DC Child Safety Account Bill Under Consideration in Congress

By Joe Barnett

Parents of students facing safety concerns in Washington, D.C. public schools could move their children to a safer public or private school under legislation introduced by U.S. Rep. Jim Banks (R-IN).

H.R. 2538 would establish a Child Safety Account (CSA) program in the District of Columbia, which is under the control of Congress and receives federal funding. Parents of students concerned about their safety in D.C. government schools could receive money for a variety of education options such as private school tuition.

CHILD SAFETY ACCOUNTS, p. 4

Forced Collection of Teachers Union Dues Contested in Federal Court

By Ashley Herzog

A federal district court in California is considering a case that could decide whether teachers have to pay union dues if they are not informed membership is voluntary and they are waiving certain First Amendment rights by joining.

The U.S. Supreme Court decided in Janus v. AFSCME that government employees cannot be forced to join a union and pay dues.

“Forced union dues ... are illegal for public employees nationwide, courtesy of the Janus decision,” said Larry Sand, president of the California Teachers Empowerment Network.

Teachers Sue Union

Initially, five California teachers filed a lawsuit in federal court claiming they were
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Tennessee Passes Education Savings Account Legislation

By Juliana Knot

The Tennessee General Assembly passed legislation establishing an education savings account program supported by Gov. Bill Lee.

Low-income Tennessee parents with children in low-performing government schools will be able to use state-funded ESAs to transfer them to a school of their choice if, as expected, Lee signs the bill into law. Eligibility is limited to Memphis- and Nashville-area public school students and children enrolled in Achievement School District (ASD) schools.

The ASD, a component of the Tennessee Department of Education, runs schools across the state in the bottom 5 percent of student performance on standardized tests. It manages the schools directly or through charter management organizations, with the goal of turning around their performance.

To be eligible, the student’s family must meet the income qualifications for Temporary Assistance to Needy Families (TANF), the federal cash welfare program.

ESA Enrollment Capped

Each ESA will allot about $7,300 per year for the student, allowing children to attend private schools that meet Tennessee Department of Education standards, or for other education-related expenses.

The ESA program will be implemented for the 2021-2022 school year, with initial participation capped at 7,500 students. Each subsequent year, 7,500 additional students will be added until the program reaches 30,000 participants. At that point, a lottery system will be put into place. The ESA program is expected to spend $125 million in the first three years out of state funds.

The legislation allocates $25 million in additional state funding for the government schools the ESA students leave.

‘Greater School Choice’

The ESA program was given final approval by the General Assembly on May 1 thanks to the support of the governor, says Sen. Dolores Gresham (R-Somerville), chair of the Senate Education Committee.

“The [ESA] bill ... is a result of the bold leadership of our governor, Bill Lee, who believes, as I do, that parents ought to have greater school choice,” Gresham told Budget & Tax News.

“We cannot have any of Tennessee’s children languishing in chronically low-performing schools.”

The legislation “gives the children of Tennessee opportunities at a better education, particularly those low-income students in failing schools,” stated Lee in an April 26 video as the bill advanced toward final passage.

‘More Competition’

The ESA program will benefit students who remain in government schools as well as those who transfer to private schools, says Justin Owen, CEO of the Beacon Center of Tennessee.

“Even those children remaining in public schools will benefit from this program, as this will create more competition and encourage poor-performing schools to rise to the occasion,” said Owen.

“The children trapped in poor-performing schools win from the passage of the bill, as well as their parents, who will now have more options instead of a one-size-fits-all approach to education,” said Owen.

Testified to Choice Benefits

Experience with school choice programs around the country has confirmed their benefits, said Lennie Jarrett, project manager for the Center for Transforming Education at The Heartland Institute, in testimony before the Tennessee Education Committee.

“These programs improve access to schools that deliver quality education inexpensively,” Jarrett told the committee. “Additionally, these programs benefit public school students and taxpayers by increasing competition, decreasing segregation, and improving civic values.”

School choice programs are especially popular among minorities and low-income families, testified Jarrett, citing an American Federation for Children survey of Tennessee voters conducted in February 2019.

“Seventy-nine percent of African-American parents [in Tennessee] with incomes lower than $40,000 per year support ESA programs,” Jarrett said.

“Similarly, 70 percent of Hispanics with incomes below $40,000 said they support ESAs.”

Lawmakers should make ESAs universally available to all families in the Volunteer State so every child can receive the best education possible, Jarrett told the committee.

“Public schools should not hold a monopoly on education, because they simply cannot serve the individual educational needs of all children,” Jarrett said.

Juliana Knot (jjknot322@gmail.com) writes from Grand Rapids, Michigan.
D.C. Child Safety Account Bill Under Consideration in Congress

Continued from page 1

CSAs address the growing problem of bullying and violence in schools, says Banks.

“School safety and the well-being of children is every parent’s number one concern,” stated Banks in a May 7 news release on the day he introduced his bill. “In today’s complex world, school safety problems have become more prevalent.

“Unfortunately, too many students are trapped in unsafe schools,” said Banks. “This Child Safety Account program will give families choices to pursue educational opportunities that keep their children safe and secure.”

How CSAs Work
Each CSA would be funded at 80 percent to 90 percent of the “DC uniform per student funding formula,” Banks’s media release stated. Families would be eligible for the program regardless of income.

A parent or guardian would submit a request to District school administrators stating their safety concern, and if their claim is deemed to have merit, receive a CSA.

The school safety problems that would qualify students for a CSA are “bullying, sexual harassment, abuse, and/or misconduct, gang activity, fights, suicide attempts or threats, shootings, drug use, special safety needs, food safety needs, health related safety issues, acts of violence against student, and other safety concerns,” Banks’ media release stated.

The CSA could be used for “tuition, textbooks, tutoring, transportation to and from a qualified school, therapy to cope with a safety incident, and other required education materials.”

“This program would help give more D.C. families, no matter their income level, much greater access to the schools best-suited for their children and their unique safety and educational needs,” said Tim Benson, a policy analyst at The Heartland Institute, which publishes Budget & Tax News.

‘Long Overdue’
Nationally, more than 20 percent of students reported being bullied in 2017, with nearly 70 percent of those being bullied multiple times, according to the National Center for Education Statistics. Though one-third of parents fear for their child’s safety at school, most have very limited options, says Benson.

“Under the current federal Unsafe School Choice Option it’s virtually impossible for a public school to be designated unsafe,” said Benson. “Fewer than 50 out of nearly 100,000 public schools nationwide are labeled persistently dangerous each year.”

“It is long overdue that parents in one of the most dangerous school districts in America are provided a safe education choice, and Child Safety Accounts can make that possible,” said Tim Huelskamp, president of The Heartland Institute. “I congratulate Congressman Banks for his decision to stand up for these victimized students and their families.”

States Consider CSA Solution
The concept of CSAs was developed by The Heartland Institute, which has worked with federal and state legislators to promote the idea.

“Heartland also worked with Colorado state legislators to get a CSA bill introduced in the Colorado House of Representatives earlier this year,” said Arianna Wilkerson, a state government relations manager at The Heartland Institute. “CSA-style legislation has been considered in six other states so far this year: Arizona, Georgia, Kansas, Nevada, West Virginia, and Virginia.”

The CSA concept is applicable in every state, says Banks.

“While the scope of this bill is currently restricted to one city, it is my hope that the success of the program inspires more states to adopt similar policies and help children feel safe and free to learn at school,” said Banks.

Joe Barnett (joebarnett@att.net) is a research fellow with The Heartland Institute.

Tennessee Considers Licensing Art Therapists

By Jake Grant

A bill under consideration in the Tennessee General Assembly would regulate art therapy and require a license to practice the profession.

S.B. 55, sponsored by Sen. Becky Massey (R-Knoxville), would require art therapists to have a master’s degree in art therapy and a thousand hours of clinical training.

It was assigned to a subcommittee of the Senate Government Operations Committee on March 13.

Benefits ‘Existing Licensees’
Excessive licensing requirements enable current providers to limit competition, says Braden Boucek, vice president of legal affairs at the Beacon Center of Tennessee.

“The parties advocating for these laws are existing licensees, who have every reason to make it hard to be an upstart, and the bureaucrats themselves, who have a natural tendency to expand their own power,” said Boucek.

Groups lobby intensively to erect barriers to entering their vocation, says Dick Carpenter, director of strategic research for the Institute for Justice.

“Licenses are overwhelmingly created by elected officials at the request of leaders in an industry to be licensed,” said Carpenter. “Industry participants routinely mount aggressive, multiyear campaigns in state legislatures to achieve licensure.

“Once created, leaders and members of the licensed industry will fight ferociously to maintain the license in the event it is threatened through legislative reform efforts or litigation,” said Carpenter.

Harms ‘Greater Community’
A few people benefit from licensure at the expense of the many, and particularly the poor, says Boucek.

“These types of laws artificially inflate wages for a select group of political insiders and end up hurting everyone [else],” said Boucek. “The cost is highest for those who are trying to lift themselves out of poverty.”

Occupational licensing does widespread damage, says Carpenter.

“These costs include higher prices for consumers, fewer job opportunities, lost economic output, misallocation of human and financial capital, [and] reduced innovation,” said Carpenter.

