United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, TUESDAY, JULY 10, 2012 *No. 102*

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 10, 2012.

I hereby appoint the Honorable STEVEN M. PALAZZO to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, 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.

AFGHANISTAN

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

Mr. JONES. Mr. Speaker, like all of my colleagues, I went home to my district as the other Members went to their districts. I live in eastern North Carolina. As do a lot of people, I love my district, and I'm getting the same message: Why are you still in Afghanistan? Why don't you Members of Congress vote to bring our troops home? Why are you spending the money we don't have, and young men and women are getting killed?

Again, I'm coming to the floor of the House and reporting on a book I'm reading. It's called ''Funding the Enemy: How U.S. Taxpayers Bankroll the Taliban.'' That's the whole issue. We have defeated bin Laden. He is dead. Al Qaeda has been dispersed all around the world, but we continue to fund a corrupt leader who will not survive in the long term. We all know that, but yet we're playing this little game of spend the American taxpayers' money to keep him in office, and let's borrow the money from the Chinese that we're spending—because that's the way it's happening—to keep Karzai in office. Seventy-two percent of the American people have agreed with most of us in the House—not all—that it's time to bring our troops home. There is not one thing that we're going to accomplish over there.

Mr. Speaker, when I saw the national security agreement that the Secretary of State and this administration have signed with Afghanistan, what we're talking about is, after 2014, we will continue to have a military presence of anywhere from 25,000 to 30,000. We are spending approximately $4 billion a month—that's probably a lowball figure, Mr. Speaker—but $4 billion a month for 10 years. That adds up to about $480 billion in addition to what we've already spent, which is over $1 trillion, in Afghanistan and in Iraq. The poor American people are paying the taxes and are getting their programs cut for children, for schools, for senior citizens, for health programs. Yet we in Congress continue to fund the war in Afghanistan.

Mr. Speaker, this book is an eye-opener to the fact that the Taliban is the biggest recipient of our taxpayers' money, going to pay to kill American kids. I'm going to keep bringing this to the floor until I finish the book, and I'm about halfway through.

Its summary says:

This is the first book to detail the toxic embrace of American policymakers and careerists, Afghanistan kleptocrats and the opportunistic Taliban. The result? U.S. taxpayers have been footing the bill for both sides of a disastrous Afghanistan war.

Mr. Speaker, this past weekend, we had eight Americans killed—eight Americans killed. I write families. I have signed over 10,740-some letters to families across this Nation because I bought the lie by the previous administration that said Saddam has weapons of mass destruction, which he never did have. So I will continue to come to the floor at least once a week, several times a month, and talk about the fact of buying this book for every Member of Congress, which is called, ''Funding the Enemy: How U.S. Taxpayers Bankroll the Taliban.''

When I listen to our debates on the floor—sometimes part of them, sometimes not—talking about cutting Federal programs for those people who need them the most—but yet we will find the $8 billion a month to send to Karzai—and when we keep sending our soldiers, marines, sailors, and airmen over there so they can be shot and killed and have their feet blown away, it is time for this Congress to wake up. When we debate the appropriations bill for the Department of Defense, I hope we will be permitted to bring amendments one after another to the floor, asking Members of Congress to bring our troops home.

Mr. Speaker, with that, I will ask God to please bless our men and women in uniform.

I will ask God to please, in his loving arms, hold the families who have lost children in Afghanistan and Iraq.

I will ask God to please bless the House and Senate that we will do what is right in the eyes of God for God's people today and God's people tomorrow.

I will ask God to please bless President Obama that he will do what is right in the eyes of God for God's people today and God's people tomorrow.

I will close by asking three times: God, please, God, please, God, please continue to bless America.

PATH TO THE 2012 FARM BILL

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

Mr. BLUMENAUER. Mr. Speaker, this week, the House Agriculture Committee will consider not just the farm bill, but also one of the most important pieces of health legislation, environmental legislation, and vital economic development for rural America. It should be on the radar screen of every Member of Congress, whether one represents rural or urban districts. All of our constituents benefit from a vibrant agricultural sector.

The House is looking at its own legislation. The Senate has passed a bill. I must say, the Senate bill was a start. There are some provisions in it which I think are worthy of support, but it falls short in overall reform. There is no reason in an era of great concern about reducing Federal deficit spending, about improving nutrition and strengthening rural America that we can't do a better job. Currently, the majority of farmers and ranchers get no support from the Federal Government, and the assistance is concentrated in the hands of a few. This is an opportunity for us to look carefully at the House draft and to, hopefully, improve upon it.

One particular area deals with the cap on commodities and risk management. The Senate bill has at least a modest reduction in dealing with direct payments, but the House draft would increase those provisions to $125,000 and to $250,000 for married couples—an incredibly high limitation. And sadly, the House draft would leave intact current loopholes that would allow many wealthy, nonfarm investors to collect multiples of the existing payment cap.

