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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Dr. Joseph Vought, senior pastor of Community Lutheran Church in Sterling, VA.

The guest Chaplain offered the following prayer:

Let us pray.

God of grace and glory, in whom all righteousness, peace, and goodness are found, You have created us in Your image, given us a world of good gifts and the blessing of this land we call home.

Send Your spirit of wisdom, discernment, and grace to these elected servants. Take away any fear or prejudice that may keep them from civil discourse, good will, and mutual endeavor. Remind them of their calling to serve, and inspire them to make decisions which promote the common good, ensure justice and liberty for all, and make this Nation a beacon of hope for the world.

In Your holy Name we pray. 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 2, 2012.

To the Senate:

Under the provisions 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 be in a period of morning business until 11 a.m. this morning. The majority will control the first half and the Republicans the second half. Following morning business, the Senate will resume consideration of the STOCK Act. We worked very hard until late in the evening last night to try to come up with an agreement to complete action on this bill. We will notify Senators when those votes are scheduled. We hope that can be done.

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, there will now be a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10

minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. 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.

AMERICAN BUSINESSES

Mr. DURBIN. Mr. President, over the last several months, I put my staff on a little mission. I asked them to identify manufacturing companies in my home State of Illinois that have not only weathered this recession but are doing well and are hiring. I wanted to meet with these companies and find out why the recession has treated them differently, particularly when it comes to manufacturing jobs. I have been pleasantly surprised at how many businesses I have found to be in that condition in my State. Not to understate our unemployment rate or the impact of the recession on many businesses, the fact is there are some that have not only weathered the storm but are doing quite well, and they represent a variety of different goods that they manufacture.

The heartening and encouraging news is that we are hearing more often that companies have decided to re-source their jobs back to the United States. In his State of the Union Address, the President spoke of one such company, Master Lock, located in Milwaukee, WI, which he noted has now announced that they think America is the best place to make products and do business. That is a good trend we want to encourage.

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



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We know we have lost a goodly share of manufacturing jobs over the last several years. In the year 2000, more than 17 million Americans were employed in manufacturing. Ten years later, the number had fallen to 11.5 million—from 17 million to 11.5 million. More than 300 of those jobs were lost in my home State of Illinois in that decade, from 2000 to 2010.

But American manufacturing is growing again. One of the real good news stories is Chrysler. I am sure the Presiding Officer remembers the controversy when General Motors and Chrysler faced bankruptcy and the possibility of literally going out of business. In my lifetime, other car manufacturers have gone out of business. The President decided—and rightly so—that we could not afford to lose those jobs. So we engineered a loan with General Motors and Chrysler, premised on their changing the way they did business.

Many critics said that was the wrong thing to do, the capitalist purists who were saying: No, no, these things happen. Companies go away, and new companies emerge; General Motors and Chrysler should be allowed to go gently into the night.

President Obama disagreed. Many of us disagreed. And he put a downpayment on the future of the American automobile industry which has paid off handsomely. Just this last week, the major auto manufacturers—Ford, Chrysler—announced recordbreaking profits. They have restructured. They are selling a better product, they are doing it in a better way, and they are now competitive. The American people are buying their products. General Motors has come back strong.

Just by way of comparison, I recently read that if you look at the total number of employees in certain companies, it gives you an idea of why some have more value overall to the economy than others. We all know Facebook. We hear about it all the time. When somebody asks to take my picture, I laughingly say: Do you promise you will put it on Facebook? And they laugh out loud because that is exactly what they are going to do, instantaneously. Facebook has about 3,000 employees in America. We all know Google. We use it every day—I do—to find information and to access different sites. Google has about 30,000 employees in the United States. How many employees are there in General Motors' direct employment? A hundred thousand.

When the President said that we need to invest in the automobile industry, it was a decision based on the need for good-paying jobs right here in America. Well, I can tell you, when it comes to Chrysler, it was an investment that paid off for my home State of Illinois. This week, Chrysler is announcing that it will be adding 1,600 manufacturing jobs at its plant in Belvidere, IL. I was encouraged when I met with the CEO of Chrysler and he said it is one of the

most efficient and cost-productive plants in all of Chrysler Corporation, and it should be expanded.

In November, Caterpillar, the largest exporter in my State, the largest manufacturer, announced a \$600 million investment in its plants in Decatur and Peoria, IL, and they are going to bring back hundreds of jobs to our area.

American companies are beginning to realize that manufacturing products right here in the United States can be profitable again. That is good news for Illinois and good news for America. Manufacturing was the backbone of the American economy for decades. We may never see it return to its heyday, but we should take steps to strengthen it.

In the State of the Union Address, President Obama laid out a number of key steps to boost manufacturing and ensure that more products have these three key words: "Made in America."