“Meanwhile, there remains little evidence of the purported benefits of higher quality and increased protection for public health and safety,” said Carpenter.

Jake Grant (jakeg42294@gmail.com) writes from Alexandria, Virginia.
Proposed Texas High-Speed Rail Project Faces Legislative Opposition

By Bonner R. Cohen

Plans for a privately financed high-speed rail (HSR) line between Houston and Dallas are being challenged by members of the Texas State Legislature, landowners along the proposed route, and some transportation researchers.

Modeled on Japan’s Shinkansen high-speed rail system, the Texas bullet train is projected to cost between $12 billion and $20 billion and to be in operation in 2025. It would reach a top speed of 200 mph and have its own dedicated track, meaning it wouldn’t share track with freight lines, and it would cover the 240 miles separating the two cities in less than 90 minutes.

The company behind the project, Texas Central Partners (TCP), has tentatively scheduled construction to begin in late 2019. The Texas House of Representatives is considering bills that would prohibit the state Department of Transportation from cooperating in utilizing highway easements for the project, ban the use of eminent domain to acquire rights-of-way. A special subcommittee of the House Transportation Committee, including both supporters and opponents of the project, was appointed on April 5 to consider legislation related to the project.

‘Taxpayer Funds Are At Risk’

Though TCP says the rail line will be privately financed, the company has said it would seek loans from the U.S. Department of Transportation, notes Baruch Feigenbaum, assistant director of transportation policy at the Reason Foundation and a policy advisor to The Heartland Institute, which publishes Budget & Tax News, in a March 15 report.

“There are significant concerns regarding the project’s feasibility that must not be overlooked, since taxpayer funds are at risk (through [Railroad and Rehabilitation Improvement Financing] loans),” writes Feigenbaum.

Transportation experts are “skeptical that a high-speed rail line connecting the two low-density, car-friendly metro areas of Dallas and Houston could be profitable without substantial public subsidies,” writes Feigenbaum.

Rail ‘Expensive and Underutilized’

Cost overruns and inflated ridership estimates for high speed rail are common, says Matthew Glans, a senior policy analyst at The Heartland Institute.

“Almost all high-speed rail projects in the United States have been expensive and underutilized,” said Glans.

Ridership estimates from TCS are probably inflated, because they exceed the number of people using Acela, which links cities in the Northeast, including Washington, D.C. and New York City, says Glans.

“Texas Central estimates a ridership of five million people annually by 2025, but those numbers are unreasonable,” said Glans. “Even the Acela, located in a dense rail corridor, only carried 3.5 million passengers in 2014.”

Revenues from tickets on Acela do not cover its operating costs, says Glans.

“Even the one seemingly successful HSR service, the Acela high-speed line serving the Northeast Corridor, is heavily subsidized, like all Amtrak rail services,” said Glans.

Feds Finance ‘All Private Railroads’

At this point, taxpayers aren’t more likely to be on the hook if the project fails than with any other business, says Tom Giovanetti, president of the Texas-based Institute for Policy Innovation.

“Reason [Foundation’s] argument, essentially, is that if the project doesn’t work out, the company will be in trouble and taxpayers will have to bail it out,” said Giovanetti. “Burger King will be in trouble if their business plan doesn’t work out, too, but I don’t see any public policy organizations writing articles critical of Burger King.”

Federal loans or loan guarantees do not make the Texas project different from others in the industry, says Giovanetti.

“All private railroads, including freight railroads like Burlington Northern, use the federal loan financing program,” said Giovanetti. “I don’t see anyone criticizing Burlington Northern for using the program.”

‘Let Companies Try’

Government shouldn’t stand in the way of innovation, says Giovanetti.

“In a free-market economy, we let companies try things,” said Giovanetti.

Existing transportation infrastructure should be policymakers’ top priority in this area, says Glans.

“Instead of subsidizing the construction of new and unnecessary HSR lines, states should focus on maintaining and improving their current highways and air travel infrastructure, which are in dire need of repair and upgrades,” said Glans.

Bonner R. Cohen, Ph.D. (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research.

INTERNET INFO


Socialism Is Evil

The Moral Case Against Marx’s Radical Dream

“Immunize your kids and grandkids early and often - send them to StoppingSocialism.com” - Michelle Malkin

Go to StoppingSocialism.com

Get Your Copy Today! $0.99 on Kindle $5.99 on Amazon.com
By Sarah Quinlan

The New Hampshire General Court is considering budget funding proposals that would raise business taxes, tax capital gains, and impose a payroll tax for paid family leave.

Gov. Chris Sununu vetoed a stand-alone bill that would have imposed a paid family leave mandate on employers. “[Mandated leave is] an income tax that neither I nor the people of New Hampshire will ever support,” Sununu said in a May 9 press release.

Despite the governor’s opposition, the state House has passed, and the Senate is considering, a budget bill that includes a mandated paid family and medical insurance program financed through a 0.5 percent payroll tax. The budget legislation would also roll back business tax cuts enacted in 2018 and impose a tax on capital gains.

Governor vs. New Majority

Democrat majorities took control of both houses following the November 6 election. Gov. Chris Sununu has publicly stated he will veto any bill that raises business taxes, taxes capital gains, or creates a general income tax.

“I will veto it and veto it and veto it,” Sununu told the Chamber Collaborative of Greater Portsmouth on March 5, reported the news site Seacoastonline.com.

Eroding State’s Tax Advantage

The proposed legislation is a step in the wrong direction for New Hampshire, says J. Scott Moody, president of the Granite Institute. “Any proposed rollback of the recent business tax cuts and/or expansion of the Interest and Dividends Tax would harm the ‘New Hampshire Advantage’ and the economy,” said Moody.

Moody created the New Hampshire Advantage Index, which measures differences in tax systems and rates between New Hampshire and the rest of New England and New York. The index has been drifting the wrong way, says Moody.

“Since 2004-2005, when the New Hampshire estate tax was eliminated, the New Hampshire Advantage has been slipping due not only to New Hampshire raising taxes, such as business, cigarette, and gasoline taxes, but also due to other states lowering taxes, such as the personal income tax cuts under former governor [Paul] LePage in Maine,” said Moody.

“While the business tax cuts are still being phased in, they are an essential step to reversing this erosion in the Index,” said Moody.

Calls for Flat Tax

New Hampshire is the only state that has no state and local individual income taxes, no state or local sales tax, and no estate tax. New Hampshire is one of nine states, and the only state in the Northeast, that doesn’t tax capital gains.

The legislature should reform its tax code further, instead of raising taxes, says Moody. Moody has detailed a flat-tax plan that would replace various business taxes with a single-rate tax on enterprises.

Moody’s Business Flat Tax would reform New Hampshire’s tax structure by eliminating less efficient taxes, such as the business profit tax, and folding the interest and dividends tax into a 2 percent business flat tax.

“Instead of expanding taxes, policymakers should look to make the tax code more efficient, such as my proposed Business Flat Tax, which would boost economic growth and government coffers—creating a win-win,” said Moody.

Sarah Quinlan (think@heartland.org) writes from New York City, New York.

INTERNET INFO


Colorado Eliminates Bail for Petty Crimes

By Sarah Quinlan

Colorado has enacted a law eliminating pretrial bail for cases involving minor offenses.

Gov. Jared Polis signed into law House Bill 1225, prohibiting courts from imposing bail as a condition of pretrial release for defendants charged with “a traffic offense, petty offense, or comparable municipal offense,” on April 25.

The law exempts charges such as “a traffic offense involving death or bodily injury, eluding a police officer, circumventing an interlock device, or a municipal offense with substantially similar elements to a state misdemeanor offense.”

“Colorado had been jailing many defendants because they could not afford to pay bail or a personal recognizance bond on small offenses, says Colorado Attorney General Phil Weiser.

“Our current system of cash bail—when untethered from risk assessments—criminalizes poverty,” stated Weiser in testimony before the House Judiciary Committee on March 14.

Petty Crimes, Poor Defendants

The fact that the offenses targeted by the Colorado law are often committed by low-income individuals should not be the primary consideration in setting policy, says Derek Cohen, director of the Center for Effective Justice and the Right on Crime campaign at the Texas Public Policy Foundation.

“The goals of the legislation are commendable, but the false dichotomy of whether or not to allow the setting of cash bail based on the offense is a red herring. Such a debate elevates an individual’s finances to the primary, if not the sole, determinant in release decisions.”

Derek Cohen
DIRECTOR OF THE CENTER FOR EFFECTIVE JUSTICE, TEXAS PUBLIC POLICY FOUNDATION

Danger to the public should be the main factor in deciding whether to require bail in any particular case, says Cohen.

“The true and only determinant of release should be risk: specifically, risk of flight and risk of re-offense,” said Cohen.

Recommends Assessing Risks

Courts generally require bail or a bond for release because they have reason to suspect the defendant will not appear for trial or might commit other offenses if let go, says Cohen.

“It is true that too many individuals are being detained pretrial, but that is less a function of whether a particular offense is bailable and more a function of informational asymmetry regarding risk,” said Cohen.

A system designed to protect the public and individuals’ rights should keep high-risk people off the streets while awaiting trial.

