



CONGRESSMAN

John J. Duncan, Jr.

## Washington Report



Second District—Tennessee

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# LEGISLATIVE UPDATE

### ✓ **Greatest Country**

Many times I have heard liberals criticize the U.S. because it does not have some government programs that most other countries have. Yet, it is precisely because we have less government than most countries that so many hundreds of millions want to come here. The most prosperous countries---the most prosperous states in the U.S.---have been the ones that have limited, smaller government. Victor Davis Hanson of Stanford University recently wrote that “China, Russia, Iran, and Cuba, for example, [are not] flooded with illegal entrants.... Millions have decided that it is far better to be immigrants of illegal status in America than native-born citizens inside Mexico.” A few months ago, I read that 58% of the people in this world have to get by on \$4.00 or less a day. That means approximately four billion people are hoping they will get one good meal today and probably won’t. We are blessed beyond our comprehension to live in this Country.

### ✓ **Trade Bill**

I recently voted against giving the President so-called “Fast Track” authority to negotiate the Trans-Pacific trade bill. I have voted against giving this power to both Republican and Democratic Presidents for many reasons. First, it requires Congress to give up the right to even offer amendments, thus giving far too much power to the executive branch. Second, with only four percent of the world’s population, we buy 25% of the world’s goods. This means every country is chomping at the bit to get into our markets and we have tremendous leverage on trade that we simply have not used. Third, while it is more convenient for big, multi-national companies to have multi-national trade agreements, it could be much better for small or medium sized American businesses to have individual trade agreements with each country. We need to tell other countries---especially China---we want to trade with you ---we want to buy things from you, but you need to buy some things from us. It is not good, in the long run, for us to have trade deficits in the hundreds of billions each year. We need trade with all other countries, but unfair trade has too often meant we have traded high-paying jobs for low-paying ones.

### ✓ **Secretive Deal**

This latest trade bill has also been negotiated with far too much secrecy. Some of what has leaked out has not been good. Yale law professor David Grewal, writing in the American Conservative Magazine, and Dick Morris in the Hill newspaper, both blasted something called the “investor-state dispute settlement” mechanisms. This ISDS procedure would give “foreign corporations the right to sue national governments for regulations that interfere with their expected profits” and “allows multinational litigants to bypass national courts...” So much for American sovereignty. Already we are told we cannot place a small fee on the billions of containers coming from China because it would violate the rules of the World Trade Organization (WTO), which I also voted against.

### ✓ **Misleading Titles**

Almost every bill is given some motherhood or apple pie title so no one will vote against it. One reason we are so many trillions in debt is that we have passed so many bills that sounded good on the surface. One recent example is the USA Freedom Act. This bill was passed to mislead people into believing that the National Security Agency spy powers had been curtailed or limited. Judge Andrew Napolitano, the Fox News commentator, wrote: “In reality, nothing substantial has changed. Under the Patriot Act, the NSA had access to and possessed digital versions of the content of all telephone conversations, emails and text messages sent between and among all people in America since 2009. Under the USA Freedom Act, it has the same. The USA Freedom Act changes slightly the mechanisms for acquiring this bulk data, but it does not change the amount or nature of the data the NSA acquires.” The Washington Times had an editorial saying the Patriot Act “was hastily written with the usual flaws of a job done in a hurry and the NSA has interpreted the law with the usual bureaucratic greed for power to control.”

### ✓ **Clean Power**

Another example of a false or misleading title is the Administration’s so-called “Clean Power Plan.” This plan is so regulatory and burdensome, it has been op-

posed by more than 30 states. It would create large increases in utility bills and send many more jobs to other countries. Lawrence Tribe, a liberal Harvard law professor who taught constitutional law to the President, testified: “EPA lacks the statutory and constitutional authority to adopt its plan. The obscure section of the Clean Air Act that EPA invokes to support its breathtaking exercise of power in fact authorizes only regulating individual plants and, far from giving EPA the green light it claims, actually forbids what it seeks to do.... EPA is attempting to exercise lawmaking power that belongs to Congress and judicial power that belongs to the federal courts. The absence of EPA legal authority in this case makes the Clean Power Plan, quite literally, a ‘power grab.’” He added that this was an “unconstitutional trifecta; usurping the prerogative of the States, Congress, and the Federal Courts---all at once. Burning the Constitution should not become part of our national energy policy.”

