



CONGRESSMAN

# John J. Duncan, Jr.

## Washington Report



Second District—Tennessee

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## LEGISLATIVE UPDATE

### ✓ **Education Bill**

In early December, Congress passed the Every Child Succeeds Act, a bill authored mainly by Senator Lamar Alexander. I spoke on the floor of the House in favor of this bill, both before it went to the Senate and then after it came back from the House-Senate Conference Committee. I was one of only 45 in the House who voted against the No Child Left Behind law in 2001, a bill that became very unpopular. That law was a terrible over-reaction to failed school systems in several of the nation's biggest cities. I said at that time the teachers, principals, and parents in East Tennessee had enough common sense and intelligence to run our own schools and did not need federal bureaucrats telling them what to do. The new law did away with most of No Child Left Behind including the Common Core mandate. The Wall Street Journal said Senator Alexander's bill was "the largest devolution of federal control to the states in a quarter-century" and was "a rare opportunity for real reform." Senator Alexander should be commended for this landmark legislation.

### ✓ **Highway Bill**

Also in early December, we passed the first major highway bill in 10 years. I had the privilege of serving on the House-Senate Conference Committee on this bill. When I spoke in the House, I said after spending trillions over the last 15 years in a failed effort to rebuild the Middle East, it was good to be passing a bill to help rebuild the U.S. Also, this legislation will mean hundreds of thousands of jobs that will be done in the U.S. and not in other countries. The bill included several provisions that I requested, such as recommendations from a special panel I chaired on public-private partnerships for infrastructure projects, a ban on using federal funds for red light cameras, better training for truck drivers, and environmental streamlining to lower costs. The bill will help speed up approvals for highway projects so we do not keep taking two or three times longer at double or triple the

cost in comparison to other developed nations.

### ✓ **Tennessee Projects**

The Highway bill is estimated to cost \$207 billion for highways and \$48 billion for public transit systems over the next five years. It will provide approximately \$4.5 billion for highways in Tennessee and around \$900 million for transit programs over that period. Roughly 70% of the money will come from the gas tax, which will not be increased, various tax reforms, and surplus funds being held by the Federal Reserve. My position as Vice Chairman of the Transportation and Infrastructure Committee has helped get more funding for highway construction in our district than almost any other in the Country. Because of our growth and our location, we really needed this work. Just think if the interstate in West Knoxville was still just two lanes as it was for many years. Now we will be able to speed up the work to widen and improve Alcoa Highway, Highway 321, I-640 at Broadway, and important road projects in every county in the district.

### ✓ **Energy Bill**

Also in December, the House passed the North American Energy and Security Act. This bill would create thousands of jobs in the high-paying energy industries and would bring down the cost of all forms of energy. It would accomplish this by expediting regulatory processes and preventing duplicative studies that delay energy development. It would streamline the permitting requirements so that antiquated natural gas pipelines and hydropower facilities could be replaced or repaired faster and with less cost. And it is the first major bill to address natural and security threats to the Nation's electric grid. However, the President plans to veto the bill if it also passes the Senate. I said in my floor speech that we have ended up with the best educated waiters and waitresses in the world because our environmental rules, regulations and red tape have been some of the main causes of several million jobs going to other countries over the last 40 or

50 years. In addition to jobs, the bill, if it could get final approval, would help poor and lower-income people by lowering utility bills and prices at the pump. Gas prices have gone way down, but they may not remain low 10 or 15 years from now if we do not modernize our energy laws.

### ✓ **Immigration**

The American people are the kindest, most compassionate people in the world, especially in regard to immigration. The U.S. has allowed many millions to come here legally after a major revision of our immigration laws in 1968 and even more after the Simpson-Mazzoli Act in 1986. No other country has even come close to the U.S. in the numbers who have immigrated here, legally and illegally. And it is a myth that they only take jobs Americans do not want. I have voted against the H1B VISA program several times, but an average of 120,000 every year for many years have come in to fill various high-tech jobs which would be some of our highest-paying jobs if these positions were not taken by foreign workers. In addition to the many millions that have come here in all the different immigration and visa programs, we have allowed at least 70,000 and sometimes as high as 140,000 a year as refugees. Now, some in the national media have said or implied that it was cruel for the House to pass a bill to simply pause allowing more (mostly Muslims) from Syria. Because of the terrorist threat, the great majority of Americans believe we should be much more careful about whom we allow to immigrate here.