“The ideal system of pretrial release would start from a presumption of conditionless release for these lower-level offenders, and include a quick, transparent, and validated risk assessment to ensure they are safe to release,” said Cohen. “Cash bail then becomes a secondary consideration if imposed.

“Such a system would allow for low-or-no-condition release for indigent, low-risk individuals while prohibiting high-risk people from purchasing release and reoffending or absconding,” said Cohen.

Sarah Quinlan (think@heartland.org) writes from New York City, New York.
not informed of their rights when the California Teachers Association pushed them to sign “recommitment agreements” in 2018 requiring them to pay dues until 2020.

News reports of the lawsuit being filed on March 11 led two additional teachers to contact the teachers’ attorneys, says Mariah Gondeiro, litigation counsel with Freedom Foundation, a nonprofit public interest law firm, who is representing the teachers.

“These two teachers wanted to resign from the union,” Gondeiro said. “They were tired of the union’s intimidation tactics.”

An amended complaint adding the two teachers’ names would be filed before a May 28 deadline for filing motions in the U.S. District Court for Northern California, Gondeiro says.

Teachers ‘Should Prevail’
The teachers have a good chance of winning, says Sand.

“If the teachers can successfully make the case that the union trapped them into signing an illegal contract, they should prevail,” Sand said.

It is difficult to predict how a federal judge in California will rule, says Stanley T. Greer of the National Institute for Labor Relations Research.

“Unfortunately, there are a number of federal judges who appear to harbor a bias against individual employee rights,” Greer said. “For that reason, it is not clear what will happen in the U.S. District Court,” Greer said.

‘Especially Onerous’
The money the union takes from the teachers is a particular financial hardship in California because it is so expensive to live there, says Vicki Alger.

“Being forced to pay $1,500 in annual union dues makes life that much harder for teachers—and that much harder to attract talented people to the teaching profession.” Alger said.

Unions Push Exclusive Representation
Unions believe they have a right to force teachers to pay dues because they are required to represent them, Sand says.

“They say teachers should have to pay for the service, but it’s the unions that push for exclusive representation,” Sand said. “There are a couple of lawsuits that, if successful, will free teachers from any union connection whatsoever. And that could enable teachers to bargain for themselves.”

No one should be forced to spend their hard-earned money on any product or service without direct consent, says Alger.

“Just because an organization offers services it believes are beneficial doesn’t mean others are obligated to want them, much less pay for them,” Alger said.

Question of Equality
Unions don’t necessarily bargain for what is in the best interests of all teachers, says Greer.

“Such forced-dues exactions are especially outrageous when the teacher has a well-founded belief that he or she is getting paid less as a consequence of being subject to union monopoly bargaining,” Greer said.

“As then-California Attorney General Kamala Harris admitted when she was defending teacher forced union dues in a brief submitted to the Supreme Court in 2015, union officials ‘do have substantial latitude at times to advance bargaining positions that . . . run counter to the economic interests of some employees,’” Greer said.

New Laws Create Complications
Recent pro-union actions by the California legislature could make the case more difficult, says Alger.

“Prior to the Janus ruling, California lawmakers passed a number of bills to help protect unions by limiting employees’ opt-out rights,” Alger said.

These laws could complicate the case. Even if the [District Court] rules in teachers’ favor, the defendants will likely appeal. Their appeal would be heard by the Ninth Circuit, which has one of the highest reversal rates in the country.”

First Amendment Rights
Forced union dues violate public-school teachers’ First Amendment rights when they are compelled to support advocacy by a union they haven’t joined or have left, says Greer.

“I expect the federal courts will ultimately determine that Janus means public employees have a First Amendment right to resign from and cease bankrolling a union at any time, and union officials and public employers may not tell them they have to wait months or even years,” Greer said.

“This would be definitely a victory for free speech,” Sand said. “The unions have been trampling individual rights for years. No one should be forced to give money to an organization that spends it in ways that go against their principles.”

A favorable ruling for the plaintiffs would be a tremendous victory for free speech, with wide-ranging implications for employees within and beyond the teaching profession,” Alger said.

Ashley Herzog (aebristow85@gmail.com) writes from Avon Lake, Ohio.
The U.S. Department of Education (DOE) is considering ending the exclusion of religious organizations from providing federally funded services to eligible students in private schools.

State and local government education agencies use third-party contractors to provide federally funded “equitable services” for students in voluntarily participating private schools, including religious schools. The eligible services include tutoring, counseling, and computer-assisted instruction.

**Constitutional Conflicts**

Title I of the Elementary and Secondary Education Act of 1965 (ESEA) states a third-party service contractor must be “independent ... of any religious organization.” However, in the 2017 Trinity Lutheran Church v. Comer decision, the U.S. Supreme Court held religiously affiliated schools cannot be excluded from programs available to other private entities.

The DOE determined the provision of the ESEA barring religiously affiliated service providers was unconstitutional, and therefore “the Department will no longer enforce, apply, or administer the specific requirement” that the contractors must be independent of a religious organization, states the draft guidance. The third-party contractors must be independent of the private school in which the student is enrolled.

The public comment period for the DOE-proposed “draft guidance” to education officials closed April 9. After reviewing the input, the DOE could issue a “nonregulatory guidance” to local and state officials, states the DOE draft. DOE could then issue the final version of the guidance at any time in the next few months.

**‘A Nonsensical Interpretation’**

The contractor ban came from a mistaken view of federal law, says Robert Holland, a senior fellow at The Heartland Institute, which publishes Budget & Tax News.

“The restriction was based on a nonsensical interpretation of the ESEA,” said Holland. “The ban has endured under Democrat and Republican administrations alike, even though it clearly constituted discrimination against high-quality educational vendors solely on the basis of their religious affiliation,” Holland said.

“Education Secretary Betsy DeVos is correct that the Supreme Court’s landmark 7-2 decision in the Trinity Lutheran case plainly established that it is unconstitutional to disqualify an eligible recipient from competition for a public benefit simply because of its religious character,” Holland said.

DOE will still ensure federal funds aren’t used to promote sectarian views, says Holland.

“If the organizations engaged in proselytizing while doing federal contract work, that could be a violation of the First Amendment’s prohibition of an official establishment of religion,” said Holland. “However, that clearly is not the case here. The Education Department will continue to enforce ESEA stipulations that all contractual educational services must be ‘secular, neutral, and non-ideological.’”

**‘This Is a Big Deal’**

The potential change in DOE policy, announced by DeVos at a meeting of state directors for the Council of American Private Education (CAPE) on March 11, was welcomed by Michael Schuttloffel, executive director of CAPE.

“We were very pleased by Secretary DeVos’s statement,” Schuttloffel told Budget & Tax News. “The old policy, under which faith-based providers were prohibited from providing equitable services to private schools, was deeply unfair and absolutely inconsistent with the Trinity Lutheran decision, not to mention American first principles,” said Schuttloffel.

“By allowing the many outstanding religious providers out there to participate in these programs, the new policy will help private schools across the country, many of whom are on the front lines serving disadvantaged kids,” Schuttloffel said. “This is a big deal for a lot of people.”

**‘Trend is Entirely Positive’**

Multiple court decisions and the proposed DOE policy change reinforce the reasoning behind school choice programs, says Holland.

“This adds a bit of extra support to the idea that parents should be able to include religious schools among their array of choices under voucher, tax-credit scholarship, or education savings account programs that state governments set up to expand private choice in education,” Holland said.

“The U.S. Supreme Court ruled way back in 2002, in a Cleveland case [Zelman v. Simmons-Harris], that it is constitutional for parents to use vouchers to send their children to religiously affiliated schools so long as the choice-promoting program includes other kinds of schools as well,” said Holland. “A majority of state courts have followed suit.”

DeVos’s proposal is one of many policy decisions on the state and federal levels that give parents more of a say in their children’s educational options, says Holland.

“I believe this trend is entirely positive, because many families want the academic substance, safety, and moral values they find in private or parochial schools that are all too often lacking in today’s highly standardized and centrally directed public schools,” Holland said.

Ashley Herzog ([aebristow85@gmail.com](mailto:aebristow85@gmail.com)) writes from Avon Lake, Ohio.
FDA Considers Changing Labeling Requirements for Nondairy ‘Milk’ Products

By Ashley Herzog

The U.S. Food and Drug Administration (FDA) is considering modifying the definitions, called “standards of identity,” for a variety of food products, including whether items labeled “milk” must come exclusively from lactating animals.

For decades, the FDA has set labeling standards for a wide variety of food products. Under a deregulatory initiative by former FDA Commissioner Scott Gottlieb, who left the agency on April 5, 2019, the FDA is reviewing 17,000 public comments on the labeling of plant-based products that include the names of dairy foods such as “milk,” “cultured milk,” “yogurt,” and “cheese.”

Legislation restricting the use of dairy-related terms has also been proposed. Sen. Tammy Baldwin (D-WI) sponsored a bill in 2017 to reserve the name “milk” for dairy beverages and sponsored a bill in 2017 to reserve the dairy-related terms has also been pro-

milk,” “yogurt,” and “cheese.”

Based and dairy products, says Bakst. “What would confuse consumers is if plant-based products can’t use the term “milk,” says Bakst.