Another area of significant agricultural subsidy that cries out for reform is the area of crop insurance. This is something that independent analysts have looked at for years. Too much of this is concentrated for a few. It puts too much burden on the individual taxpayer, and there is too much benefit for those who need it the least. In the House proposal, there is no requirement to link the recipient of crop insurance to the protection of soil and wetlands, thereby compounding future losses; and it does not reduce the subsidy rate for wealthy farmers and investors with high adjusted incomes.

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Most concerning is the new provisions that are termed ''shallow-loss revenue,'' where they're creating new, long-term protections that really come at a potentially high price tag. Instead of moving forward with this being an area to reduce subsidy, it has been noted by independent analysts that if commodity prices fall over the course of the next decade significantly, all of the purported savings would disappear under this enhanced shallow-loss provision.

There are unwise reductions in the conservation and energy titles. In fact, there's no funding whatsoever in the energy title in the House bill, unlike, at least, the Senate bill with $800 million. But more significant is a reduction in the conservation stewardship program. It would limit the enrollment to 9 million acres, as opposed to the current 12.8 million acres that are available. This is despite the fact that currently with a 30 percent higher acreage level, 50 percent of the farmers who want to take advantage of this to protect the land and promote habitat for wildlife and water quality are turned away.

Another provision that looks like an improvement is actually a problem. It increases the EQIP program, the Environmental Quality Incentives Program. It increases the limitation by $450,000, a 150 percent increase. What this does is open the floodgates for very large, confined animal feedlots that are going to end up swallowing most of this money and not making it available for others. At the same time, it reduces the amount available for organic farmers.

I hope my colleagues will look carefully at this legislation because we need to do better for America's farmers and ranchers, for wildlife and the environment, and for the taxpayers.

THE HIGHEST COURT IN THE LAND IS THE AMERICAN PEOPLE

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

Mr. MCCLINTOCK. Mr. Speaker, in the wake of the Supreme Court decision on the so-called Affordable Care Act, the House will once again take up the imperative of repealing it.

But the Supreme Court decision has much more dire implications for our Nation and for its cherished freedoms than merely affirming the government takeover of our health care. In reaching its conclusion, the Court obliterated the fundamental distinction between a penalty and a tax. Congress has the power to lay and collect taxes; and, therefore the Court reasons, it can apply a tax for any reason, even those otherwise outside the confines of the Constitution.

In this case, the Court ruled that Congress could not impose a law requiring citizens to purchase a government-approved health plan under the Commerce Clause, but it can impose exactly the same requirement as a tax. If it can't fine you for disobeying, it can certainly tax you for disobeying. Mr. Speaker, if the government fines you $250 for running a red light or taxes you $250 for running a red light, the effect is the same. What's the difference?

Actually, there are two critical differences. First, as a fine—as a penalty—the burden of proof is on the government to prove that you ran that red light. As a tax, the burden of proof is on you to show that you did not run it. Anyone who has ever undergone an IRS audit knows exactly what I mean. This decision fundamentally alters the most cherished principle of our justice system, the presumption of innocence.

There is a second even more chilling difference between a penalty and a tax. Under our Constitution, no penalty can be assessed without due process. You cannot be punished until you have had your day in court. But to challenge a tax, you must first pay that tax before you can seek redress through the court. You are punished first and then tried. This is the madness of Lewis Carroll's Red Queen brought to life: Sentence first—verdict afterwards.

Under this decision, Americans may now be coerced under the threat of the seizure of their property to take any action the Federal Government decrees without any constitutional constraint, enforceable in a manner that denies both presumption of innocence and due process of law. By this reasoning, it can now tax speech it finds offensive, tax people who choose not to go to church or people who do, tax people who own guns or people who don't. As long as we call it a tax under this decision, there are no limits to the power of the Federal Government.

I believe this decision will go down in history as one of the most deplorable ever rendered, taking a place of infamy next to Dred Scott.

If the Court has failed to defend our Constitution, then what appeal is left us? There is one. The Constitution does not belong to the Federal Government. Its ownership is made crystal clear in its first three words: ''We, the people.'' As Ronald Reagan said:

> The Constitution is not the government's document telling us what we can and cannot do. The Constitution is the people's document telling our government those things that we will allow it to do.

Thus, the Supreme Court is not the highest court in the land. That position is reserved to the rightful owners of the Constitution, the sovereign American people through the votes that they cast every 2 years.

The infamous Alien and Sedition Acts were never struck down by the Court, but the American people did that in the election of 1800. The Supreme Court declared that American slaves were outside the protection of the Constitution when it struck down the Missouri Compromise, but the American people reversed that decision in the election of 1860.

Let us pray, while we still can—before that is taxed—that this infamous decision will be repudiated by what is actually and rightfully the highest court in the land, the American people.