### ✓ **Freedom of Information**

My Oversight and Government Reform Committee recently held hearings on the Freedom of Information Act (FOIA). President Obama once promised that his administration would have “an unprecedented level of openness.” Terry Anderson, a longtime foreign correspondent and Journalism professor who was held hostage for seven years in Lebanon, testified: Today, reporters describe the administration as the most closed they’ve ever covered. The Obama administration has prosecuted more whistle-blowers than any other and “has spied on reporters, and even their parents.” The New York Times filed eight lawsuits last year to get information from federal agencies, and former CBS reporter Sharyl Attkisson testified that FOIA is “largely a pointless, useless shadow of its intended self.” She said federal bureaucrats “routinely break the law with impunity, treating public material as if it’s confidential, secret information to be controlled by a chosen few.” Tom Fitton, President of Judicial Watch, said this administration “shows contempt for the American people’s right to know” and “is the most secretive in recent memory.”

**LEGISLATIVE UPDATE** *continued from page 1***✓ Inspiring Columnist**

While I read both liberal and conservative columnists, one who's writing I find inspirational and helpful to my work in the Congress is Thomas Sowell, whose columns regularly appear in the Knoxville News-Sentinel. While I agree with almost all of what he writes, I appreciated one of his recent paragraphs. Mr. Sowell wrote: "Going back to square one, what lessons might we learn from the whole experience of the Iraq War? If nothing else, we should never again imagine that we can engage in 'nation-building' in the sweeping sense that term acquired in Iraq – least of all building a democratic Arab nation in a region of the world that has never had such a thing in a history that goes back thousands of years." In another column, he wrote that with so many controversial decisions coming out of a very divided Supreme Court, it "raises the question whether we are still living in America, where 'we the people' are supposed to decide what kind of America we want, not have our betters impose their notions on us."

**✓ Supreme Court**

For most of our history, the Supreme Court and other federal and state appellate courts did not seem as political and thus were not as controversial as they are today. Courts, because they were staffed by unelected, supposedly non-political judges, tried to give deference to laws as written by legislative bodies. Justice Antonin Scalia wrote in dissent in the decision upholding the President's healthcare plan: "The Court's decision reflects the philosophy that judges should endure whatever interpretative distortions it takes in order to correct a supposed flaw in the statutory machinery. That philosophy ignores the American people's decision to give Congress 'all legislative powers' enumerated in the Constitution." Some have proposed doing away with lifetime appointments for Supreme Court judges since the people really have no effective control over them. We are supposed to have three co-equal branches of government, not some type of judicial dictatorship.

**✓ Different Opinions**

People in this Nation have very strong feelings and different opinions on the issue of same-sex marriage. The Supreme Court has now ruled that people should not be discriminated against by prohibiting them from marrying someone of the same sex. By the same token, no one should be discriminated against for believing that same-sex marriage is wrong. In a free country, people should be allowed to express their opinions on both sides of this issue. Thus, I have decided to co-sponsor H.R.2802, the First Amendment Defense Act. Under the recent court ruling, churches will now be allowed to perform same-sex marriages. However, no church should be forced to perform a same-sex marriage if it is against its beliefs. I think most people are tired of all the publicity on this issue and wish we could get back to a time

when sexual preference was kept purely private.

**✓ Refund Scam**

On June 28, the 60 Minutes program reported a federal tax refund scam that involves thousands of people filing several million fraudulent returns mounting into the billions of dollars. The reporter said it is "impossible to over-estimate the incompetency of the federal bureaucracy." One of my committees held hearings a few years ago on identity theft, calling it the fastest-growing crime in the Country. This refund scam apparently can be done even with a smart phone simply using someone's social security number. Because everything we do now is on the internet, whether we like it or not, crime has become easier than ever. This tax refund scheme points out once again that we need to go to a much simpler, quicker, more efficient tax code similar to the state sales tax. We need the Fair Tax or a flat tax and not the complicated, convoluted, confusing code we have now that has too many loopholes and is so subject to fraud.

**✓ Nation Building**

President George W. Bush, early in his administration, spoke out against nation building and said we needed a more humble foreign policy. Unfortunately, he was steered into a much different direction by a group known as neocons. David Keene, who for 27 years headed the American Conservative Union and is now Opinion Editor of the Washington Times, wrote recently: "The concept of U.S. national interests was stretched beyond any rational meaning.... America took on more than we could possibly handle. The result is a generation of young Americans who have never known peace; a decade in which thousands of our best have died or been maimed with little to show for their sacrifices, our enemies have multiplied, and the national debt has skyrocketed." In my opinion, the current president has followed these same "world government" foreign policies. President Eisenhower is looking better all the time.