“If those products were called ‘almond drinks’ or whatever new name was adopted, that’s when there’d be confusion,” said Bakst. “Instead of having helpful names for consumers, the new names would be unhelpful.”

What names currently used to market nondairy goods inform consumers of alternatives, says Bakst.

“These products include dairy-related terms to help consumers understand the potential uses of the product,” said Bakst. “For example, the use of milk’ in ‘almond milk’ informs consumers that they can use the product in cereal, their coffee, and other situations.”

‘Merely a Protectionist Scheme’

The point of restricting the labeling of nondairy products is to make it more difficult for competitors to sell their products, says Bakst.

“There’s a lot of innovation that is occurring right now in the food sector to meet the diverse needs of consumers,” said Bakst. “This type of protectionist scheme discourages such innovation. [The DAIRY PRIDE Act] is merely a protectionist scheme to help dairy interests.”

Baldwin’s bill would not serve the public interest, says Sewell.

“The point is to use government to advantage one business over another,” said Sewell. “It’s a classic case of an industry trying to get the government to pick winners and losers.”

Food production is a much broader sector than dairy farming, says Sewell. “Businesses involved in farming and ranching play an important role in our national and state economies, [and] exploiting people’s love of farmers in order to gain an economic advantage by reducing consumer choice is just wrong,” said Sewell.

Interests vs. Common Sense

The fight over definitions is playing out in many areas of the food industry, Sewell said. “Lobbyists for the livestock sector want to use it to defeat competition from lab-grown or cell-cultured meat,” Sewell said. “There is a similar issue around commonsense names for foods running afoot of ‘geographical indications’ for things like Asiago, Parmesan, or Brie cheeses.”

Baldwin’s dairy bill is under consideration by the Senate Health, Education, Labor, and Pensions Committee, and the FDA could propose changes to its definition of milk at any time.

Ashley Herzog (aebristow85@gmail.com) writes from Avon Lake, Ohio.
Ohio Plans Medicaid Work Requirements as Trump Administration Appeals Ruling

By Bonner R. Cohen

Some Ohio enrollees in Medicaid, which provides medical assistance to low-income individuals, will be required to work to maintain their eligibility, though similar pilot projects in other states are facing federal court challenges.

Using what are called Section 1115 waivers, which must be approved by the federal Centers for Medicare and Medicaid Services (CMS), states are allowed to experiment with the design of their health care programs.

Under the Trump administration, CMS has approved waivers for individual states to require adult Medicaid recipients with incomes above the federal poverty level to work, participate in job training, or undertake “community engagement” activities such as volunteering.

Trump Administration Appeals Ruling

Ohio and several other states, including Kentucky and Arkansas, have received Section 1115 waivers from CMS, a division of the U.S. Department of Health and Human Services.

“Under the Trump administration, CMS has approved waivers for individual states to require adult Medicaid recipients with incomes above the federal poverty level to work, participate in job training, or undertake ‘community engagement’ activities such as volunteering.”

The Trump administration is appealing rulings by a federal court that have blocked the implementation of Medicaid work requirements in Kentucky and found a similar program already in place in Arkansas violates federal law.

The U.S. Department of Justice filed a notice of its petition to the U.S. Court of Appeals for the District of Columbia on April 10 to overturn two decisions by U.S. District Judge James E. Boasberg in the Kentucky and Arkansas cases.

New Hampshire’s Medicaid work waiver is being challenged in a separate case.

‘Medical Coverage’ Objective

Boasberg ruled against the Arkansas waiver in 2018, after which CMS revised and approved the project. In his March 27 opinion in Gresham v. Azar, Boasberg ruled CMS had not answered his previous objections.

Boasberg said the waiver still did not address “coverage considerations” for individuals who were removed from Medicaid for failing to meet work requirements. “Given a second failure to adequately consider one of Medicaid’s central objectives, the Court has some question about HHS’s ability to cure the defects in the approval,” Boasberg stated in his decision.

In justifying the Kentucky waiver, CMS “did not address ... how the project would implicate the ‘core’ objective of Medicaid; the provision of medical coverage to the needy,” Boasberg wrote in his March 27 opinion striking down the state’s plan in the case of Stewart v. Azar.

Arkansas Gov. Asa Hutchinson says he supports the Trump administration’s challenge to the judge’s decision. “Judge Boasberg is wrong, and I am urging the Department of Justice and Department of Health and Human Services to ... seek an expedited appeal of this decision,” stated Hutchinson in a March 29 press release.

‘Pathway to Full Employment’

Thirty-six states have expanded eligibility for Medicaid to persons with incomes up to 138 percent of the poverty level, as allowed under the Patient Protection and Affordable Care Act and a 2012 U.S. Supreme Court decision. Ohio expanded eligibility in 2014 to an estimated 540,000 people.

The Ohio waiver applies to those who became eligible under the expansion. There are no work requirements for Medicaid enrollees with below-poverty incomes, and Ohio’s plan exempts from work requirements people 50 years or older, individuals undergoing drug or alcohol treatment, pregnant women, and those fulfilling work requirements associated with other programs such as the Supplemental Nutrition Assistance Program (SNAP), also known as food stamps.

The purpose of the demonstration project is to transition Medicaid enrollees to independence through work, says Ohio Gov. Mike DeWine. “I am pleased that Ohio is a model state that balances a pathway to employment and access to health care in our reasonable work requirements,” stated DeWine in a press release after the CMS approval on March 15. “They are intended to put those able-bodied adults served by the Medicaid expansion on a pathway to full employment.”

Early Planning Efforts ‘Critical’

Ohio should not await the outcome of the Trump administration’s appeal before starting its program, says Rea S. Hederman, vice president of policy at the Buckeye Institute.

“If Ohio waits to implement its approved work and community engagement waiver, the benefits—such as higher lifetime earnings—that we found in our research ... will be delayed or lost for many people on Medicaid,” said Hederman.

A 2018 Buckeye Institute study concluded work requirements could increase lifetime earnings by close to $1 million for individuals who transition off of Medicaid, and would increase lifetime earnings by several hundred thousand dollars for those who remain on Medicaid their entire working life.

Carefully planning the rollout of work requirements is important, says Hederman. “In moving forward now, Ohio can develop an easy-to-use and understandable reporting process and they can begin to communicate with Medicaid recipients on how the new waiver will impact them,” said Hederman. “These early efforts by the state will be critical to ensure a smooth implementation process.”

Bonner R. Cohen, Ph.D. (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research.

INTERNET INFO

U.S. District Judge James E. Boasberg, memorandum opinion [Arkansas], Gresham v. Azar, Civil Action No. 18-1900, March 27, 2019: https://www.heartland.org/publications-resources/publications/opinion-memorandum-arkansas-medicaid-wavier-for-work-requirements

U.S. District Judge James E. Boasberg, memorandum opinion [Kentucky], Stewart v. Azar, Civil Action No. 18-152, March 27, 2019: https://www.heartland.org/publications-resources/publications/opinion-memorandum-kentucky-medicaid-wavier-for-work-requirements


“Under the Trump administration, CMS has approved waivers for individual states to require adult Medicaid recipients with incomes above the federal poverty level to work, participate in job training, or undertake ‘community engagement’ activities such as volunteering.”

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“The Trump administration is appealing rulings by a federal court that have blocked the implementation of Medicaid work requirements in Kentucky and found a similar program already in place in Arkansas violates federal law.”

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Utah ‘Clean Slate’ Law Will Expunge Convictions for Nonviolent Offenses

By Jake Grant

Utah Gov. Gary Herbert has signed into law a measure which will automatically expunge criminal records for low-level, nonviolent offenses.

The law, passed unanimously by both houses of the state legislature, does not apply to felons, DUs, or violent misdemeanors such as domestic violence or sexual battery.

The law will help those who have been convicted of misdemeanors turn their lives around, says Derek Monson, vice president of policy at the Sutherland Institute in Utah.

“Utah’s clean slate legislation, H.B. 431, offers nonviolent, reformed criminal offenders the opportunity to become productive members of society by automating the expungement of their criminal records if they have served justice by fulfilling their criminal sentence and spending multiple years free of crime after getting out of jail,” said Monson.

Past Mistakes Haunt Offenders

Many people have criminal records that create serious challenges for them, says Molly Davis, a policy analyst at the Libertas Institute, a Utah reform group.

“One in three American adults are living with a criminal record that inhibits their ability to find employment and housing,” said Davis. “By passing this law, we’re giving them a second chance at living life with a clean slate, free from past mistakes.”

A criminal record is a serious obstacle to personal improvement, Monson says.

“Those most impacted will be people who made criminal mistakes in the past but have turned their lives around,” said Monson. “[They] are seeking to live crime-free, but face unnecessary barriers to the basics of a productive life... due to their criminal records.”

Broader Reform Initiative

Herbert signed H.B. 431 into law on March 28. The law takes effect on May 1, 2020.

The new law is part of a broader series of changes in criminal law, says Monson.

“Utah’s clean slate initiative legislation comes on the heels of successful passage and implementation of reforms to Utah’s adult and juvenile criminal justice systems,” said Monson.

Jake Grant (jakeg42294@gmail.com) writes from Alexandria, Virginia.