### ✓ **Easy Entry**

There are currently 185 different types of visas for entry into the US. This is far too many and it is far too easy to get in, both legally and illegally. The President said in his speech to the Nation that the woman terrorist murderer in San Bernardino came in through the Visa Waiver program. This was a mistake. She came in under a fiancé visa. The President was correct in saying

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that the Visa Waiver program needs to be reviewed, and I am pleased that the House started the process by passing a bill Dec. 8 tightening up the waiver process. This is a program that allows people from 38 countries to come in without a visa. There is concern, however, that someone from an unfriendly country could intentionally go to one of these friendly countries and get in. All of these visa types should be reviewed and tightened. We should be concentrating more on making sure we do not have terrorists in this country instead of spending trillions fighting for people who should be fighting for themselves.

#### ✓ **World Problem**

President Kennedy said in a famous speech in 1961 that the U.S. is “neither omnipotent nor omniscient” and that with only four percent of the world’s population “we cannot right every wrong or correct every adversity and that therefore there cannot be an American solution to every world problem.” We always do more than our share. And my office has helped hundreds, maybe even a few thousand, immigrate here legally or work out various immigration problems. All Americans have great sympathy for those who are living under terrible conditions in other countries. But 58% of the people in this world (roughly four billion) have to get by on \$4.00 or less a day. We have to have a legal, orderly system of immigration, and it must be enforced. If we simply opened our borders, so many millions would come here in such a short time that neither our economy nor our infrastructure could handle it. Our young people would have a much tougher time finding good-paying jobs, and our schools, hospitals, jails, sewers, and transportation systems simply would be overrun.

#### ✓ **Defeating ISIS**

I told the News-Sentinel that people who fought for ISIS, in my opinion, were mentally ill and dangerous and that any religion that had a goal of killing people was not a true religion. Any American who joins ISIS should not be allowed back into this Country and their American citizenship should be revoked. We have to respond to immediate dangers, and our bombing thus far has been totally justified. However, I do not support sending hundreds of thousands of American troops and getting into another permanent, forever ground war in the Middle East. One of the major problems of our wars in Afghanistan and Iraq has been that we really had no true coalition. Almost all of the fighting was done by our military and almost all the money came from our taxpayers. With an almost \$19 trillion national debt, we must insist that other nations do more against

ISIS—especially countries in the Middle East that we have helped in the past. We should not require our law enforcement agencies to worry about being “politically correct” when going after terrorists in this country. And we should repeatedly call on the several million Muslims in America to speak out more forcefully against radical Islamic terrorism.

#### ✓ **Blame Game**

Unfortunately ISIS grew out of our leadership’s decision to dismantle the Iraqi Army and the fact that soldiers we trained in both Iraq and Afghanistan fled fighting in several places and left very expensive and powerful U.S. military equipment behind. Also, many people have said that because we have accidentally killed many women and children over the last 15 years, the resulting hatred has been a recruiting tool for ISIS. To recognize this is not to blame America as some who make large money from these wars are very quick to say. It is not the fault of the American people. It is fair, however, to criticize some of our top leaders who are not satisfied just running the U.S. and want to be seen as great world statesmen. True conservatives are opposed to world government even if run by the U.S. I know liberals and some who make big money off of big government sarcastically make fun of President Calvin Coolidge. But he and his administration gave us peace and prosperity, and he once said “perhaps one of the most important accomplishments of my administration has been minding my own business.”

#### ✓ **Long Term**

Over the long term, we should follow a more non-interventionist foreign policy. As columnist Cal Thomas wrote: “ISIS will not be defeated with guns and bombs alone, or even mainly. Their soldiers have a religious purpose. Their diagnosis of the West’s decadence is correct. Their solution – Shariah law – is not.” In a column for the American Conservative Magazine several months ago, I wrote that “there was much less Anti-Americanism around the world when we tried to mind our own business and take care of our own people. And this Nation had more friends when we followed a policy of peace through strength, not one of peace through endless war.” The problem is that there are many people, both in and out of the federal government, and many companies which benefit if wars are dragged out for many years. The great majority of the people do not want us to go to war but believe if we have to that we should go in and do whatever is necessary to get it over with.