**✓ President Kennedy**

In a famous speech at the University of Washington in 1961, President Kennedy said: "We must face the fact that the United States is neither omnipotent nor omniscient--that we are only six percent of the world's population--that we cannot impose our will upon the other 94 percent of mankind--that we cannot right every wrong or reverse each adversity--and that therefore there cannot be an American solution to every world problem." Today, we are only four percent of the world's population. We should have trade and tourism with other countries, and cultural and educational exchanges, and help out to some extent during humanitarian crises. But there are limits to American power, and if we do not recognize this, we will be unable to keep all the promises the government has made to our own people.

**✓ National Debt**

Our national debt has now reached an astounding, humanly incomprehensible level of more than eighteen trillion dollars. Several other countries and even several cities in the U.S. have recently been forced to reduce or cut the pensions that have been promised to government employees or individual citizens. Many of my constituents who are counting on social security or government or military pensions in the years ahead are demanding much more fiscal conservatism from government officials. The easiest thing in the world is to spend other people's money. Almost every city or state that has had liberal or left-wing leadership for most of the last 40 or 50 years is in financial trouble. People all over the country are moving from the high tax states to the low tax states. When Baltimore was having so much trouble several weeks ago, one national news report said 47% of the people of Maryland said they would like to leave the State.

**✓ Police Troubles**

Many big cities have been having problems between police and residents in high-crime areas. The Justice Department has been investigating more than 20 departments and has entered into agreements with 16 law enforcement agencies. Most of these agreements put limitations or restrictions on what the police can do, making these cities less safe. I am much more concerned about creating a federal police state than I am about what local police and deputies are doing. There are some bad people in local police and sheriff's departments. However, the overwhelming majority of people in our law enforcement agencies are good people doing a very tough job. Robert Knight, a senior fellow with the American Civil Rights Union, wrote a few weeks ago: "Could anyone now blame officers for avoiding scenes that could easily explode.... Citizens need to think about what this means, when police say, 'I'm in no hurry to get there'." We need to let our local police and deputies enforce our laws or we could soon have chaos in some of our biggest cities.

**✓ Rebuild America**

On July 9, I spoke on the Floor of the House about the \$82 billion we will spend this year on Overseas Contingency Operations, mainly Iraq, Afghanistan, and Pakistan. This is over and above the regular Defense Department Budget. Earlier that same day, I had participated in a hearing on a \$54 million cost overrun for a new embassy in Afghanistan, where the State Department will spend \$1.1 billion on construction this year. This is in a country where we are supposedly pulling out most of our people. We will spend this \$82 billion OCO money in one year, yet we are told we cannot come up with \$48 billion for a six-year highway bill. We need to stop rebuilding other countries and take better care of our own.

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✓ **Health Care**

We were told over and over by the President and his supporters that if we passed his healthcare plan, the average family would save about \$2500 a year. Instead, for the great majority, premiums and other costs have gone way up. The law was written in a way that gave big insurance companies a major windfall so they would not oppose the bill. Dr. Betsy McCaughey, a senior fellow at the London Center for Policy Analysis, wrote that insurance companies lobbied “furiously” for the bill because it “compels the public to buy their product and forces taxpayers to subsidize it. What a sweetheart deal. The giant players – United Healthcare, Cigna, Aetna, Anthem and Humana - have seen their stock prices double, triple, even quadruple since the law was passed in 2010.” It sounds impressive to say that 156,000 Tennesseans are receiving subsidies for healthcare, but our population is 6.4 million. Medical care was cheap and truly affordable before the federal government got massively into it. Federal policies made it affordable only for billionaires and also made a tiny percentage wealthy off a very flawed system.

✓ **Recent Articles**

I have had two lengthy articles published recently that can be found on my website or in the publications in which they appeared. One was on foreign policy in the American Conservative Magazine, pointing out that there was a lot less animosity toward the U.S. when we followed policies of peace through strength, not peace through endless wars. The other was an article in the Washington Examiner newspaper, offering my suggestions for solving problems caused by soaring college costs and huge student loan debt. When I went to UT, before the big expansion in the federal student loan programs, no one got out of school with debts caused by tuition. Richard Vedder, an economist at Ohio University, pointed out recently that if tuition had gone up at the same rate since 1978 as it did prior to that year, costs would be 59% lower. He wrote that the “state school charging nearly \$10,000 would instead charge around \$4,000. The elite private university with a \$45,000 tuition fee instead would be charging a bit over \$18,000.” Costs simply explode on anything the federal government subsidizes because most of the pressures to operate efficiently and hold down costs are removed.