Illinois Senate Passes Progressive Income Tax (Hike) Amendment

By Owen Macaulay

The Illinois Senate has passed a set of measures that would replace the state’s flat-rate personal income tax with a progressive tax structure if voters approve a change in the state’s constitution.

The Illinois Senate passed on May 1 its version of a progressive income tax package on strictly partisan lines, including a proposed constitutional amendment that would remove the requirement for a flat income tax structure from the state’s constitution.

The proposed amendment would be placed on the ballot in the 2020 general election if it is passed by the House of Representatives. Democrats hold a majority in both houses of the General Assembly.

If the constitutional amendment is approved by voters, the Senate tax bill will freeze local school property taxes temporarily and abolish the state’s death tax.

New Rates, Tax Hikes

Illinois currently imposes a 4.95 percent tax on all personal income, and a 7 percent tax on corporate income. Since 1970, the year after Illinois adopted an income tax, the state’s constitution has prohibited a graduated income tax.

The Senate bill would raise the top personal income tax rate to 7.99 percent, create separate rates for single and joint filers, and raise the corporate tax to 7.99 percent.

A progressive tax proposal from Gov. J. B. Pritzker failed to garner enough support on procedural votes for consideration in the Illinois House of Representatives. Pritzker’s plan would raise the top personal income tax rate to 9.75 percent. The House could take up the Senate plan and amend it.

‘Worse for the Economy’

A progressive income tax would be bad for the state’s economy, says Orphe Divounguy, chief economist of the Illinois Policy Institute.

“Progressive income taxes... lower the return on new investments and deter investment in human capital—education and skills—that boost individuals’ productivity and earning potential,” Divounguy said.

Progressive income taxes deter investment more than equivalent flat taxes do, Divounguy says.

“States that have progressive income taxes see slower job creation and slower wage growth than states with flat income taxes,” Divounguy said. “Even those who may receive a tax cut from a progressive income tax tend to be worse off due to the effect that the progressive tax has on individuals and businesses around them.”

Tax Hikes ‘Trojan Horse’

Both the Pritzker proposal and the plan passed by the Senate would reduce tax rates slightly on low- and middle-income taxpayers, but those rates could be raised in the future by the General Assembly. Additional tax hikes may well follow, says Adam Schuster, research director at the Illinois Policy Institute.

“A progressive income tax is nothing but a Trojan Horse for more middle-class tax hikes,” Schuster said.

“If the flat-tax protection is removed from the Illinois Constitution, it will become easier for politicians to hike taxes on everyone by playing different groups of people against each other,” said Schuster.

Population Fleeing High Taxes

Since the Great Recession, nearby states have effectively controlled spending and balanced their budgets without tax increases, says Divounguy.

“The top marginal tax rate has been lowered in all of Illinois’ neighbor states, and Illinois is the only one of her peers who is considering raising income taxes,” Divounguy said.

“It is also unsurprising that these states are all adding jobs at a faster rate than the Land of Lincoln and we consistently see more residents fleeing to these states from Illinois than vice versa,” Divounguy said.

Owen Macaulay (omacaulay@hillsdale.edu) writes from Hillsdale, Michigan.
Two People Affected by Columbine Shooting Promote Solutions to School Violence

By Lennie Jarratt

In the 20 years since the April 20, 1999, shooting at Columbine High School in Littleton, Colorado, two people who were affected by that event have taken up the issue of student safety.

Darrell Scott, father of Rachel Joy Scott—the first student killed—formed Rachel’s Challenge, a school assembly and training program aimed at increasing kindness and accentuating positive behaviors to reduce bullying and other internal threats.

Patrick Neville, then a 15-year-old who escaped out a window during the shootings, became a Colorado state representative and works relentlessly to protect students from external and internal threats.

Increased Security, Hardened Schools

Most discussions of the issue in legislative bodies over the two decades since Columbine have focused on external threats. This has led to hardened school entrances, tightened firearms laws, studies to find ways to identify potential shooters, and debates on whether to allow teachers and other non-security staff to carry concealed firearms.

Currently, 10 states allow concealed carry in public schools; nine states allow non-security personnel to carry, including a new law enacted in Florida on May 8; and 24 states allow schools discretion regarding who may carry firearms.

School shootings have directly affected more than 226,000 students at 233 schools since Columbine, according to The Washington Post. These events cause immeasurable grief for the survivors and the families of the deceased and wounded.

‘Reach the Heart of Our Kids’

Neglect of the need to develop students’ personal character is a major cause of violence and other forms of aggression in schools, says Scott.

“My personal belief is that guns are not the issue,” Scott said on the Heartland Daily Podcast on April 17. “The issue is the hearts of our young people and the influences around our young people. “For too long we have focused on academics and the head of our child,” said Scott. “And for 20 years we’ve been saying what I said to Congress; we’ve got to reach the heart of our kids.”

Facing ‘Theft, Assault, and Rape’

Shootings, while horrific, are not the only school safety issue students face, says Neville.

Data show children face numerous threats in the nation’s schools, including more than 800,000 incidents of theft, assault, and rape each year.

“I remember seeing one example where a poor student was forced to sit in class with her rapist for years while the trial was going on, and he ended up being convicted of that crime, but meanwhile she was forced to sit there with this person,” Neville said on April 23 on the Heartland Daily Podcast.

Widespread Bullying

Bullying is also widespread in schools. Nationwide, more than 20 percent of students reported being bullied in 2017, with nearly 70 percent of those being bullied multiple times. Repeated bullying leads to absenteeism, with 160,000 students skipping school each day to avoid being bullied.

Bullying and physical attacks are not just student-on-student, either. Many children are bullied by school staff, as reported in the Chicago Tribune’s 2018 investigative series “Betrayed.”

In January 2019, Jamari Dent, an 11-year-old fourth grader, attempted suicide after repeated bullying by his teachers and other students in a Chicago public school. In Berkeley County, West Virginia, a disabled student was subjected to repeated bullying by teachers and staff.

Bullied to Death

Self-inflicted teen deaths far outweigh student deaths by armed intruders into America’s classrooms, says Scott.

“For every one student who has died from a school shooting over the last 20 years, the statistics show that roughly 800 students have died from suicide,” said Scott. “And we don’t put as much emphasis on that because school shootings get more media attention.”

Teen suicides are on the rise in the United States. From 2006 to 2016, there was a 70 percent increase in the suicide rate for white teens and a 77 percent increase for black teens. A report by Health Management Associates presented to the Office of the Colorado Attorney General shows two key factors associated with suicide are bullying at school and cyberbullying.

Offered Child Safety Accounts

To help students who are bullied at school or face other dangers, Neville introduced a bill, H.B. 19-1112, in the Colorado House of Representatives on January 15 of this year to provide resources to help them escape their dangerous environments.

“We shouldn’t force students to be in places where they feel unsafe, and we should empower parents to make these proper decisions and prevent those threats from even popping up to a point where they are evolving into a school shooting or other significant safety issue.”

PATRICK NEVILLE
COLORADO STATE REPRESENTATIVE

“We shouldn’t force students to be in places where they feel unsafe, and we should empower parents to make these proper decisions and prevent those threats from even popping up to a point where they are evolving into a school shooting or other significant safety issue.”

Official Connections:
Colorado state Rep. Patrick Neville (R-Castle Rock):
https://leg.colorado.gov/legislators/patrick-neville

Heartland’s Proposed CSAs

Neville’s bill followed a reform proposal for CSAs developed by The Heartland Institute in 2018. CSAs are individual education accounts that would be funded by the state using monies already designated for each student’s education.

“I definitely liked the concept based on my experiences with Columbine, but you look at more situations where this could be used,” said Neville.

Under Heartland’s CSA model, parents would be provided with a debit card linked to a CSA account which they could use to pay for approved education-related expenses at a public or private school or for alternative education opportunities.

Lennie Jarratt (ljarratt@heartland.org) is a state government relations manager at The Heartland Institute.

INTERNET INFO

Rachel’s Challenge: https://rachelschallenge.org/
Michigan Governor Proposes Making Gas Tax the Nation’s Highest

By Bonner R. Cohen

Michigan Gov. Gretchen Whitmer’s proposal to increase the state’s gas tax by 45 cents, which would nearly triple it and give Michiganders the highest fuel tax of any state, is overwhelmingly opposed by small business owners, according to a recent poll by the National Federation of Independent Business (NFIB).

Ninety-three percent of NFIB members surveyed said the state legislature should not adopt the tax hike. Less than one-third supported an alternative one-cent increase in the state sales tax to pay for roads. The results of the survey of NFIB members in Michigan were announced on April 3.

“We have a decision to make when it comes to this budget,” Whitmer said in a presentation to lawmakers on March 5. “If we choose to continue down the path we are on, our roads are going to get much worse, and it’s going to cost more to fix them.”

The legislature and governor must agree on a budget by October 1.

Road Funding Plan

Whitmer proposes to raise the gas tax from 26 cents per gallon to 71 cents per gallon. The tax would rise in stages, beginning in October of this year and reaching 71 cents per gallon in October 2020.