#### ✓ **Neocons**

Probably the most influential group in Washington in recent years has been labelled as neo-conservative. Columnist

George Will said these so-called neocons were “magnificently misnamed” and described them as really “the most radical people” in Washington. They were the main supporters of going to war in Iraq and seemingly favor permanent war throughout the Middle East. Neocons generally support big government, big business, and very liberal elitist positions on foreign policy and immigration. They say that those who oppose their policies do not believe in American exceptionalism. But this Nation did not become exceptional because we got involved in every little war around the globe. It became exceptional because of our great system of free enterprise and because we gave our people more individual freedom (and less government) than any other country.

#### ✓ **TVA Salaries**

It was recently reported that the CEO of TVA was paid a salary of \$6.4 million last year. He is a very good man with a very difficult job, but no job at TVA is really worth \$6.4 million. Several other top people at TVA got salaries of between two and three million. No government corporation should be paying these types of exorbitant salaries. The President of the United States makes \$400,000 a year. The TVA Board always justifies these ridiculous salaries by saying some private utilities pay the same or sometimes even more. But just because some other company is paying a ridiculous salary is the weakest justification possible for TVA doing the same. All of these utilities have at least near-monopoly operating conditions. I wish the TVA Board would keep in mind that many thousands still have difficulty paying their utility bills each month. East Tennessee has for many years been one of the most popular places to move to in the whole Country. This is not North Dakota. They do not have to pay excessive salaries to get people to move here. They could get very well-qualified, experienced people for much less than these top salaries. Congress really lost most of its real influence over TVA when it moved from a three-person fulltime board to a part-time board in the 2004 Omnibus appropriations bill, which I voted against for this and many other things. I hope the next President will at least appoint a few fiscal conservatives to the TVA Board.

#### ✓ **Expensive Planes**

The F-35 airplane has become the most expensive weapons program in American history. The Government Accountability Office (GAO) reported that the planes will cost nearly \$400 billion and require annual funding for an average of \$12.4 billion each year through

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2038. The program has been restructured three times since 2001. The original cost was supposed to be \$196 billion for 2852 planes. By 2012, the cost had gone up to \$336 billion for 2443 planes (409 fewer). Now the costs are even higher, and the GAO report said "Program data shows that the reliability of the engine is very poor." After all this time, we only have 110 of the planes, with testing still ongoing. The problem is that our bloated federal bureaucracy cannot do anything in an efficient, inexpensive way. No one is ever supposed to oppose or question anything any branch of the military wants. And it is simply too easy to spend other people's money. We all want a strong military. But I wish Congress would be more critical of wasteful spending by the Pentagon and huge cost overruns by defense contractors.

#### ✓ **Mystery Gas Station**

The Washington Times had a front-page story in November about what it described as a \$43 million mystery gas station the Defense Department built in Afghanistan. One of several very troubling aspects of this mystery is that a similar project in Pakistan cost just \$300,000. The story said the Pentagon "can't even account for who made the decision behind the waste." John F. Sopko, the Inspector General for Afghanistan reconstruction, called the cost "exorbitant" and the project "ill-conceived." Even worse, Mr. Sopko said in a letter to the Secretary of Defense that it was "both shocking and incredible that DOD asserts it no longer has any knowledge" about an \$800 million Afghanistan business task force the Department set up that built this gas station. I have spoken out for years in hearings and speeches calling for much more fiscal conservatism at the Pentagon.

#### ✓ **Healthcare**

Before the federal government got so massively into the healthcare business, medical care was cheap and affordable for almost everyone. Now, only a few billionaires could afford all the costs of a major illness. The President and his administration promised repeatedly that his law would save the average family \$2500 a year. Instead, medical insurance premiums and other expenses have gone way up for most people. In addition, the Centers for Medicare and Medicaid Services announced in October that major insurance companies losses for 2014 entitled them to \$2.87 billion in bailout payments through an Obamacare provision called "risk corridors." United Healthcare, the nation's largest insurer, announced in late November that it expected losses of \$700 million on the exchanges set up under the law. We need to go in the opposite

direction on healthcare, make it much less bureaucratic and complicated, and stop allowing insiders and favored providers to get rich off the convoluted system this law set up.