✓ **Big Money**

Almost always, or at least far too often, federal programs, both at home and abroad, are promoted by those who are making big money from them. Most of our recent wars have been far more about money, prestige and power than about any real threats. In fact, the threats from abroad, and the benefits of domestic programs at home, are almost always greatly exaggerated in order to get increased funding. And it usually costs double or triple for the federal government to do

than something as it would do the same thing in the private sector. This is why the most lucrative contracts in the country are with the federal government, usually with companies which hire former federal employees or retired admirals or generals. This is also why six of the ten richest counties in the U.S. are suburbs to Washington, D.C. I served on the Public Building’s Subcommittee for many years and saw that state governments were building courthouses for about half what federal courthouses were costing.

✓ **Underemployment**

For several years, I have pointed out that while unemployment is too high, underemployment is much higher. Millions of people are working at jobs far below the levels of their education or their skills, talents, and abilities. We have ended up with the best educated waiters and waitresses in the world. The Washington Post recently reported that “about 2.5 million people have been out of work for six months or longer, while nearly 7 million are in part-time jobs even though they would like (and need) full-time positions.” The paper quoted Jason Richardson of the National Community Reinvestment Coalition: “You’ve got a lot of people who are trading one struggle, which is unemployment, for another struggle, which is underemployment.” I have always voted and spoken out for policies to make it easier to start businesses and less bureaucratic and difficult for existing businesses to survive. We have far too many who have spent their entire careers in government and do not understand the pressures and thin margins under which most businesses operate.

✓ **Factory Jobs**

When I was a young man, almost every small town had two or three factories and many in very large cities. Then our environmental laws and other federal regulations forced many to go to other countries. This did not just destroy factory jobs, though. It destroyed sales, accounting, managerial and secretarial jobs, too. It closed restaurants where factory workers ate or small businesses where they shopped. Now, in many small towns and rural areas, the main opportunities are to work in a fast food restaurant or go into the military. We have much more competition around the world than we did when so many nations followed socialist or communist governments. We need to make the U.S. the land of opportunity in the future, too, and not hold back our free enterprise system.

✓ **Expensive Regulations**

The House has passed a good bill called the Regulatory Accountability Act of 2015 by a vote of 250 to 175. However, the Senate has not acted on this bill. The legislation would require federal agencies to consider a proposed rule’s impact on jobs and the economy while searching for less expensive alternatives. According to the House Judiciary Committee, the federal regulatory burden is larger than the

GDP of all but the 10 largest countries and costs the average American family about \$15,000 a year or roughly 30 percent of average household income.

✓ **Solar Subsidies**

A group called the Taxpayer Protection Alliance published a report entitled “Filling the Solar Sinkhole: Billions of Bucks Have Delivered Too Little Bang.” The report said “American taxpayers spent an average of \$39 billion a year over the past five years financing grants, subsidizing tax credits, guaranteeing loans, bailing out failed solar energy boondoggles and otherwise underwriting every idea under the sun” trying to make solar energy more popular. Federal subsidies for solar energy have been going on at least since the late 70’s and hundreds of billions have been wasted with little to show for it. After all this time and mega billions solar energy produces far less than one percent of our electricity. The latest estimate by the Energy Information Administration is 0.6 percent for 2015. Despite all these massive subsidies, solar energy has not helped reduce the cost of electricity to consumers, with rates increasing by an average of 6% a year over the last 30 years. Five years ago, the Government Accountability Office (GAO) issued a report saying there were 345 different federal programs supporting solar energy, managed by 20 agencies overseeing some 1500 projects.

✓ **Climate Change**

In a recent letter to the editor, a writer claimed that I had said climate change was “a rich man’s issue.” If the writer had read more carefully, he would have seen that this was a quote from Charles Lane, a very well-respected, moderate columnist for the Washington Post. Mr. Lane, columnist Walter Williams, and others have pointed out that most people clamoring the loudest about global warming and climate change stand to gain monetarily either personally or through some group, organization, or institution with which they are affiliated. I have seen over the years that most environmental radicals come from wealthy or upper-income backgrounds. I have voted for some of the toughest environmental laws in the world. But some groups do not want to admit how much progress we have made over the last 40 or 50 years in cleaning our air and water for fear their contributions will decrease. I agree that human activity has effected the climate, but not to the extent some extremists claim. Also, if we go too far in over-regulating our people and businesses, we will send even more jobs to other countries, drive up the cost of everything, and hurt many lower-income people in the process.

