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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. YODER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 26, 2013.

I hereby appoint the Honorable KEVIN YODER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title without amendments in which the concurrence of the House is requested:

S. 298. An act to prevent nuclear proliferation in North Korea, and for other purposes.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

CITIZENS UNITED DECISION DEEPLY FLAWED

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SCHIFF) for 5 minutes.

Mr. SCHIFF. Late last year, the Supreme Court overturned a century-old Montana law that prohibited corporate spending in that State's elections. In the Montana case, the Supreme Court had the chance to revisit its deeply flawed 2010 decision in *Citizens United*. But despite the urgings of members of the Court itself and a public shell-shocked by the recent torrent of unregulated corporate expenditures, the Court chose instead to double down and reaffirm the conclusion of *Citizens United* that corporations are people—at least as far as the First Amendment is concerned.

As a legal decision, the *Citizens United* opinion was remarkable in many ways: in its willingness to overturn a century of jurisprudence, in its choice to issue as broad a ruling as possible rather than as narrow as the case and the Constitution required, and in its reliance on minority or concurring views in prior decisions rather than the prevailing opinions in those same cases. As Justice Stevens pointed out in a striking dissent, nothing had really changed since prior controlling case law except the composition of the Court itself. So much for stare decisis.

But what stood out most about *Citizens United* was not the Court's legal reasoning, but its staggering naivete, as the Court confidently declared:

We now conclude that independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption.

Unfortunately, the five Justices who joined this opinion must be the last five Americans to feel that way. Certainly none of the evidence before the Court in *Citizens United* or the Montana case compelled a conclusion so at odds with reality.

To be fair to the present Court, they did not invent the distinction between direct contributions, which can be regulated, and independent expenditures, which may not. That flawed distinction

goes back more than 35 years to *Buckley v. Valeo*, where the Court attempted to place limits on both forms of campaign spending. In *Buckley*, the Court felt that there was a compelling State interest in regulating contributions to candidates but that there was not yet sufficient evidence of a similarly compelling need to regulate independent expenditures, but the Court acknowledged the need to revisit that conclusion in the future if events should prove otherwise.

Events have most certainly proved otherwise following *Citizens United*. Since that decision, corporate expenditures have reached in the billions of dollars, and the "independence" of those expenditures—their theoretical separation from the officeholders they are intended to influence—is a fiction no one buys anymore. The proliferation of super PACs and their outsized influence on House, Senate, and Presidential politics is beyond dispute by all except those five Americans who happen to sit on the Court.

But if the Montana case makes anything clear, it is that the Court has dug in. No amount of unrestrained spending, no appearance of impropriety or actual corruption of our system is likely to dislodge this newly entrenched precedent from the threat it poses to our democracy. Regrettably, a constitutional amendment is required for that.

Fortunately, one of the Nation's preeminent constitutional scholars, Harvard law professor Lawrence Tribe, has drafted one, which I have introduced as H. Res. 31. It provides simply:

Nothing in this Constitution shall be construed to forbid the Congress or the States from imposing content-neutral limitations on private campaign contributions or independent election expenditures.

The amendment also allows, but does not require, public financing of campaigns when States choose to enact such laws, providing:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Nor shall this Constitution prevent Congress or the States from enacting systems of public campaign financing, including those designed to restrict the influence of private wealth by offsetting campaign spending or independent expenditures with increased public funding.

The tidal wave of independent expenditures creates an unmistakable appearance of impropriety, and over time it cannot help but corrupt. The Court having failed to bear witness to these debilitating changes since Buckley, the people have the power to act. Independent expenditures, like direct contributions, should be subject to reasonable limits and should be transparent. And corporations are not people; for if they were, as Justice Stevens points out, how could we deprive them of the right to vote?

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, thank you very much.

Like most of my colleagues last week when we were home, I took as many opportunities as possible to speak at civic clubs, meet with groups of people, and talk about a range of issues. But I also always brought up the fact that we continue to fund a failed policy in Afghanistan. I was pleased and also humbled by the response from these groups as they agreed with me totally; and many of these groups, Mr. Speaker, were actually veterans. I represent the Third Congressional District of North Carolina, the home of Camp Lejeune, Cherry Point Marine Air Station, and we have over 60,000 retired military.

Those who were in the military who are now retired said, You're absolutely right; why doesn't Congress wake up? There's nothing we're going to change in Afghanistan. Stop wasting lives and spending money.

Mr. Speaker, that brings me to this. On Monday, an AP article:

Afghan President Hamid Karzai on Sunday ordered all U.S. special forces to leave Wardak within 2 weeks and requested that their operations there cease immediately. The restive province, which neighbors Kabul province and is viewed as a gateway to the capital, has been the focus of counterinsurgency efforts in recent years.

