

Congress’ work still incomplete in two areas

BY BARRY L. RITHOLTZ
BLOOMBERG VIEW

What year is this? Pardon my confusion, but a glimmer of intelligent life in Washington has me questioning whether it’s 2015. The source of this bewilderment is that the U.S. Congress has managed to accomplish a few things:

— A budget deal was reached, and a damaging government shutdown was averted. The deal entails a modest increase in spending of \$80 billion over two years.

— Washington seems to have resolved its debt ceiling issues through the spring of 2017.

— A “voluntary” government default has been avoided.

— The House voted to reopen the Export-Import Bank, 313-118; the Senate likely will approve it as well.

— Spending caps on

Medicare increases were negotiated and approved.

— Partisan gridlock has been broken — at least for now.

Of course, there are always political reasons for anything that gets done in our nation’s capital. The U.S. presidential elections are one year away. Jockeying for advantage meant doing the people’s work, even if by accident.

Some are going so far as to say that the age of austerity is over. At best, that seems like a premature conclusion. And it’s probably too early to declare the death of partisan gridlock.

Regardless, we all have a wishlist of things we want and hope our elected representatives will get accomplished. One has to do with infrastructure — in particular the U.S.’s decaying roads and bridges — and how regular maintenance should be paid for via the gas tax, which isn’t a tax so much as a user fee. The second has to do with how we finance



JOSHUA ROBERTS | REUTERS
Former U.S. House Speaker John Boehner, R-Ohio, stands during a Gold Medal ceremony at the U.S. Capitol, recently.

our national debt.

Both these issues start with the exact same premise: There is no free lunch. Like any country, the U.S. has basic needs, and these needs cost money.

Let’s take road maintenance as an example. We build roads to move people and goods around the country. This social utility has huge benefits for the economy. All this infrastructure requires regular maintenance: Roads,

bridges and tunnels are all exposed to wear and tear and the vagaries of weather. Without maintenance, these structures last a fraction of the time they would with regular paint and repairs. Over time, they crumble and become a drag on economic efficiency. Decrepit roads also pose a health risk in terms of injuries and loss of life, which imposes untold billions in costs on the

economy — not to mention heartache.

That all of the above needs to be spelled out says something pretty awful about those in charge of seeing that our infrastructure performs as intended.

We pay for road maintenance through the Highway Trust Fund. At 18.4 cents per gallon, the fuel tax has been unchanged since 1993. With gasoline near six-year lows, drivers can easily afford an increase.

They can either spare an extra dime at the pump, with regular increases to account for inflation, or they can spend much more in repairs that crumbling roads will eventually cause to their vehicles.

A less visible but much bigger issue is the \$18 trillion federal debt. It’s carried with a relative short duration, meaning the cost of that debt could rise a lot if interest rates shoot up. One solution, used by other nations

with elevated but manageable debt levels, would be to embrace a 50-year Treasury bond.

It’s really something the U.S. should consider. A 50-year bond would allow a refinancing of America’s long-term debts at today’s low rates. This would keep the costs of carrying existing debt as low as possible. It shouldn’t cause additional deficit spending; if anything, it would reduce total interest expenses, now nearly a quarter of federal spending. The demand for such paper likely would be overwhelming — meaning that interest costs would remain low.

For the first time in nearly a decade, Congress has started to do its job. Let’s hope it can take care of the work that still needs to be done.

Barry L. Ritholtz is a Bloomberg View columnist. Readers may send him email at britholtz3@bloomberg.net.



BRENDAN MCDERMID | REUTERS
Confiscated illegal guns on display at New York City police headquarters recently.

How abusers get to keep their guns

BY CHRISTINA CAUTERUCCI
SLATE

Since 1996, convicted domestic abusers have been barred from purchasing guns. Even a misdemeanor will land one of these perpetrators in the FBI-managed database of people who can’t buy a firearm, thanks to the federal Domestic Violence Offender Gun Ban.

The policy was spurred by staggering statistics that even the gun lobby couldn’t refute: Ninety-three percent of women killed by men know their murderer, the majority of whom are their intimate partners. Guns are the preferred weapon of domestic abusers who kill their partners, and domestic assaults are 12 times more likely to be fatal if a gun is involved. Even the simple presence of a gun in a home makes domestic violence five times more likely to lead to murder.

But the federal law

leaves two gaping loopholes, explored at length in a recent article from The Trace. Even though the victims of intimate-partner homicide are usually dating their partners, not married to them, the federal definition of domestic abuse requires that the couple be currently or formerly married, cohabitating or the parents of shared children. This “boyfriend loophole” means that convicted domestic abusers who aren’t married to their targets can still purchase guns if they’re otherwise eligible.

The federal gun ban for domestic abusers also leaves a perpetrator’s existing gun collection untouched, which renders the ban ineffective against any abuser who already owns a firearm. Some local and state governments have passed laws that force convicted domestic abusers or subjects of domestic violence restraining orders to turn in their guns; these have

been largely effective. The Trace cites a 2009 study that credited cities in these states with domestic gun murder rates 25 percent lower than cities in states without relinquishment laws.

But even in states and municipalities where it’s possible for judges to make abusers give up their guns, judges don’t often take advantage of the law. Everytown for Gun Safety found that when judges were aware that a domestic violence defendant had access to a gun, they only ordered the defendant to surrender it 13 percent of the time. The lapse is exacerbated by local police departments, who aren’t always aware that they’re responsible for enforcing surrender and seizing firearms if necessary. Some police departments, disinclined to take on the duty of storing the seized guns, have struck up partnerships with gun-friendly businesses, as the Dallas Police Depart-

ment did with an area shooting range.

