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OPINION | OUR VIEW

EB-5: Another Inquiry A Good Idea

oes a call for an independent forensic audit of South Dakota's ties to the EB-5 visa-investment program reflect the right course of action or is it simply piling on another layer of scrutiny onto an already clouded situation?

It's a question well worth asking now that a state representative has officially called for such an audit to be authorized by the Legislature.

Rep. Kathy Tyler of Big Stone City on Monday declared her intention to pursue a special legislative session later this month to author-

The EB-5 program, which was set up to offer foreign nationals an opportunity to obtain green cards in exchange for investing money in U.S. projects, is under intense scrutiny after it was discovered that more than half of a state grant for a beef plant in Aberdeen was rerouted to other uses by the South Dakota Regional Center (SDRC), Inc., which was created to administer the federal program for the

In fact, the situation is already being heavily scrutinized. The FBI has launched an investigation into the matter. Also, Gov. Dennis Daugaard ordered external reviews of the state's grant programs after a state investigation revealed last week that more than \$500,000 of a \$1 million grant to an Aberdeen beef plant — which has since gone bankrupt — was, according to KELO, "redirected for loan monitoring fees to SDRC, Inc." This "redirection" occurred while former Secretary of Tourism and State Development Richard Benda worked for SDRC, Inc., after he left state government. Benda was found dead in an apparent suicide near Lake Andes in October. Daugaard has also ordered an audit of the Governor's Office of Economic Development (GOED).

So, there are multiple probes into this sordid situation. But there are limitations and unknowns in play. For instance, Tyler noted Monday that Daugaard cannot audit the SDRC because it is a private contractor. Nor can he touch EB-5, which is a federal program. Also, Tyler said, "We do not know what the FBI investigations are covering. It is our responsibility as legislators, as representatives of the people, to get these questions answered.

She also said that none of the current investigations follow the money trail that is tied to the program.

At this point, we are forced to agree with Tyler that more inquiry is needed in order to ferret out the truth and bring a genuine sense of ac $countability -- and \ ultimately, closure -- to \ this \ messy \ matter.$

We also agree that South Dakotans have every right to know how these projects, which also use state funds, are involved in this matter. It's been reported that more than a dozen large projects in the state have been funded through this program.

Tyler is now seeking enough support from lawmakers to hold a special session in order to get the ball rolling.

"This is the perfect opportunity for every legislator to step to the plate and say, 'Hey, look we need to get this fixed,'" she said. "Taxpayers' money has gone down the drain and we need to get this fixed.

Indeed, it must be fixed. And the best way to do that is to get a thorough handle on the problem. A forensic audit authorized by the Legislature may be the best approach for achieving that

By The Associated Press Today is Wednesday, Dec. 4, the 338th day of 2013. There are 27 days left

Today's Highlight in History: On Dec. 4, 1619, a group of settlers from Bristol, England, arrived at Berkeley Hundred in present-day Charles City County, Virginia, where they held a service thanking God for their safe arrival Some suggest this was the true first Thanksgiving in America, ahead of the

Pilgrims' arrival in Massachusetts.)

On this date: In 1783, Gen. George nental Army officers at Fraunces Tavern in New York.
In 1816, James Monroe of Virginia

was elected the fifth president of the

United States. In 1912, Medal of Honor recipient Gregory "Pappy" Boyington, the Marine Corps pilot who led the "Black Sheep Squadron" during World War II, was born

in Coeur d'Alene, Idaho. In 1918, President Woodrow Wilson left Washington on a trip to France to attend the Versailles Peace Conference.

In 1942, U.S. bombers struck the Italian mainland for the first time in World War II. President Franklin D. Roosevel ordered the dismantling of the Works Progress Administration, which had been created to provide jobs during the

In 1945, the Senate approved U.S. participation in the United Nations by a vote of 65-7.