When fully implemented, the higher tax rate would produce an estimated $2.5 billion per year for road and bridge repairs. Whitmer also proposes eliminating $600 million in highway funding transferred from the state’s general fund under the current highway program implemented when Gov. Rick Snyder, so the net increase in spending on roads would be $1.9 billion per year.

Michigan adopted a road funding plan in 2015 that raised the per-gallon tax on gasoline from 19 cents and on diesel from 15 cents, to 26.3 cents per gallon on both. Snyder’s plan also increased vehicle registration fees by 20 percent.

‘Jobs Will Be Lost’

Economic modeling shows a 45 cent gas tax hike would damage Michigan’s economy, says Michael LaFaive, senior director of fiscal policy at the Mackinac Center for Public Policy.

“We estimate that 22,500 jobs will be lost on net balance as a result of this tax hike,” LaFaive said.

Reducing other taxes and spending would be a way to compensate for the higher tax, says LaFaive.

“Offsetting even half of the higher gas taxes with corresponding income tax—and related spending—cuts would result in a slightly positive jobs impact through fiscal 2022,” said LaFaive.

Mackinac’s analysis found fully offsetting the tax hike would not only eliminate net job losses but could create 24,000 additional jobs in Michigan.

“There are still plenty of budget reform ideas to lessen, if not eliminate, the new tax burden proposed by Gov. Whitmer,” said LaFaive.

Who Pays?

The tax hike would most harm those least able to afford it, says Charles N. Steele, chairman of the Department of Economics, Business, and Accounting at Hillsdale College and a policy advisor to The Heartland Institute, which publishes Budget & Tax News.

“The burden would fall most heavily on the lower middle class and working poor for whom driving is a work necessity and for whom gasoline is a bigger share of their budget,” said Steele.

The state already places an expensive burden on drivers, says Mark Brandly, who teaches economics at Ferris State University and is a policy advisor to The Heartland Institute.

“Because of the state’s regulatory apparatus, Michigan’s car insurance rates are 80 percent higher than the national average,” said Brandly. “It’s unreasonable to impose additional burdens in the form of tripling the state’s gasoline tax.”

‘Should Not Trust the State’

There’s no guarantee the state will use the tax hike money for its stated purpose, says Steele.

“Her assertion that this will ‘permanently fix our roads’ is doubtful at best,” said Steele. “The state has typically diverted gasoline tax revenues to other things, and Whitmer’s proposed hike doesn’t change this.”

“The revenue from the previous gasoline tax hike seems to have gone to spending on schools and Medicaid,” said Brandly. “We should not trust the state to use any additional revenues on roads.”

Bonner R. Cohen, Ph.D. (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research.

INTERNET INFO


13th International Conference on Climate Change

Save The Date

• THURSDAY, JULY 25, 2019
• TRUMP INTERNATIONAL HOTEL, WASHINGTON, DC
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The 13TH INTERNATIONAL CONFERENCE ON CLIMATE CHANGE (ICCC-13) will take place on Thursday, July 25, 2019, at Trump International Hotel in Washington, DC.

The event will feature the courageous men and women who spoke the truth about climate change during the height of the global warming scare. Now, many of them are advising the new administration or joining it in senior positions.

Climate realists have established beyond a reasonable doubt that the human impact on climate is likely to be very small and beneficial, rather than harmful. Realists have proven most scientists now share this opinion, except those who have made careers out of finding a human impact and exaggerating it.

Speakers at ICCC-13 will summarize the best available climate science and recommend which policy changes are needed for America to lead a post-alarmist world in climate realism. ICCC-13 will also feature timely, in-depth, expert discussions about the “Green New Deal” and the benefits of ending the Democrats’ war on fossil fuels.

Space is very limited, so reserve your conference pass and hotel room now. Admission is $129. To register or learn more about ICCC-13, visit heartland.org or call 312/377-4000.

The Heartland Institute is a national nonprofit organization based in Arlington Heights, IL. Its mission is to discover, develop, and promote free-market solutions to social and economic problems. For more information, visit our website at heartland.org or call 312/377-4000.
Report: Wealthiest Colleges Receive Billions in Federal Aid

By Sarah Quinlan

Public and private colleges with large endowments receive billions of dollars in U.S. Department of Education (DOE) funding each year, reports Open the Books, a nonprofit organization promoting government transparency.

“The 25 colleges and universities with the largest endowments in the country reaped $6.9 billion in Department of Education (ED) funding despite holding a quarter-trillion in existing assets, collectively,” writes Adam Andrzejewski in “Open the Books Oversight Report: The U.S. Department of Education,” released on April 3.

Among the institutions with the largest endowments, eight of the 10 largest recipients of DOE funding are public universities.

“Money was distributed as grants, contracts, and direct payments (FY2017) as well as student loans (FY2017-FY2018),” the report states.

High Endowments, Higher Tuition

These institutions do not use their endowments to reduce the cost of tuition, economist Stephen Moore and Andrzejewski noted in The Washington Times on March 31.

“The higher the endowment, the higher the tuition,” write Moore and Andrzejewski.

Outstanding student loan debt reached $1.49 trillion in the first quarter of 2019, according to the Federal Reserve Bank of New York. Federal funding should be conditioned on these schools using their endowments and other means to lower tuition costs, say Moore and Andrzejewski.

“The way to cut tuitions, starting with the most expensive colleges, is to require these schools to lower their tuitions each year by 5 percent to 10 percent and make up the difference by either cutting costs (that’s easy) or using their endowments to subsidize the out-of-pocket costs paid by students and/or taxpayers,” Moore and Andrzejewski write.

Discounts for Some

These wealthy institutions give students income-based discounts from their high fees, says George Leef, director of research at the James G. Martin Center for Academic Renewal.

“True, many elite schools have huge endowments and charge high tuitions,” said Leef. “They also, however, usually give substantial tuition reductions for students from families with modest means.”

Students would pile up less debt and obtain better outcomes if they chose to attend other schools that charge less, says Leef.

“There are lower-cost alternatives to these ultra-expensive institutions,” said Leef. “While they aren’t as prestigious, they offer an education that is as good if not better.”

Opposes ‘Federal Meddling’

Further federal government intervention should be avoided, says Leef.

“I do not favor further federal meddling with higher education at all,” Leef said. “I don’t want to see federal officials telling college leaders how they must spend their resources.

“How elite private universities—or any other private educational institution—use their money is not properly any business of the federal government, and how top state universities use their money is a matter for the states to decide,” said Leef. “We shouldn’t invite further federal intervention.”

Sarah Quinlan (think@heartland.org) writes from New York City, New York.
New Mexico Strikes Down Local Right-to-Work Laws

By Bonner R. Cohen

A recently implemented New Mexico state law invalidates local right-to-work measures.

Several New Mexico counties had adopted ordinances to prevent employers from compelling their workers to pay dues to labor unions, and the state stepped in to stop them from doing so.

“The New Mexico Legislature passed H.B. 85 in an effort to stop local governments from enacting their own right-to-work laws,” said Paul Gessing, president of the Rio Grande Foundation. “Ten counties—nearly a third of New Mexico’s 33—had done so.”

A January 2018 legal opinion by state Attorney General Hector Balderas said a right-to-work ordinance in Sandoval County, the first place to enact such legislation, exceeded the county’s authority and created confusion for businesses.

The new state law, effective June 14, permits employers and labor unions in the state to enter into contracts requiring membership in a union as a condition of employment and asserts the state’s exclusive jurisdiction over the issue.

‘Selective Action’

Various jurisdictions in New Mexico have enacted a variety of policies governing relationships between employers and labor, Gessing says.

“The justification [for H.B. 85] was to avoid a ‘patchwork’ of local labor laws, but local governments have adopted their own minimum wage laws and Albuquerque voters narrowly defeated a mandatory sick-leave ordinance,” Gessing said.

During debate, senators opposed to the bill said the legislature was exhibiting bias in its concern about local labor policies, says Carla Sonntag, president of the New Mexico Business Coalition.

“We appreciate the points made by senators on H.B. 85’s flaws and the hypocrisy of the Senate to take selective action against county right-to-work laws when they did not take such action on other employment-related issues,” Sonntag said.

Unions Supported Bill

A 2015 effort to enact a statewide right-to-work law passed the Republican-controlled House but failed in the Senate. Today, both chambers have Democrat majorities favorable to organized labor, Gessing says.

“Ultimately, the Democrat-controlled legislature opposed right-to-work laws because they enjoy unions’ financial and political support,” Gessing said.

New Mexico Gov. Michelle Lujan Grisham (D) signed H.B. 85 into law on March 27.

Potential Challenge

The New Mexico state law could face a court challenge, according to the New Mexico Political Report. Last year, the U.S. Supreme Court ruled in Janus v. American Federation of State, County, and Municipal Employees that government workers cannot be forced to contribute to labor unions representing employees in collective bargaining. The decision does not apply to private-sector workers.

Currently, 27 states have right-to-work laws, and unions represent a declining portion of the workforce.

“According to the Bureau of Labor Statistics, about 8 percent of New Mexico’s workforce belongs to unions—some whether they choose to or not,” Sonntag said.

Bonner R. Cohen, Ph.D. (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research.
By Ashley Herzog

Both Houses of the New Hampshire General Court, the state’s legislature, have tabled bills that would have spiked the state’s Education Tax Credit (ETC) program.

