

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.

□ 1010

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.

## PRETEND LEGISLATION

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

Mr. DEFAZIO. Repeal and replace. If multiple failed attempts constitute delivery on a promise, the Republicans have delivered in spades.

Today, the House of Representatives, for the 31st time in this session, will take up legislation to repeal all or part of the Affordable Care Act, so-called "ObamaCare." There have been 31 attempts tying up the floor of the House. One's enough. We already did it the first or second day we were here. The Senate is not going to take it up, but repetition is their mantra here for pretend legislation.

They could take up real legislation. In fact, they had an opportunity as part of today's faux repeal to take up my legislation, which passed the last House of Representatives with massive bipartisan support, which would provide lower health care costs and health insurance costs for every American. That was real legislation.

Why won't we do that? Maybe because it would upset the insurance industry, and they're awful generous at campaign time on that side of the aisle. Maybe. I don't know why.

I offered to the Rules Committee an amendment to take away the antitrust immunity of the insurance industry. Yes, the insurance industry can and does get together behind closed doors and collude to drive up your rates, to exclude your coverage, and do a whole host of other things. They have been somewhat constrained by the Affordable Care Act in some of their collusive practices. Actually, the House version of the bill contains repeal of the antitrust amendment. The Senate, due to, as I understand it, one Democratic Senator, BEN NELSON, failed to include it in their version of the law. We had a separate vote later in the House. Over 400 Democrats and Republicans voted for it. It's common sense.

They want to talk about free enterprise. It's not free enterprise when an industry can get together and collude to screw consumers. It's just not. That's not free enterprise.

My amendment was not allowed. So we're just going to have another fake debate about repealing all of ObamaCare. Let's think about their vision here. Remember, it was repeal and replace. Where is the replace part? They're not talking about the replace part. That's strange. I guess they just want to go back to the way things were—status quo. That would be in the 10 years before ObamaCare, the Affordable Care Act, health insurance premiums were up 100 percent. That's an average of 10 percent a year.

□ 1020

Let's go back to those good old days. Uninsured, up from 35 to 44 million, during those same 10 years. Let's go back to those good old days.

Rescissions? Wow, the industry could and did refuse to renew your policy or take it away when you got sick, due to

technicalities. That was called a rescission, a dirty little secret. That was outlawed by the Affordable Care Act. They want to bring that back. Give the industry the right, when you get sick with cancer, to take away your policy even though you have been paying your premium for 20 years at these inflated rates.

Then, denial of coverage, of course, we'll bring back denial of coverage—any preexisting condition. Nope, sorry, we won't sell you a policy.

Lifetime limits, they want to bring back all those good old things because they have no replacement. They haven't talked about replacement. All they're talking about is repeal.

Let's put just a few statistics on who would not benefit under their proposal.

In my district, 7,400 young Americans under age 26 are on their parents' policy. Nationwide, 3.1 million young Americans have insurance today who won't have it if their repeal bill goes through.

Seniors, they are getting a 50 percent discount in the doughnut hole that never should have been created. I voted against their doughnut hole bill and the bill that subsidized the insurance industry and the pharmaceutical industry and didn't do a great job overnight helping out seniors with their pharmaceuticals.

We could have done it for less, straight up, negotiate lower drug prices and offer a policy at cost. No, they wouldn't do that because the industry didn't like it. A pretty consistent theme here of sucking up to the insurance industry.

Then 148,000 people in my district now get free preventive care under their insurance, 54 million people across the country. That goes away when their repeal bill goes through with no replacement.

Children with preexisting conditions; 36,000 in my district have coverage now, 17 million nationwide. Tough luck, kids. You're back off the policy here under the Republican vision for the future of health insurance.

Lifetime limits; 230,000 people in my district, 105 million people nationally. Most people don't know their policies have lifetime limits until they get a catastrophic illness and they start to read the fine print and the insurance company stops paying the bills and you go bankrupt.

They want to bring back those good old days with repeal of this horrible ObamaCare.

Then we have the business rebates and on and on. This is kind of a dyspeptic view of the world here. Let's go back to the dysfunctional system we had before.

Is ObamaCare great? No. Can we fix it? Yes. Should we fix it? Yes. Should we adopt measures that would make it better, like taking away the antitrust exemption of the health insurance industry? Yes. Will they bring those issues up? No. They just want to pretend. It's pretend Congress day.

## TAKE YOUR CRIMINALS BACK

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

Mr. POE of Texas. Mr. Speaker, Bangladesh national and illegal immigrant Shafiqul Islam was convicted in 2008 of promoting sexual performance of a child.

After he served his sentence in New York, an immigration judge ordered Islam to be deported back to where he came from, but Bangladesh wouldn't take back their criminal deviant. They did what many countries do, delayed, delayed, delayed, until, by law, he was released back onto the streets of America.

As other countries are well aware, U.S. law does not allow indefinite incarceration. Six weeks after his release, Islam struck again at another victim.

On a cool evening in November in New York, 73-year-old grandmother Lois Decker, a mother, a grandmother, retired school cook, a Sunday school teacher, was walking home from the grocery store. Islam stalked her and followed her into her home and murdered the defenseless grandmother.

But stealing her life just wasn't enough for him. After Islam left her to die, he stole her car and took off in the darkness of the night. The thief, however, wrecked her car. Two good Samaritans saw the crash and mistakenly stopped to help him. Then, being the worthless outlaw he is, he tried to steal their car as well. More witnesses intervened and prevented him from stealing that vehicle, but he still fled the scene in yet another stolen vehicle. In June, a judge in New York sentenced Islam to life, where he belongs.

Mr. Speaker, currently there are thousands of criminal illegals in our country, just like Islam, that have been sent to prison, ordered deported, but their native countries stall, delay, and eventually refuse to take back their outlaws. Many of those criminals are roaming around American streets looking for more crime and malicious mischief.

There is more.

Ashton Cline-McMurray was a 16-year-old with cerebral palsy when he came in contact with another "do-bad." One evening he was walking home from a football game in Massachusetts when he was ambushed, beaten, stabbed, and murdered by Loenun Heng, an illegal from Cambodia. Heng was convicted of manslaughter, sent to prison, and then ordered deported. But Heng never went back to his native country of Cambodia because they wouldn't take him.

There is more.

Vietnamese citizen Binh Thai Luc was convicted of armed robbery of a Chinese restaurant in California in 1996. He was sent to prison for 10 years and then ordered deported back to Vietnam. But, once again, Vietnam would not take him back. So, in March of this year, Luc was running loose in San Francisco and murdered five people.