today, Arthur?" He said, "I am at work." I said, "You're kidding, where are you?" He was at this project out by Primm, a big solar project. I said, "How long have you been working?" I remember that he said it was a matter of weeks. It is the first job he has had in 3 years. He is an iron worker and he is working

now, and he is very happy. Here is an iron worker, a construction worker, who has finally found a job.

In Nevada we have thousands of other people who have been out of work for a long period of time—construction workers such as Arthur. Most are not fortunate enough to have a job such as he has. That is what our legislation is all about. The legislation we will vote on this afternoon deals with putting people back to work, hundreds of thousands of construction workers. This is a bill that does not add more deficit spending. It is paid for, and it is not an attack on millionaires and billionaires. Many millionaires and billionaires are very fortunate in that they may not, in a given year, make a million dollars but they still have assets, so they are millionaires and billionaires. We have made sure that a small percentage of Americans would help us put people such as Arthur back to work.

What we have suggested in our legislation is so reasonable and so fair. What we are saying is that people who make all this money—more than a million dollars a year—should contribute to the restructuring of our economy. The plan is paid for by asking these people to contribute a little more to get the economy back on track. We are not asking all millionaires and billionaires; we are asking the people who have made more than \$1 million a year to pay a little bit extra. It is the right thing to do. It amounts to two-tenths of 1 percent of the people who make money in America—two-tenths of 1 percent.

It is unbelievable that the Republicans have lined up in the past—and we have heard they are going to do the same thing today—in unanimous opposition to this commonsense plan that is supported by people all over America—not Democrats only, not Independents only, but Democrats, Independents, and Republicans.

Americans are crying for jobs, crying for us to pass this bill. This would put

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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3,000 or 4,000 people to work in Nevada. I think that is extremely important. And in every State it is the same. I talked to my friend from New Mexico yesterday, Senator BINGAMAN, the senior Senator, and he said it would put 4,000 people to work there. New Mexico's economy is not as troubled as Nevada's, but they are not doing as well as in years past.

This legislation levies a small tax on the top two-tenths of 1 percent of the American taxpayers. Their income has increased 275 percent over the last three decades. The top 1 percent of these people in America make as much as the other 99 percent put together.

We are being told that, well, we want to help you, but we have taken a tax pledge from this person named Grover Norquist. As Alan Simpson said, does that mean more than your country? If it does, he said you should not be in Congress.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

DUELING HIGHWAY BILLS

Mr. McCONNELL. Mr. President, we are going to see very different approaches to infrastructure and job creation today. The American people can decide for themselves which one makes more sense.

The Republican proposal extends the current highway bill for another 2 years, giving States and contractors the certainty they need to start new infrastructure projects and to create jobs.

The legislation Senator HATCH is proposing today puts an end to the uncertainty for the next 2 years. This proposal also gives States the authority to decide how this money is spent. If folks in Ohio or Kentucky want to build a bridge, Washington can't force them to build a bike path.

The Republican proposal accelerates the review period and clears away the bureaucratic redtape. The President admitted a few months ago that the shovel-ready projects in his first stimulus bill didn't turn out to be as shovel ready as he thought. Our proposal helps make sure they are.

Our bill prohibits the EPA from imposing burdensome and unnecessary new regulations on American cement producers and domestic boilers, so the cost of American-made materials for the projects paid for through this highway bill don't skyrocket just as they are set to begin. The bill keeps those costs down.

Best of all, it is fully paid for through funds that were originally appropriated for another purpose but not spent. Whatever is left over after these projects are funded goes to pay down the deficit.

The Democrats are taking a different approach. First, according to the CBO, the Democrats' proposal will do little for the economy and putting people back to work in the short term, because the money will be spent very gradually. According to the CBO, less than one-tenth of the funds in the Democrats' proposal will be spent next year. Less than one-tenth of the funds in the Democrats' proposal, which we will be voting on today, will be spent next year, and roughly 40 percent won't be spent until after 2015. This hardly matches the President's call for doing something "right away."

Second, it costs another \$57 billion we don't have.

Third, they want to pay for this temporary spending bill with a permanent tax increase on job creators. Again, they want to pay for a temporary spending bill with a permanent tax hike on job creators.

Fourth, they already know that Republicans and, yes, some Democrats, don't think we should be taxing job creators, particularly at a time when 14 million Americans are looking for a job—and that we will vote against any proposal that does so.

In other words, the Democrats have deliberately designed this bill to fail.

So the truth is that Democrats are more interested in building a campaign message than in rebuilding roads and bridges. Frankly, the American people deserve a lot better than that. The people of Kentucky deserve a lot better than that. The people in my State have serious, time-sensitive bridge projects—the Brent Spence bridge, I-69 bridge, Louisville bridges, and Sherman Minton bridge, which is currently shut down. They deserve better than that.

The Associated General Contractors of America and the U.S. Chamber of Commerce have already spoken out against the Democrats' proposal.

The rest of the American people can decide which approach they prefer: our proposal, which doesn't add to the deficit, doesn't raise taxes, empowers the States to make decisions on the local level, and is designed to gain bipartisan support or the Democrats' top-down approach, which perpetuates uncertainty, raises taxes on businesses at a time when we should be giving them more reasons to hire, not less, and which was designed in coordination with the White House political team to fail.

These are the two approaches on display in the Senate today. The choice should be obvious.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the highway bill has been worked on for months by Senator BOXER, who is the chairman, and the ranking member, Senator INHOFE. They have arrived at a conclusion.

I had a conversation yesterday with Senator INHOFE, and they have worked out almost all of the details on the bill.

We have to do something on this bill because it expires at the end of this year—the 1st of February, I believe.

My friend, the Republican leader, whom I care a great deal about personally, is absolutely wrong. The American people support our approach. Seventy-six percent of the American people like it. People of all political definitions support it. Why? Because it is so fair.

We are asking the top two-tenths of 1 percent of people who make money in this country to contribute a surtax of seven-tenths of 1 percent of money they make over \$1 million.

Job creators? I don't think so. The funding mechanism the Republicans use this time is in violation of the agreement we made last July. We have an agreement. We have cut domestic discretionary spending enough. That was the agreement we made. What they have done is come back to whack it more, which, I repeat, is going back on our agreement on how much we are spending on appropriations.

Not only that, but the Republicans do what they have done time and time again. We all know we would be better off if we didn't have as many regulations as we have. That is why every President, including Presidents Bush and Clinton, have done their best to eliminate unnecessary regulations. President Obama is doing the same thing. The Republicans come here and say that the way to create jobs is to get rid of regulations. On this way of paying for this—this smoke and mirrors that they have—they want to block implementation of health care reform, leading to higher costs and more uninsured Americans; block Wall Street reform, increasing the risk of future financial crises and taxpayer bailouts. Can you imagine, at this stage, that we would want to increase the power of those on Wall Street? I don't think the American people care about that. Also, they want to block antipollution protections, leading to dirtier air and more premature deaths and illness. They want to weaken food safety protections and weaken worker safety protections. I, of course, will urge my entire caucus to vote against this because it is the typical approach the Republicans have used, and it has not created a single job—a single job.

There is commentary in today's newspapers about what the House has been doing. They haven't done anything to create jobs. With that extremely powerful Republican caucus, they have done nothing—nothing—to create jobs.

Now, Mr. President, I am glad we have a motto that says "In God We Trust." But can you imagine, they voted yesterday whether we wanted to emphasize, to underline and underscore "In God We Trust." They spent yesterday debating that issue in the House of Representatives. That didn't create a single job.

There is not a single Senator who does not trust in God, that I know of.