In 1965, the United States launched Gemini 7 with Air Force Lt. Col. Frank Borman and Navy Cmdr. James A. Lovell

In 1978, San Francisco got its first female mayor as City Supervisor Dianne Feinstein was named to replace the as-

sassinated George Moscone. In 1984, a five-day hijack drama began as four armed men seized a Kuwaiti airliner en route to Pakistan and forced it to land in Tehran, where the hiackers killed American passenger

Charles Hegna.
In 1991, Associated Press correspondent Terry Anderson, the longest held of the Western hostages in Lebanon, was released after nearly seven years in captivity. Pan American

World Airways ceased operations. In 1992, President George H.W. Bush ordered American troops to lead a mercy mission to Somalia, threatening military action against warlords and gangs who were blocking food for starv-

In 1996, the Mars Pathfinder lifted off from Cape Canaveral and began speeding toward Mars on a 310 million-mile

odyssey. (It arrived on Mars in July 1997.)

Ten years ago: President George W. Bush scrapped import tariffs he'd imposed earlier to help the battered U.S. steel industry. Baltimore-based federal prosecutor Jónathan P. Luna was found dead behind the parking lot of a well-drilling company in Lancaster County,

Pa. (The case remains unsolved.) Five years ago: U.S. automakers drew fresh skepticism from lawmakers during a Senate Banking Committee hearing over their pleas for an expanded \$34 billion rescue package they said was needed for them to survive. For the first time, an NFL game was broadcast live in 3-D to theaters in Boston, New York and Los Angeles. (Although the telecast was marred by technical glitches, fans were mostly forgiving as they watched the San Diego Chargers beat the Oakland

One year ago: A homeless man, Naeem Davis, was taken into custody in New York City in the death of a man who'd been pushed in front of a subway train; Davis would be charged with second-degree murder. Two Australian radio disc jockeys impersonating Queen Elizabeth and Prince Charles made a prank call to a London hospital and succeeded in getting nurses to tell them the condi-tion of the hospitalized Duchess of Cambridge; a nurse who took the call would be found dead three days later in an ap-

parent suicide.

Today's Birthdays: Game show host Wink Martindale is 80. Pop singer Freddy Cannon is 77. Actor-producer Max Baer Jr. is 76. Actress Gemma Jones is 71. Rock musician Bob Mosley (Moby Grape) is 71. Singer-musician Chris Hillman is 69. Musician Terry Woods (The Pogues) is 66. Rock singer Southside Johnny Lyon is 65. Actor Jeff Bridges is 64. Rock musician Gary Rossington (Lynyrd Skynyrd; the Rossington Collins Band) is 62. Actress Patricia Wet-tig is 62. Actor Tony Todd is 59. Jazz singer Cassandra Wilson is 58. Country musician Brian Prout (Diamond Rio) is musician Brian Prout (Diamond Rio) is 58. Rock musician Bob Griffin (The BoDeans) is 54. Rock singer Vinnie Dombroski (Sponge) is 51. Actress Marisa Tomei is 49. Actress Chelsea Noble is 49. Actor-comedian Fred Armisen is 47. Rapper Jay-Z is 44. Actor Kevin Sussman is 43. Actress-model Tyra Banks is 40. Country singer Lila McCann is 32. Actress Lindsay Felton is 29. Actor Orlando Brown is 26.

Thought for Today: "There's much

Thought for Today: "There's much to be said for challenging fate instead of ducking behind it." — Diana Trilling, American author and literary critic (1905-

FROM THE BIBLE

But we see ... Jesus, crowned with glory and honor because of the suffering of death, so that by the grace of God He might taste death for everyone. Hebrews 2:9. Portals of Prayer, Concordia Publishing House, St. Louis

YOUR LETTERS

Changing the Rules V. E. Rossiter Jr., Hartington,

While the Republicans are entitled to their own opinions, they are not entitled to their

In the history of our country there have been 168 filibusters, 86 from the first til the beginning of the Obama administration, and 83 filibusters since the Obama administration came into being.

Even the most shortsighted, narrow-minded, arbitrary Republican using simple math, and where Republicans are concerned simple is the operative word, can see that this is a practice that has been badly misused.