The ETC allows businesses to take a credit against their state taxes for donations to a fund that provides scholarships to private schools for low-income students.

“Since its inception in 2013, the ETC program has benefited 877 low-income students,” said Michelle Levell, director of School Choice for New Hampshire, a nonprofit organization that advocates school choice. “These are children who face lower academic outcomes, lower graduation rates, greater risks for being held back a grade level, and other challenges that can last a lifetime. They are most in need of support if they are to have hope for a brighter future, the kind that their wealthy peers can already access.”

The state should not take this opportunity away from students who participate in the ETC program, says Lennie Jarratt, project manager for the Center for Transforming Education at The Heartland Institute, which publishes Budget & Tax News.

“Ending this program will force many students back into schools that were failing them academically, physically, and emotionally,” Jarratt said. “This does nothing but harm students instead of helping them.”

Consideration Postponed

H.B. 632 would have ended the ETC program. The New Hampshire House of Representatives tabled the Democrat-sponsored bill on March 19, in a lopsided 332-19 vote that likely stops the bill for this session, though supporters could try to attach it to some other measure.

The New Hampshire Senate considered a bill that would have lowered the cap on ETCs to $3 million, cutting the number of children that can receive ETC funds from 2,400 to 1,400. That bill, S.B. 318, was tabled on March 28.

Democrats have majorities in both legislative houses, having flipped party control from Republicans in the November 6, 2018 election.

New Hampshire Gov. Chris Sununu supports school choice and could have vetoed either bill.

Partisan Opposition to Choice

There is little support for ETCs among Democrats because they receive strong support from anti-school-choice groups, says Levell.

“Public school lobbying organizations are influential in New Hampshire, and we do not have enough people that vote for Democrats in elections that are also school-choice supporters,” said Levell.

“This combination makes school choice more of a Republican issue in our state,” said Levell. “It’s a shame because if we focus on children instead of buildings, it should be a bipartisan issue like it is in many other states.”

‘Right Fit for Every Child’

New Hampshire Republican legislators are not fully committed to school choice either. A bill supported by Sununu to establish an education savings account program was defeated in the Republican-controlled state House in 2018. Some Republicans voted against tabling S.B. 318 in the Senate on March 28 because they wanted to defeat the bill outright.

Supporters of government schools are mistaken in seeing ETCs as a threat, says Levell.

“New Hampshire has organizations and politicians who see school choice as pitting public school against other educational opportunities instead of being an array of options for children,” said Levell.

“Local district schools may be a great fit for most children, but even a great school cannot be the right fit for every child,” said Levell.

Donations Fuel Choice Opposition

Some politicians oppose school choice and scholarship programs because they receive donations from groups on that side of the issue, says Jarratt.

‘Pander to the Teachers Unions’

Politicians are responding to the power of organized public education labor groups, says Timothy Benson, a policy analyst at The Heartland Institute.

“Opposition to the program is a pan- der to the teachers unions, who are some of the largest and highest-spend-
Texas Bill Addressing ‘Wild, Wild West’ of Pecan Theft Would License Buyers

By Kenneth Artz

A bill advancing through the Texas House of Representatives would require wholesale pecan buyers in five western counties to obtain a state license.

H.B. 92, sponsored by state Rep. Mary González (D-El Paso), would also require bulk pecan buyers to obtain driver’s license numbers and contact information from sellers as part of the licensing requirement. The House Agriculture andLivestock Committee passed the bill and sent it to the Local & Consent Calendars Committee, which schedules floor action, on May 2, 2019.

González says the bill is an effort to address pecan thievery in West Texas. “This kind of feels like a bill from the wild, wild West,” said González, testifying before the House Agriculture andLivestock Committee on March 18.

“New Mexico passed a law that requires that people who buy pecans are licensed,” said González. “The buyers who were the bad actors are now moving from New Mexico to the western part of Texas to buy pecans, and therefore creating a black market.”

‘Pilot Program’ Could Grow

González says a large amount of pecans is stolen from growers in her district each year.

“This is a tool necessary for local law enforcement to ensure that we are not losing millions of dollars to pecan thieves in my area,” said González.

Local growers account for up to half of Texas’ pecan production. González says she would like the law to be extended to other 249 counties in the state.

“Let’s use this as a pilot program and see if it works,” said González. “We can come back next session and make it statewide. If it doesn’t work, we can just take it away.”

Stealing Pecans ‘Already Illegal’

Requiring occupational licenses for pecan buyers doesn’t target the thieves who sell the pecans, says Arif Panju, managing attorney at the Texas office of the Institute for Justice.

“The justification of the bill being advanced by the bill’s author and those backing the bill is somehow there is some sort of fraud taking place in the pecan market where there are folks reselling stolen goods, misrepresenting their pecans, or something else illegitimate is happening,” Panju told Budget & Tax News. “But those things are already illegal. A less burdensome approach would be to enforce the laws.”

Even if existing laws do not adequately address the problem, licensing is still not necessarily justified, says Panju.

“What we look for is what are the harms and are they substantiated—is there actual harm?” Panju said. “Once you find what the harms are, you should look at the least restrictive regulatory option to address the harms.”

Licensing ‘Way Over-Broad’

Texas already overregulates work, Panju testified at the March hearing.

“Texas is known for regulating with a lighter hand than most states,” Panju testified. “One major exception to that is occupational licensing.

“Regulating over 500 occupations by way of licensure—in other words, requiring the government’s permission before you can work—is way over-broad and way beyond the single occupation the Republic of Texas licensed,” Panju testified.

Licensure is backed by larger firms or associations in each business, which dominate the panels that regulate them, says Panju.

“Texas has 49 state licensing boards,” Panju told the committee. “Market participants populate three-quarters of them and enforce licensing laws [with] cease and desist orders along with rules. ... This bill is a barrier to entry [by competitors], with no substantiated harm to the public.”

“There are plenty of better alternatives than occupational licensing, says Panju.

“There is a whole panoply of less restrictive regulatory options, and voluntary options, like voluntary state certification, or state registration,” Panju testified.

Less Licensing, Better Economy?

Occupational licensure does more harm than good, says Vance Ginn, senior economist and director of the Center for Economic Prosperity at the Texas Public Policy Foundation.

“When the number of people being injured by occupational licensing is greater than the number of people that would otherwise be harmed without occupational licenses, you reduce the level of economic growth and prosperity you’re able to have. I think it’s kind of ridiculous they’re proposing a licensing requirement for pecan buyers in Texas. We should be cutting the number of licenses, not increasing them, especially when it comes to pecans.”

VANCE GINN
SENIOR ECONOMIST
TEXAS PUBLIC POLICY FOUNDATION

“A lot of the research I’ve done, and others have done about occupational licensing, is they’re enacted to protect the health, welfare, and safety of the public,” Ginn said. “However, there are a lot of occupational licenses that don’t do that.”

Licenses ‘Incentivize Bad Behavior’

Florida and Arizona lead the nation when it comes to reducing the number of occupational licenses, says Ginn.

“I think it’s something we should be looking at [in Texas] to boost economic growth and productivity,” said Ginn. Another reason to deregulate the labor market is help those with a criminal history who want to enter lines of work that have nothing to do with the crimes they committed, says Ginn.

“We are preventing these people from getting an occupational license for the job they want to do, and this puts them at a higher rate of recidivism,” Ginn said. “We should be trying to prevent the government from putting up these sorts of barriers that incentivize bad behavior.”

Kenneth Artz (kennethways@ gmx.com) writes from Dallas, Texas.
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**Florida Legislature Fails to Pass Bill to Deregulate Occupational Licensing**

**By Kenneth Artz**

The Florida State Legislature declined to act on a bill that would have loosened or eliminated state occupational license requirements imposed by 23 professional licensing boards on nearly 30 percent of Florida’s workforce.

Consideration of the 120-page S.B. 1640, which faced opposition from groups of regulated professionals, stalled in the state House of Representatives and was delayed on the state Senate floor on May 2. The session ended May 3 without further action.

Gov. Ron DeSantis has made occupational licensing reform a focus of his legislative agenda.

“Aggressive and appropriate deregulation is a top priority of my administration,” said DeSantis in a January 24 news release.

Costs ‘Borne by Consumers’

Occupational licensing exacts a heavy price in Florida, says Sal Nuzzo, vice president of policy for the James Madison Institute (JMI).

“Florida has one of the worst environments for licensing and licenses more occupations unnecessarily than just about anywhere else,” said Nuzzo.

“In addition, the licensing requirements are far more burdensome than most other states’.

“Ultimately, the costs are borne by consumers, who pay more for services, and by those individuals trying to get on the rungs of a career ladder,” said Nuzzo.

Lower Barriers, Less Crime

Florida’s high occupational licensing barriers are associated with higher criminal recidivism, which imposes costs on taxpayers, says Nuzzo.

“As JMI illustrated in a recent policy study, our state budget suffers because there is a direct correlation between the levels of licensing and the recidivism rate among ex-felons,” said Nuzzo.

The study, “Bridging the Divide: Licensing and Recidivism,” found reducing the average number of training days required to obtain a license in Florida to the national average, based on data in a 30-state sample, could cut the state’s re-arrest rate by more than half.