The President's proposal builds on legislation that I introduced personally in 2010 to reduce the tax benefits that companies can claim when they close factories here in the United States. Hard as it may be to believe, the Tax Code rewards and compensates those companies that decide to close down manufacturing in the United States and move it overseas. The Tax Code currently allows companies moving operations overseas to the deduct their moving expenses and reduce their taxes in the United States as a result. It is a direct subsidy to move a job overseas. It is just common sense that taxpayers should not be helping companies cover the cost of outsourcing jobs.

The President is also taking important steps to encourage insourcing—when companies close operations overseas and move jobs back to the United States. Specifically, the President is calling for a 20-percent income tax credit for the expenses of moving operations back into the United States to help companies bring jobs home.

He also proposed a new credit for investments that help finance projects in communities that have suffered a major job loss event, and every one of our States has one. It might be the steel mill in Hennepin, IL, the tool manufacturers in Sterling-Rock Falls, the appliance factory in Galesburg, or the farm equipment factory in Canton, IL. Too many communities have suffered dramatic layoffs when plants have shut down over the last several decades. We have all seen the stories. We have all met the people who have seen their lives changed dramatically because of those decisions. Without new investment, many of these communities will continue to struggle.

The tide is starting to turn for American manufacturing, but we can do more to make growth in that sector stronger and faster. We may never return to the forties and fifties, but there are some things we can do. One of the things I found interesting as I visited these plants that were trying to hire people in manufacturing was the obstacles they were running into.

We have a State with a lot of unemployment, over 8 percent. In some parts of the State, it is over 10 percent. You wonder how in the world with so many people out of work there would be good-paying jobs unfilled. It turns out, I found, as I traveled around the State, those in manufacturing who want to hire new employees run into three obstacles.

The first obstacle is that people applying for a job don't have the skills necessary to work in manufacturing today. Those who have not seen it personally may not know what manufacturing looks like today. It is much different than the image of 30, 40 years ago. The plants themselves are much cleaner operations, and most of them are computer driven. Unlike the old days of steam and dirt in every direction, those aren't the manufacturing plants of today, in many instances, across America.

What they are looking for in applicants for industrial maintenance, for example, which is a major area of need as baby boomers age out and retire—industrial maintenance requires that the applicant have more than a passing knowledge of mathematics and computers. If they don't, frankly, they are walking into an environment where they cannot be of much help.

In some areas—in Danville, for example—a local manufacturer is teaming up with the Danville Community College to take those who don't possess the right math and computer skills and train them at the expense of the company so they can go to work. The same is true in my State over and over again. The community college links up with the manufacturing concern and starts training employees so they will be ready to fill the jobs, at the expense of the company.

The second obstacle is a psychological one which I hadn't thought about. It turns out that many parents, when the son says they are hiring at such-and-such a business, will say: Wait a minute. I didn't want you to grow up working in a factory like your dad. I wanted you to have a job where you wear a coat and tie. Didn't you go to community college? You ought to do better than that. It turns out there is a prejudice against working in factories, even though, as I said, they are much different and the compensation is much better than some other alternatives. They are having open houses at many factories in Illinois so families and high school counselors can see what they look like and see that they are not the image they might have in their mind.

The third obstacle is one that is very practical. Before an employer would put an employee in charge of a multi-million-dollar, computer-driven manufacturing process, they would want to make sure the employee is not only skilled but sober. That means drug tests. Many of these would-be applicants for manufacturing jobs fail drug tests time and again. Why? They have

grown up in a generation that says marijuana doesn't count, and they are wrong. Or they are engaged in other drugs. They just cannot expect to be taken seriously as a job applicant if they cannot pass a drug test. They will not get through the front door.

Those three things—basic skill and training, attitudes of families toward jobs in manufacturing, and the drug tests—have turned out to be the three obstacles that have been raised time and again all across Illinois. But we can overcome each one of them, and we should. We can fill these jobs, good American jobs, with skilled set people who can produce for this country for many years to come.

CITIZENS UNITED

Mr. DURBIN. Mr. President, this year's political campaigns are different than just 2 years ago. There is a dramatic infusion of money from so-called super PACs. Now we are starting to learn the identity of those who were behind it. Just yesterday there were disclosures about some of the contributors. Many of the names are familiar—the same very wealthy people who have, time and again, been engaged in our political process. The new approach, of course, is that there is no limitation in what they can spend. In addition, there is little disclosure on a timely basis.

There are a lot of reasons for that. One of them is the Supreme Court decision in *Citizens United*. It may be as flawed a decision as that Court has ever made: to equate corporations and special interest groups with average Americans when it comes to our political process and say speech is money, money is speech, and say, basically, there are no rules or limits in terms of what a special interest group or a corporation can spend in our political process.