Point Of View

Balance And Responsibility

BY BOB MASON

Yankton

In the Nov. 15 issue of the Press & Dakotan, an article caught my eye. Titled "Railroads Back Retrofitting Flammable Liquid Cars," the article relates how the effort is being made to make the huge tank cars safer. These tank cars haul flammable liquids and have a tendency to split open in a derailment. Focus on this issue was intensified by a train wreck at Lac-Megantic, Quebec. This location is only 20 miles from the U.S. border in the State of Maine.

It was on July 6 this past summer that this terrible tragedy occurred when a train of 72 tank cars loaded with crude oil and one buffer car pulled by five locomotives of the Montreal, Maine and Atlantic Railway derailed in the center of the town of Lac-Megantic. The cars exploded after they had rolled down a descending grade unattended. The crude oil, originating from the Bakken Formation, was being shipped from New Town, N.D., to St. John, New Brunswick.

The development of obtaining oil from this formation by fracturing has been reported to have changed the balance of dependency of energy for our nation. It has given the railroad industry an opportunity to compete with pipelines.

I worked on the railroads through college and seminary in preparation for the ministry. My experience included train operation as a locomotive fireman, telegraph operator, clerical work sales and civil engineering. During some of that time. I was holding a union membership card and supported their efforts for safety and service. At another time, I was a salaried employee in the division engineer's office. This experience gave me some insight into union and management philos-

NBC News commented on this disaster. They reported that the town was nearly destroyed and that 47 people died as the result of this runaway train. At 11 p.m. the train was left parked on the main track with one locomotive left idling in order to maintain brake pressure and keep the air brakes applied. This was at Nantes Siding, located 6.8 miles west of Lac-Megantic. The train crew consisted of only one man, who now needed rest. Around midnight the idling locomotive caught fire, evidently from a fuel line leak next to the hot engine manifold. The local fire department came, shut down the locomotive, put out the fire and contacted the railroad regarding the situation. Whether or not the locomotive was restarted to charge the brake line is not known. For reasons to be determined, the train started rolling unattended.

Railroaders will tell you that a train of tank cars loaded with a liquid such as crude oil is a train's most difficult cargo to handle because of the inertia of the liquid. It has also reported that

a belief exists among transporters and regulators "that crude oil does not blow up." However, it has been pointed out by experts in the field "that this type of crude oil, at the right temperature in heated tank cars, could well generate a fireball upon ignition."

The train's crew consisted of only one man. This is unusual, as trains operating through Yankton will carry a crew of at least two: the conductor in charge of the train and the engineer in charge of the locomotive. One-man train crews had been tried by this same management in Wisconsin and it was outlawed by legislation for safety reasons. Back in the 1950s, a normal crew would have been five members, which included two in the caboose, the conductor and a flagman, and three on the engine; an engineer, fireman and brakeman. The fireman's position disappeared after steam locomotives were replaced by diesels.

Railroad efficiency has gone in the last 50 years from one extreme to the other. It has ranged from over-regulation by government and union contracts to exploitation of property and labor by management resulting in unsafe operation endangering not only the lives of the employees but also of the people in the communities they serve. A balance is needed in our society that permits communication between parties involved in our industrial society. One railroad president of the 1960s is reported to have said that he can work with the unions. By contract agreements, both sides know where the other stands and what can be expected of

On modern railroads such as the B N S F, which runs through Yankton, operations have come to a high degree of service and safety. Unit trains now run from one shipper to one receiver in lengths of more than a mile. This is not always so. Some small railroads have been formed from abandoned tracks of the bigger railroad systems. One analysis of this disaster reported that legal maneuvers and broken labor contracts resulted in exploitation of labor and deferment of maintenance at the expense of safety. According to the report, this is what led to the mass destruction of the community of Lac-Megantic. History records shifting trends going from one extreme

Joshua, a great leader in the Old Testament of the Bible, was directed by the Lord to "turn not from it (the Law given to Moses) to the right hand or to the left, that you may prosper withersoever you go" — Joshua 1:7. 1 Timothy 6:10 reminds us that it is not money but "the love of money" that is "the root of all evil." And does not Jesus Himself remind us "For what is a man profited, if he shall gain the whole world and lose his own soul? Or what shall a man give, in exchange for his soul?" — Matthew 16:26.