“If we want to lower the likelihood of ex-felons being re-incarcerated, we must lower the barriers to those individuals gaining meaningful employment,” said Nuzzo.

Florida ‘Lagging Behind’

Occupational licensing limits Florida’s economy by making it more difficult to fill skilled jobs, says Matthew Kelly, a research fellow at the Colloquium for the Advancement of Free-Enterprise Education at the University of Texas at Dallas and a policy advisor to The Heartland Institute, which publishes *Budget & Tax News*.

“[Florida] has a very diverse economy overall, [but] it could be more diverse and it is sort of lagging behind when it comes to higher paying and higher skill jobs,” said Kelly. “Occupational licensing [has] an impact on that by making it more difficult to obtain those skilled jobs.”

 Licensing As Last Resort

States should try a variety of less restrictive regulations before imposing occupational licensing, and voluntary systems can work well, says Nuzzo.

“There is a wealth of options for policymakers to consider—insurance requirements, private certifications, bonding—before they go to a government license, which should be the policy of last resort,” said Nuzzo.

“With that said, there will still be a market for training, and possibly even new private markets for professional certifications which are set apart from a government license,” said Nuzzo.

Kenneth Artz (kennethcharlesartz@gmx.com) writes from Dallas, Texas.
An Income Tax Hike Would Shrink the U.S. Economy

By David Ranson

Congress has raised and lowered personal income tax rates for more than a century, and the performance of the economy associated with those changes is well-documented.

Examined closely, this history shows that bumping up the top bracket to 70 percent—as some politicians are suggesting—would temporarily reduce gross domestic product (GDP) by an estimated 11 percent.

Top Rate Affects Investment

This analysis recognizes that 70 percent would be a marginal tax rate, not the average or “effective” rate that people pay. The marginal tax rate is the levy someone must pay out of the next dollar of income earned, and therefore governs their motivation to earn that income.

The marginal tax rate varies by income bracket. Because high rates impose greater disincentives than low rates, the top rate will have the greatest influence on the use to which the highest-income earners put the large pools of capital they own. The investment of that capital is hugely important in determining the rate of economic growth. Thus, though tax rates have always varied by income, it greatly simplifies calculations to use the top rate to represent the entire tax structure.

Beginning with a maximum tax take of 7 percent, U.S. rates jumped temporarily during World War I. Astonishingly, they were raised in the midst of the Great Depression and advanced in World War II to a 94 percent top rate.

Near-record rates prevailed until Presidents Kennedy and Johnson cut the top bracket to 70 percent. The highest marginal rate was reduced to a low of 28 percent by President Reagan, and today it is at 37 percent.

Wars Overwhelm Other Effects

The central obstacle in calibrating the impact of tax rates on economic growth is the simultaneous effect of many other factors. This impasse can be partially bridged by aggregating years into multiyear periods for analysis, because the omitted factors tend to cancel out, especially over decades. Thus, the nearby table compares decadal growth of real GDP with decadal changes in the top income tax rate.

The decades in which World Wars I and II occurred are separated out because wars overwhelm other influences on real GDP growth as long as they last.

The economy clearly responds to taxation very differently in peacetime than when fully mobilized for war. Otherwise, decade by decade, the growth of real GDP and the performance of the stock market rank inversely with the change in the top income tax bracket.

Calculating the Effects

We can make a rough estimate of how much real GDP would fall if the top rate were raised, by using the data in the first and second columns of the table. Subtracting the two peacetime peaks after two years, and then declines. After two more years, all economic paths have converged, and there remains no net GDP difference between the effect of a tax hike and the effect of a tax cut.

It appears that taxpayers are able to change their business practices enough to avoid or mitigate changes in the tax-rate structure, and as a result the economy slowly returns to normal.

GDP Declines for Two Years

The accompanying graph depicts the annual consequences on real GDP of increases and declines in the top tax bracket. These results show more about the time profile and persistence of GDP effects from tax-rate changes.

The impact on cumulative growth peaks after two years, and then declines. After two more years, all economic paths have converged, and there remains no net GDP difference between the effect of a tax hike and the effect of a tax cut.

What the Data Tell Us

It is well-substantiated by logic and common sense that tax-rate hikes degrade economic activity. But not everyone agrees, and there is no consensus on the extent of the effects.

As long as professional economists hired by politicians use complex methods opaque to the layman, work from theoretical judgments, and operate in the atmosphere of a courtroom contest, we cannot expect their views to converge. As a result, politicians propose and debate their prescriptions for the economy as if there were no experience or evidence of the consequences.

If rival economic assumptions are put aside and we ask what the data show, the entire U.S. peacetime history fits the rule of thumb that every three-point change in the top income tax bracket subtracts from or adds to GDP by 1 percent.

David Ranson (d.ranson@hcwe.com) is head of research at HCWE & Co. and a policy advisor to The Heartland Institute.
New Book Presents Solutions for Financially Insolvent Entitlement Programs

By Jay Lehr

The authors of On the Edge skillfully unravel the mess our political leaders have gotten the nation into over almost 100 years, providing straightforward explanations and direct, simple solutions to the nation’s entitlements crisis.

The “entitlements cliff” of the book’s title is the fact that our social insurance programs are financially unsound and our income redistribution programs are unaffordable.

Describing 84 social insurance and means-tested welfare programs, Mark Litow and Merrill Matthews focus on the biggies with which we are all familiar: health care, Social Security, public employee pensions, and cash welfare.

Fiscally Unsound Premises

Employers and employees contribute to social insurance programs, and many retirees pay premiums for Medicare. Over the years, however, politicians have increased the benefits faster than the taxes and premiums dedicated to fund these schemes. They have also added new groups of beneficiaries whose benefits are subsidized by other participants or taxpayers in general.

In managing Social Security, health care, and pensions, the government never follows the prescription that allows insurance companies to stay in business while insuring all kinds of risk. Insurance companies do it by practicing actuarial science, which is the quantification of risk using math, probability, and statistics. In the end, to stay in business for long, income must equal or exceed expenditures.

Unfortunately, with only rare exceptions, government safety-net programs are set up and later expanded based on political considerations instead of economics and actuarial science.

“Finding a U.S. entitlement program that has remained the same over time is about as difficult as finding one that will be solvent over the long term,” the authors write.

Explosion in Spending

Litow and Matthews concisely describe how Medicare and Medicaid exploded in cost.

Medicare’s “unfunded liability had been estimated by the trustees in 2009 at about $80 trillion,” they write. Then came the Affordable Care Act, which subsidized health insurance premiums for non-seniors, expanded Medicaid eligibility, and undermined Medicare by imposing cuts in price-controlled reimbursements to hospitals.

In 2012, the Actuary estimated that by 2080 Medicare’s hospital expenditures could rise to 9.9 percent of all taxable payroll and that payments to physicians could mount to nearly 4.39 percent of the nation’s gross domestic product.

“Medicare is in much worse financial shape than Social Security, and Medicaid consumes an ever-expanding percentage of federal and state budgets,” the authors write.

‘Financial Malpractice’

Litow and Mathews do an excellent job of explaining the disaster of unfunded pension programs for public employees.

“Many states are facing unfunded liabilities far beyond anything they can cover without dramatic changes,” they write.

A recent study shows the unfunded liabilities for state employee pension plans are $6 trillion.

“For example, according to the American Legislative Exchange Council, Connecticut’s unfunded pension liability in 2017 was $248 billion, New Jersey’s was $249 billion, Illinois’s was $388 billion and California’s was $988 billion—almost $1 trillion,” Litow and Matthews write.

“These shortfalls are nothing less than financial malpractice,” the authors write.

Losing War on Poverty

In case you have any warm feeling for former president Lyndon Johnson and his initiation of our War on Poverty, you will learn it only made things worse, and not for lack of money.

“In 2017, we calculate that states spent nearly $500 billion on means-tested welfare programs,” the authors write. “Adding state to federal means-tested spending brings the total to about $1.1 trillion.”

The authors estimate we have spent $29 trillion on antipoverty programs in the United States with little to show for it to date. The poverty rate “has fluctuated between 11 percent and 15 percent for 50 years, and [stood] at about 12.7 percent in 2016.”

Solution: Individually Owned Accounts

Most federal entitlement spending is on Social Security and Medicare, costing $1.63 trillion per year by the authors’ estimate. The only way to solve these programs’ financial challenges is to move to a system of accounts owned and controlled by the individuals, not the government, the authors argue.

Litow and Mathews suggest several ways to address the inherent risks that come with people managing their own accounts and occasional stock market declines. They also offer simple models to create actuarially sound safety-net, health care, and welfare programs.

Sadly, the authors’ solutions are not likely to happen given the power of advocacy groups that benefit from government inexperience.

This well-thought-out book offers a set of solutions that could solve the long-term fiscal and economic problems we face—if ever we can get the government to stop kicking the can down the road.

Jay Lehr, Ph.D. (jaylehr57@yahoo.com) is a senior policy analyst at the International Climate Science Coalition.

“Most federal entitlement spending is on Social Security and Medicare, costing $1.63 trillion per year by the authors’ estimate.”
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