Why do we fund a man that doesn't even like us? I don't understand that at all. How in the world can the Congress in its wisdom not speak out and say, Listen, you're talking about a 10-year agreement after 2014? How can a country that's financially broke commit to 10 more years after 2014? I do not understand that.

In fact, I have introduced, with ROSA DELAUNO, H.R. 125, the Congressional Oversight of Afghanistan Agreement Act of 2013, which is a bipartisan bill introduced by us, and we are reaching out to our other colleagues to say, Congress, let's get on the floor. Let's debate whether we should stay there 10 years after 2014 or not.

Mr. Speaker, I sincerely believe that the American people would back this legislation because the American people have seen the total chaos right here this week, last week, and the next couple weeks to come talking about sequestration. But I don't think the leader of Afghanistan is worried about sequestration because we're going to send him all of the money he wants while we tell the American people, We're going to cut your jobs; we're going to cut your programs. That, to me, is absolutely ridiculous and unacceptable.

□ 1010

Mr. Speaker, it is time for the American people to say to Congress, let's start rebuilding America and stop rebuilding the rest of the world.

Mr. Speaker, beside me is a poster of a young Army officer who lost both legs and an arm. We fail to realize here in Congress, maybe not all of us, but some of us, that we're still at war. Young men and women are still getting their legs blown off, they're losing their lives many times—not as often as in the past. But let's wake up, Congress. Let's start debating what we're going to do to rebuild our country and stop trying to rebuild the rest of the world.

In closing, Mr. Speaker, I will ask God to please not let the American people and not let Congress forget that we have young men and women in Afghanistan. And I will close by asking God to please bless the United States of America and let us never, never forget the sacrifice of war.

SEQUESTRATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Thank you very much, Mr. Speaker.

Today, Mr. Speaker, we continue an unfortunate and unnecessary countdown to the irrational and reckless automatic cuts the Republican policies will impose. The countdown stands at three days. Unless Congress acts by Friday, the cuts will take effect, with dangerous results across the country and in the Fifth District of Maryland, my district.

Approximately, 46,000 civilian defense personnel will be at risk of being furloughed at installations in Maryland, including Pax River, Webster Field, Indian Head, and Joint Base Andrews. This will undermine their ability to serve our Nation and keep America safe.

Federal defense contracts could be canceled or reduced, which will translate into lost jobs—an economic hurt for the communities they affect.

There will be cuts to the FDA, which, as I said, are in Maryland's Fifth District. National FDA cuts could result in fewer food safety inspectors for consumers.

And children will be kicked out of Head Start. There will be longer wait

times for those seeking to access job-training and placement services. Our first responders will lose much-needed personnel.

This year alone in Maryland, the sequester could mean up to 500 fewer victims of domestic violence receiving critical services. And around 2,050 children unable to receive vaccines for communicable diseases like measles, mumps, whooping cough and the flu. This is not a rational way forward.

Law enforcement could lose about \$317,000 in my own State for this year in grants that support crime prevention and drug treatment and enforcement.

Mr. Speaker, the people of my district are hardworking folks who just want the chance to pursue the American Dream. Many of them are Federal employees who have already been forced to cut back as a result of some of the actions that we've taken. Others are defense contractors who support our men and women in uniform who are at the point of the spear and rely on these defense contractors to keep them well-equipped and well-trained. They cannot afford the arbitrary, irrational cuts that are set to take effect in just 4 days.

Even if some here believe Congress does not have a responsibility to create opportunities, at least I think we can agree that Congress has a responsibility not to prevent them. I believe Congress has an important role to play in making sure our businesses can compete, our communities can thrive, and our people can make it in America.

That's what is at stake in the policies that we are confronting today. They remain extremely disappointed that some in this Chamber are actively supporting the sequester's painful and indiscriminate cuts as a viable path forward. As a matter of fact, many Members on the Republican side have said "bring it on, this is what we want to do." To do so, in my opinion, is gravely irresponsible.

Marylanders, and all Americans, deserve a Congress that takes our challenges seriously. None of our challenges are more serious or more immediate this week than the dangers of allowing the cuts to take effect.

That's why I have cosponsored a bill with Mr. VAN HOLLEN and many others on the Democratic side of the aisle to replace the cuts for the remainder of the year with a balanced approach to reduction, a balanced approach which will bring down our deficit, bring down our debt, but will do so in a responsible way.

Mr. Speaker and Mr. Majority Leader, you have the power to bring that bill to the floor today. And if you don't agree with it, don't vote for it. But allow the American people to see their representatives have the opportunity to vote for a rational policy so that we do not pursue an irrational policy that will undermine jobs in America and the growth of our economy.

Only a balanced solution can achieve the savings we need and still afford our