The GOP's Toxic Messaging

Kathleen

PARKER

BY KATHLEEN PARKER

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WASHINGTON — As the government health care website chugs along, the Obama administration has initiated a counter-initiative to combat Republican naysaying - and its weapons are of superior grade.

The bunker buster is positive messaging and a return to hope and change. For Republicans, it's whatever the opposite is. Despair and stagnation? Gloating and gloom?

"Obamacare" may be fraught with potentially lethal problems, including the bungling of information as people sign up without any guarantee of privacy, but nothing is more toxic than "this is going to be a disaster." Every time Republicans slam on the brakes, Obama tosses coins and candy into the

Even if the president at times resembles Baghdad Bob, the Iraqi spokesman who said everything's fine here as American bombs exploded in the background, Republicans are the shock-and-awe gang with no plan for the day

Democrats have targeted the GOP's soft spot, which is a hard line on social services. Thus, when Republicans want to drastically cut food stamps, it is a piece of cake (and not the moldy sort Marie Antoinette suggested the peasants eat) to designate conservatives as cruel and

When Republicans say the health care plan is doomed, a train wreck, a disaster, etc. — and offer no hopeful options — they appear to be rooting only for failure. This approach is a blessing for Democrats,

who have responded by shining a light on success stories: the 25-year-old who gets to stay on his parents' insurance plan another year, the child or elderly parent with a pre-existing condition who now can get insurance, the family who never could afford insurance and now can, thanks to ... well, all those people who are now mandated to buy insurance of a certain type or

Comparing approaches, President Obama is wearing love beads and planting flowers in the gun barrels of the Republican guard.

What Democrats know keenly — and Republicans seem never to learn — is that positive beats negative every time. Thus, we see MSNBC's clever montage of Republican negativity: A series of unfriendly faces decrying the Affordable Care Act with apocalyptic language. Which would any everyday American prefer? The healer or the doomsayer? The elves or the orcs?

This is not precisely reality, but perception drives policy as much as reality does. The key for Republicans is to drop the negative attacks and refocus energies on the positives of their

own alternate plans. They do have some, right? It's fine to note the objective fact that the employer mandate/fine has restrained hiring and forced businesses to drop insurance for their employees. It's also true that many Americans navigating the exchanges are finding muchhigher premiums and less-satisfactory policies. Other longer-term consequences include inevitable cuts to Medicare benefits and tax increases. such as a 3.8 percent tax on capital gains, dividends and interest that are unrelated to health care.

The effect of these additional taxes is to stifle investments and savings, which would seem to be a priority for our Congress. If this isn't punitive toward those trying to create wealth, what is it? Or

do we even care anymore? It is also fact that the rocky rollout has created uncertainty and a lack of faith among businesses and consumers. The computer system. now entering a new phase of glitchitude, has put impatient Americans on prolonged "hold." How long before they simply hang up?

Then what? What alternative solutions are Republicans hiding behind their backs?

Frank Macchiarola, former Republican staff director of the Senate Health, Education, Labor and Pensions Committee (and my patient guide through the ACA) proposes in an op-ed for CNBC, co-written with Republican former Sen Kay Bailey Hutchinson of Texas, that the GOP lead with solutions rather than piling on criticism. The authors agree with Democrats' goal to expand access to care, including to those with pre-existing conditions. But the cure, they suggest, is in targeted policy solutions rather than a one-size-fits-all approach.

Given the president's low favorability rating these days — with 52 percent of voters saying they don't trust him and 60 percent disapproving of his handling of health care, according to last month's Quinnipiac poll — Democrats are scurrying to shift attention from Republican opportunity to the hope formula that worked so well in the past.

The same aspirational attitude could work for Republicans, too, if they can stop shaking their heads long enough. "No" gets you nothing but nothing — and gloating floats no boats.

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