#### ✓ **Puerto Rico**

The Governor of Puerto Rico has asked Congress to allow it to use the federal bankruptcy laws to restructure its \$355 billion debt. It is not presently able to make the scheduled payments on its loans, and Puerto Rico is a U.S. Territory, so we may have to take some type of action. The Territory has already cut its pensions and laid off employees and reduced salaries, but probably not enough. One major concern is that there are some of the states which are close to being bankrupt and several cities across the country. I will not vote to bail out states or cities that have been brought down by excessive spending and/or exorbitant salaries and pensions. That would not be fair to the states like Tennessee that have operated in a fiscally conservative manner. A much bigger concern, however, is that this Nation has not acted in a fiscally conservative way. In the very near future, the federal government will be forced to cut social security and federal and military pensions and or inflate our currency in such a big way that it would have the same effect as a cut. This will certainly happen if we keep spending so much money that we do not have.

#### ✓ **Liberal Intolerance**

Edward Luce, the top U.S. correspondent for the Financial Times of Great Britain, wrote a column entitled, "The Rise of Liberal Intolerance in America." He wrote: "Yet the revival of political correctness on U.S. campuses—and the increasingly shrill tone of much of the intellectual left—tells another story. Instead of championing free speech, the left is trying to shut it down. In the name of diversity, it demands conformity. At stake is the character of U.S. democracy... Far from outgrowing race, the PC movement is entrenching it." Unfortunately, a poll by CNN and the Kaiser Family Foundation published on November 25th, said 67% of whites and 65% of blacks said racial tensions have increased in America over the last 10 years. This same poll found that only 29% said racial tensions had increased over the preceding 10 years in 2001. Too many on the left loudly proclaim their tolerance then seem to tolerate anything but traditional Christianity. Liberals are certainly intolerant toward anyone who advocates conservative positions on national issues.

#### ✓ **Religious Influence**

It often surprises people when I tell them that every session of the House and Senate is opened with prayer and that there is a prayer room in the center of

the Capitol itself. We have had leaders from all faiths give these prayers, and there never seems to be a problem with it. William O. Douglas, probably the most liberal or far-left member of the U.S. Supreme Court, wrote an opinion in the famous case of *Zorach vs. Clauson* (1952) saying government neutrality should not mean government hostility. "But we find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence." This is why I was so disappointed that an official office of the University of Tennessee put out a directive that there should be no holiday activity on campus "disguised as a Christmas party" and no religious observance in any holiday event. Too many liberals proclaim their tolerance but then seem to be tolerant of almost everything except traditional conservative Christianity. People all over the country are sick and tired of radical political correctness.

#### ✓ **Double Standard**

Imagine the outcry from supposedly tolerant liberals if UT's Office of Diversity put out a guidance saying Muslims should not have any holiday event disguised as a Ramadan celebration or party. Imagine the outcry if UT had put out the exact same paper or online suggestions about Hanukkah or Kwanza saying that any gifts should be in the form of a practical joke as if the holiday was some type of joke. People should be allowed to celebrate religious holidays in the way they wish without having any governmental entity telling them what to do or not to do. The University of Tennessee receives most of its funding from federal student loans and taxpayer-funded appropriations or grants. To say that Christians should not have any gatherings "disguised as Christmas parties" or do anything with any suggestion of Christ in Christmas or of religious significance has gone too far. I knew, of course, that nothing would be done even though the overwhelming majority of Tennesseans were really upset about this latest slap in the face.

#### ✓ **College Degrees**

Robert Samuelson, the brilliant, moderate economics columnist for The Washington Post, wrote a few weeks ago that 36% of women 18 to 34 are living at home with their parents, the highest percentage since 1940. For men, the figure is even higher, with 43% still at home. He said younger Americans over the last several years have "been tossed into the worst economy since the 1930s." I assume he is referring to the anemic recovery from our very lengthy recession. Now many young people

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have become disillusioned because they have taken on very large debts to obtain college degrees that do not seem to be worth very much. I wrote a column for The Washington Examiner and have spoken out in several other ways to suggest actions that would help stop college tuition from going up three or four times the rate of inflation as it has for many years. As Mark Cuban, the high-tech billionaire, said recently, the worst solution would be to make college tuition "free." The costs would go up just as fast, or even faster, because most of the pressures and incentives to hold down increases or even lower costs would be removed. Costs simply explode on anything that government subsidizes.