The current situation is bleak, but the U.S. is trending toward a better solution for the overlap between gun ownership and domestic violence. According to Americans for Responsible Solutions, 30 new state laws addressing this deadly intersection have cropped up since 2008. And a new federal bill introduced in July, the Zero Tolerance for Domestic Abusers Act, would extend the federal gun ban to convicted stalkers and abusers of current or former intimate partners of any sort, closing the boyfriend loophole. But an identical bill failed in 2013, and the current Congress is no friendlier to gun laws now than it was then. The proposed act may be a long shot, but for victims of domestic violence, the delay could be a matter of life and death.

Christina Cauterucci is a Slate staff writer.



BDN FILE
Justin Faloona looks out over the Penobscot River at a turnout near Frankfort in November 2013. Search and rescue crews were looking for Cecil Worster, a 46-year-old Bangor man who disappeared Nov. 21, 2013. His body was recovered from the Penobscot River in April 2014.

Missing

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can record unsolved missing person cases, NamUs can fill that role for law enforcement, said J. Todd Matthews, director of case management and communications at NamUs, a unit of the U.S. Department of Justice.

“We actually already [provide a central database] within NamUs. Multiple agencies can have access to specific cases, [which is useful when] missing persons are multi-jurisdictional or involve local, county and state investigative agencies,” Matthews said. “There also is no need for states to track cases independently in fragmented databases.”

Yet, NamUs is underused, he said.

Law enforcement aren’t required to enter case information into NamUs, which is why some missing persons, such as Douglas, don’t appear on it. Anyone — family or police — can submit a missing person case to NamUs, and each case is verified with the investigative agency before entering it into the database.

Matthews noted that Congress is considering a bill, Billy’s Law, that would merge information from the FBI’s National Crime Information Center with NamUs and make information about more missing person cases publicly accessible. It would also provide grants to state and local law enforcement to increase use of and promote reporting to NamUs. This is the fourth time that Congress has considered this bill.

When the public has access to information about missing person cases, they can provide useful tips and leads to police departments, Matthews said.

But when that information is inaccessible, a case is less likely to attract attention once it is no longer in the headlines.

Trail gone cold

Even when the trail has long gone cold, police detectives never close the book on a missing person until that key piece of evidence is found.

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McDonough, of the Maine State Police, said that each missing person case is assigned to a major crimes unit detective, with some detectives taking on three or more cases that can date back more than 40 years.

They get acquainted with the case by talking with prior investigators and review evidence to see whether they can mount a new investigation, he said.

The detectives also contact family members to let them know someone is working the case and collect any other information about the case that they can.

Unlike more populous states, such as New Jersey, Maine has no state police unit dedicated exclusively to leading missing person investigations. So detectives assigned to these cases may not be able to devote much time as they investigate homicides and other crimes.

These cases don’t fall into a “black hole,” McDonough said. But, “eventually things go cold,” he said. “You can only go over the case so many times.”

Bushey from the Bangor Police Department said his agency has been fortunate in that investigators have been able to locate most people who have gone missing in the Queen City. The cases that are still unresolved, much like the fresh ones that come across his desk, remain a priority.

“We take all [missing persons] seriously. They are assigned to a detective, and if anyone has information related to a case, they should contact us and we’ll put them in touch with that detective,” Bushey said. “We don’t forget about them.”

Debt

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politicians to dole out money while pushing the cost onto future taxpayers. If they can give a favored cause \$15 million dollars, they build up political capital and can cut commercials for the next election crowing about the causes they championed.

In short, it is an easy way out. Paying these costs out of the normal budget would require reducing spending elsewhere or raising taxes. It would require hard decisions and the fortitude to stand by them. Certainly that is the ideal to which we hold all elected officials — an ideal that often disappoints.

It is no different than Washington, except they need not ask our permission to borrow more money. Yet back in Maine, by nearly always voting yes on new debt, we alleviate the pressure on Augusta. That is why I will vote no on Questions 2 and 3. Not because bridges, ports and housing are not important but because Augusta needs a push toward a longer view.

With some forethought and consideration, it would be relatively easy to fashion a constitutional amendment dedicating a percentage — maybe 2.5 percent? — of state revenues to a secured capital investment fund, with protections from would-be raiders. Phasing it in

and phasing down the bond ballot questions would allow a “soft landing” while putting Maine on a stronger financial footing.

Instead of spending \$10 million, \$15 million or \$20 million per year in interest, we can put those dollars directly to work. Imagine spending a nice, consistent \$100 million on our infrastructure each year. We could then save general debt for those very rare circumstances where it makes sense.

Is this all a pipe dream? Perhaps. One of the challenges with term limits is the need for elected officials to pack all their objectives into eight short years. They run out of time and money before they run out of good

ideas. Another challenge is, even with a soft landing, someone needs to be the bad guy — hard to do when elections are based, in part, on popularity. But the biggest challenge is the sheer need. With 15 percent of our bridges structurally deficient today, how do you take the long view?

I’ll vote no along with 40-something percent of voters, and we will lose. But maybe, just maybe, Maine voters will start to ask if there is a better way. Hopefully, as a state, we can find one.

Michael Cianchette is former chief counsel to Gov. Paul LePage, a Navy reservist who served in Afghanistan and in-house counsel to a number of businesses in southern Maine.