I cannot think of a more corrupting influence. We know politics and campaigns have become more expensive in this country every year. Those of us who are engaged in this business have, over our political lifetimes, seen a dramatic evolution in terms of how money is raised and spent. I can recall, in my first race in 1982 for the U.S. House of Representatives, raising and spending what was then almost a record amount in a House race against an incumbent Congressman of \$800,000. It was a huge amount of money then, as I said, one of the most expensive congressional races to date. I waited anxiously for a \$25,000 check from the Democratic National Campaign Committee they had promised, but it never showed up. But \$25,000 was a big deal.

Look where we are today. It is not unusual for candidates for Congress and the Senate to spend millions of dollars routinely in electing and reelecting Members of the House of Representatives. On our side of the Rotunda just dramatically increase those numbers, and you will see the basic po-

litical field we play on in political campaigns.

The *Citizens United* decision was a step in the wrong direction. It wasn't that long ago when two of our own—a Republican, JOHN MCCAIN, and a Democrat, Russ Feingold of Wisconsin—teamed up to end soft money in politics and to try to bring down the infusion of money from outside interests. They took years to reach their goal. Finally, when they did, after being challenged in court, they were picked away at over the years, and now with *Citizens United*, they have been toppled completely. Now the field is wide open.

Whether we are talking about the need to reduce the deficit, reform the Tax Code, create jobs, most everybody knows different parties have different ideas. What many people don't know is that there are special interest groups that have their own agenda and ideas on these and so many other issues. It is just hard for Presidential candidates and Members of Congress to navigate through or around the special interests that have now become such an integral part of campaigns. The major donors in the *Citizen United* decision are a major force in American politics.

I believe the overwhelming majority of people serving in the House and Senate in both parties are honest and hard-working people. I believe they are guided by good intentions. We are nonetheless stuck in a terrible, corrupting campaign financing system. That decision by the Supreme Court 2 years ago made our system so much worse that I think the only thing that can save it—literally save it so our democracy is protected—is a dramatic change.

After *Citizens United*, corporations and unions can spend as much money as they want to influence the Presidential race, as well as congressional elections, and the Federal and State and local elections as well. In 2010, for the first time ever, spending on House and Senate races exceeded \$1.6 billion. Outside groups spent 335 percent more on congressional campaigns than just 4 years earlier. Those numbers are still like a drop in the bucket compared to this year, this election cycle. The super PAC money is being used, as we have seen in the Republican Presidential primary, to fund negative, deceptive ads in support of candidates who are loosely, albeit not officially or formally, connected to those running super PACs.

I think of the situation with former Speaker of the House Gingrich. One man and his wife have literally financed Gingrich's campaign in two States, with \$5 million contributions in each of those States, as I understand it. That, to me, is a corruption of the process. You can bet that big business isn't going to be shy about engaging in the *Citizens United* strategy of spending money to influence the outcome of elections, and you can bet it will impact those of us who serve in the Senate and House. We know every single

day as we vote, there is the potential for some special interest group out there deciding that is the breaking point; that from that point forward they will do everything in their power to defeat us, and they can spend as much as they want to get the job done. It is a humbling, sobering reality from the *Citizens United* decision.

Well, there is an alternative. One is a resolution that has been offered by the Presiding Officer, which I am cosponsoring. That is a constitutional amendment that would reverse *Citizens United*. We all know how uphill that struggle will be, but at least we have staked out a position to say we have to overturn this decision; we have to go back to the days of accountability and manageability when it comes to financing campaigns. I applaud the Presiding Officer, the Senator from New Mexico, for his leadership on that issue.

There is another issue too, one that I think we should continue to bring up and discuss. It is called Fair Elections Now. The Fair Elections Now Act is a bill that I have introduced in many Congresses. It would dramatically change the way congressional campaigns are funded. It would make super PACs irrelevant. The bill would allow candidates to focus on the needs of the people they represent regardless of whether those people are wealthy or whether they donate to a super PAC, attend a fundraiser, or try to find special access to a candidate.

Candidates in the fair election system would not need a penny from special interest lobbyists or corporations to run their campaigns. Under this system, qualified candidates for Congress—and to qualify, they would need to raise small contributions in volume in the State they are running in—those qualified candidates would receive grants, matching funds, and television broadcasting vouchers from the fair elections fund to help them run competitive campaigns. In return, candidates who voluntarily participate in the fair election system would agree to only accept campaign donations from small-dollar donors in their States.

We pay for the fund by asking businesses that earn more than \$10 million a year in Federal contracts to pay a fee of one-half of 1 percent, with a maximum amount of \$500,000 per year. That would fund it, and it would make certain that under the fair election system we would have public financing and we would put it into this money chase that I believe is not only corrupting our campaign system but could someday corrupt the very government we are proud of and represent as elected officials.

It is time to reform our system. I am afraid, as I said in one gathering recently, if you are a student of history, it takes a massive scandal or crisis to create a massive reform. I hope that doesn't happen. I hope we have the good sense to move toward reform