✓ **Red Light Cameras**

The last major highway bill was signed into law in 2012 when I chaired the Highways and Transit subcommittee. One provision I put in that bill was to prohibit use of federal funds to pur-

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chase red light cameras. According to the National Motorist Association, a former red-light camera company CEO has pleaded guilty in a scheme to make campaign donations in Columbus and Cincinnati in return for city contracts and also faces charges in a \$2 million bribery case in Chicago. One Deputy Police Chief in Washington state asked for a job in Arizona as she opened negotiations for renewal of a red-light camera contract. Other red-light camera companies have given out gifts and free trips. Sometimes turns are made less safe because cars have to wait a few seconds to turn when an immediate turn would have been much safer. These cameras have always been more about money than safety. If not, then violators should be allowed to donate their fines to a legal charity or church instead of the city government. But no city would do that because they really put these cameras in just to raise more money. I will try to strengthen the prohibition against this money grab in the next highway bill.

✓ **Screen Addiction**

Many people, young and old, have become addicted to their laptops, iPads, cell phones, and other technology. I have spoken to a great many groups of young people and have frequently told them to see if they can occasionally pull themselves away from the very addictive screens and help out a live human being. Their lives will mean more to them if they do. On June 27, the News-Sentinel carried a Chicago Tribune story which said "technology---computer games, online shopping, social media--has led families to stay more isolated and less community-oriented than ever before." Also, several studies have found that many young people have trouble interacting with others person-to-person because they have spent so much of their lives online. I have noticed that the same grandparents who will brag about how computer-savvy their own grandchildren are will fuss about teenage employees not being able to make change. I believe it would be good for all schools to have one day a week technology free so students could learn traditional subjects, be creative, and think for themselves instead of having machines do it

for them. Also, even doing this just one day each week would save a tremendous amount of energy. Almost every study has found that the children who watch the least amount of television do the best in school.

✓ **Wealthy Farmers**

Some of the Nation's wealthiest farmers have become even richer because of a confusing subsidy program called the Harvest Price Option. One group called this "an egregious and unnecessary misuse of tax dollars." This option gave some farmers over six billion more than regular subsidies in 2012. I have introduced a bill called the Harvest Price Subsidy Prohibition Act with Sens. Jeff Flake (R-AZ) and Sen. Jeanne Shaheen (D-NH). According to the Congressional Budget Office, their most conservative estimate is that this bill would save taxpayers \$18.9 billion over the next decade. This bill has been endorsed by an unusual combination of liberal and conservative groups. Congress originally designed crop insurance to be a safety net for small farmers. However, the system was later corrupted by adding the Harvest Price Option, which allows farmers to be subsidized either by the price at the time of planting or the price at the time of harvest, whichever is higher. Thus, HPOs could actually result in a farmer's revenues exceeding the expectations when the crop was planted. This created a very generous windfall that a nation \$18 trillion in debt simply cannot afford.

✓ **Dubious Distinction**

The Washington Times reported "It's a dubious distinction, but government productivity set a record in one category last year: "improper payments," writing \$125 billion in checks to people who were not entitled to them. The paper said this is "a solid argument for shrinking the size of the bureaucratic Leviathan." This was the estimate by the GAO, saying this was compiled with information from 124 programs administered by 22 different departments and agencies. Since there were many agencies unable to give accurate figures, the actual total is probably much higher than even this shocking \$125 billion.

✓ **National Parks**

On June 30, the New York Times ran a headline which said: Lets Fix Our National Parks, Not Add More." The article pointed out that the President added seven new parks to the National Park System in December and said: "Adding more land to the federal estate is irresponsible when the government is failing to maintain the parks, forests, and grazing lands it already owns." The Park Service, Bureau of Land Management, and Fish and Wildlife Service say they have maintenance backlogs to tally \$44 billion. The authors of the Times column wrote: "True conservation is taking care of the land and water you already have, not insatiably acquiring more and hoping it manages itself."

**Constituent Days**

*Individual meetings  
First come first serve*

**Aug. 1<sup>st</sup>**  
9a.m. Knox County @  
West Haven Elementary School

**Aug. 3<sup>rd</sup>**  
10 a.m. Blount County @  
Blount County Library

**2 p.m. Loudon County @**  
Loudon County Courthouse  
Annex Lower Level

**Aug. 4<sup>th</sup>**  
10 a.m. Jefferson County @  
Jefferson County Courthouse,  
Dandridge

**2 p.m. Grainger County @**  
Joppa Elementary School

**Aug. 5<sup>th</sup>**  
10 a.m. Claiborne County @  
Harrogate City Hall

**2 p.m. Campbell County @**  
Jellico Public Library

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