#### ✓ **Economic Freedom**

Free enterprise has produced miraculous results. The comparative wealth in South Korea and Taiwan to the poverty in North Korea and mainline China are examples. Of course, China has come on strong in the last few years as leaders have moved away from the rigid socialism of Mao Tse Tung. Richard Rahn, writing in the Washington Times, pointed out that Venezuela has become one of the least-free economies in the world, and, as a result, despite having the world's largest oil reserves (even greater than Saudi Arabia), real incomes have been falling – showing man's infinite ability to destroy good fortune. In contrast, Chile moved toward embracing economic freedom, including increasing free trade, the rule of law and protection of private property, and curtailing corruption. The result is that Chile now has the highest per capita income in South America..." Socialists would make good snake oil salesmen. Socialism sometimes sounds good, but in action, it has kept or dragged millions down into poverty, while true free enterprise has moved millions from poverty into the middle class or beyond.

#### ✓ **Failed Experiment**

Politico, the leading non-partisan Capitol Hill newspaper, carried a recent lengthy analysis under the headline "Here's why 7 billion didn't help America's worst schools." This School Improvement Grant program was created in 2007 under President Bush and continued under President Obama. The goal was to turn around the nation's 5,000 lowest-performing schools with billions over and above their regular federal, state, and local appropriations. The story said, "About two-thirds of SIG schools made modest or no gains—not much different from other low-performing schools, which got no money at all. About a third of the schools actually had worse performance." Many years ago, the Wall Street Journal had a story comparing a Catholic school in New York City to a public school just a block away. The per-pupil spending in the Catholic school was a tiny fraction of the spending per-pupil at the public school, but the Catholic school was producing much better test schools, had almost no violence, and was much cleaner. Many schools around the U.S. in states that provide lower public money have better schools and test results than many big-city schools where the per-pupil spending is the highest in the world. Parental involvement, discipline, and other factors are much more important than the money.

#### ✓ **Congressional Power**

Longtime House Speaker Sam Rayburn, who died in 1961, once said to get along in Washington, you have to go along. However, especially today most people want representatives who will show some independence and courage and do not always just go along with the crowd or the powers that be. The Founding Fathers decided long ago that the fairest system in Congress would be to give the low population states more power in the Senate while the high population states have more power in the House. Thus, Wyoming with 450,000 people has two Senators, the same number as California with 34 million people. But California

has 53 members of the House. In the mid-90s, the leadership on both sides in the House started basing Chairmanships on how often the member voted with the leaders and how much money the member had contributed. Also chairmanships were greatly influenced by the number of members from that state. Texas, for example, has seven of the 19 legislative full committee chairmanships. This has made seniority much more important to a state like Tennessee because of friendships, contacts, and experience. It certainly makes a big difference in getting problems solved for constituents and in getting projects for the district.

#### ✓ **Air Marshals**

A couple of months ago, in interviews both by National Public Radio and CBS News, I described the air marshal service as possibly "the most needless, useless, wasteful program" in the federal government. Shortly thereafter the Los Angeles Times published an editorial entitled "It's time to ground America's air marshals" and said "Duncan has a point." The editorial pointed out that there is no "data showing marshals successfully put down in-flight threats" and added "in fact, passengers are apparently more likely to stop troublemakers on board than armed marshals." The Times said air marshals are "a placebo... the country should stop taking." I became concerned a few years ago when I read in USA Today that more air marshals had been arrested than arrests by air marshals. At that point the service was costing \$200 million per arrest. I was able to get the Appropriations Committee to start reducing their funding from a high of \$966 million in 2012 to \$790 million this fiscal year. Having airport screeners and simply locking cockpit doors have done much more good than the many billions we have spent just so air marshals can fly back and forth, usually in first class. This money could and should be spent on much more cost-effective security measures.

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