Congressional Closeup by Carl Osgood

Homeland Defense Gets Senate Hearing

On April 11, the Senate Government Affairs Committee, chaired by Joe Lieberman (D-Conn.), held a hearing on reorganizing homeland defense functions. Lieberman and Arlen Specter (R-Pa.) are sponsoring a bill to establish a Department of National Homeland Security.

The department would combine the Coast Guard, Border Patrol, Customs Service, Federal Emergency Management Agency, and two smaller infrastructure protection offices under one secretary, who would coordinate with other Federal, state, and local agencies to provide planning guidance and training programs. "In creating the new department," Lieberman said, "we will be bringing together under one roof, and therefore concentrating our focus, on the agencies critical to securing our borders, protecting our critical infrastructure, and ensuring that we are effectively prepared to respond to an attack at the Federal, state, and local levels."

Judd Gregg (R-N.H.), who was among six members of Congress who testified, is sponsoring a smaller-scale proposal to establish a Department of Border Security that would combine the Customs Service, Coast Guard, Border Patrol, parts of the Immigration and Naturalization Service and the Drug Enforcement Administration that are border related, as well as the Agricultural Quarantine Inspection Program. Gregg said that there probably is a role for such a person as proposed in Lieberman's bill, but "no operation we do has less effective coordination than the protection of our own borders."

The Gregg and Lieberman bills seem to be motivated in large part by the refusal of Homeland Security Director Tom Ridge to testify before Congress. The White House argues that Ridge is a Presidential adviser, and that it would violate the separation of powers for Ridge to testify. Members of Congress, especially Senate Appropriations Committee Chairman Robert Byrd (D-W.V.), say that Ridge is being given broad authority over $38 billion in spending and that he ought to be the one defending that spending before Congress. Bills such as Lieberman's are intended to give Ridge the statutory authority he now lacks over that spending, along with the legal accountability to Congress.

Welfare Reform Bill Offered by Republicans

On April 10, Wally Herger (R-Calif.), chairman of the House Ways and Means Subcommittee on Human Resources, House Speaker Dennis Hastert (R-Ill.), and Republican Conference Chairman J.C. Watts (R-Okla.) presented the GOP's plan for re-authorizing the 1996 welfare reform bill. The proposal is largely in line with that proposed by President George Bush earlier this year, and it features tougher work requirements for welfare recipients and $300 million for marriage promotion schemes. It also includes provisions for education, job training, and drug treatment services.

The bill, however, appears to be in for a rough ride, at least in the Senate, but not because there is opposition to the underlying assumptions of welfare reform itself. Dennis Kucinich (D-Ohio) told the Ways and Means Committee on April 11, that the bill, while increasing the number of hours per week that recipients are required to be involved in work activities, reduces the number of activities that count as work from twelve to five, "eliminating many programs that help get recipients ready for work, like education, training, and rehabilitation. . . . Not only do I think that these proposals will not help recipients, but I think they will be difficult if not impossible for states to implement and could be largely counterproductive."

Mounting opposition to the form of the proposals is also coming from state governors. Vermont Gov. Howard Dean (D) told the Senate Finance Committee on April 10 that the Bush Administration's work requirements "will significantly erode the primary TANF [Temporary Assistance to Needy Families] purpose of increasing states' flexibility" to meet TANF requirements. He added that the proposed work requirements "are unsupported by research findings of effective welfare-to-work strategies and do not align with community-based services." Other concerns include the need to provide more money for child care, and giving legal immigrants access to benefits.

Campaign Finance Reform Debate Is Not Over Yet

Despite the signing into law of the McCain-Feingold-Shays-Meehan legislation by President George Bush on March 27, the campaign finance reform debate is not over. On April 9, Sens. Joe Lieberman (D-Conn.), John McCain (R-Ariz.), and Russ Feingold (D-Wisc.), and Rep. Lloyd Doggett (D-Tex.) appeared with Joan Claybrook, the head of Public Citizen, to warn that large political contributors are looking toward so-called "527" tax-exempt organizations to put their money in, once the ban on soft money contributions takes effect.

Two years ago, Lieberman and McCain successfully forced 527s to report their contributors, because they influence Federal elections. Later, Lieberman and Sen. Kay Bailey Hutchison (R-Tex.) introduced a bill to eliminate duplicative reporting requirements for 527 organizations that resulted from the 2000 law.

Later that same day, the House considered tax legislation that also included a provision on 527s, ostensibly to do what the Lieberman-Hutchison bill would do. However, opponents warned that the provision also opens up a loophole that re-introduces soft money into politics via the 527 organizations. Doggett charged that the provision "terminates all Federal disclosure, even when Federal candidates and officeholders are actively involved in raising funds." The fact that the GOP attached the provision to an otherwise uncontroversial tax bill and brought it to the floor under suspension of the rules further aggravated reform supporters. The next day, the vote was 205 to 219 against suspending the rules. Doggett said afterwards that "this represents an impressive bipartisan vote against those who would undermine reform."

Finger-Pointing Marks Senate Gridlock

Dueling press conferences on April 12 magnified the partisan tensions that have been building in the Senate. Each side blames the other for the gridlock in recent weeks. Among the issues that are stalled are the energy bill, on which the Senate is facing over 130 amendments, and judicial nominations, on which Republicans are making the same complaints that Democrats lodged when Bill Clinton was President and Republicans controlled the Judiciary Committee.

At the Democrats' press conference, Byron Dorgan (D-N.D.) said, "The very people who are complaining about the lack of progress are the same people who are blocking progress." He pointed to the GOP failure to bring up their amendment to the energy bill, to allow oil drilling in the Alaska National Wildlife Refuge. The two sides finally reached agreement on the amendment later that day, but only after weeks of begging by the Democrats. Dorgan compared the Senate to a "bicycle built for two," and "we're up front pedaling uphill, and they're in the back seat with the brakes on."

Jim Jeffords (I-Vt.), whose departure from the GOP last year gave Democrats control of the Senate, said, "Before my switch . . . I saw first-hand how Republicans wouldn't compromise when they were in the majority. They won't even compromise now, when they are in the minority."

Republicans voiced similar complaints. Minority Leader Trent Lott (R-Miss.) said that the House has sent 51 bills to the Senate, and the Senate has failed to act on even one of them. There are 53 judicial nominations pending in the Judiciary Committee, including some from President George Bush's first group of nominees from May 2001. On top of that "we may not have a budget resolution." Lott fretted that it is "very dangerous" to have the Appropriations Committee writing spending bills without the guidance provided by the resolution.

Pension Reform Bill Passed by the House

On April 11, the House passed, by a vote of 255 to 163, a bill labeled by the GOP leadership as the "Pension Security Act of 2002." The bill requires individual account plan administrators to notify plan participants before blocking their ability to divest or diversify their account holdings. It also allows employees to diversify their accounts out of their employers' stock after three years of service with their employers. The bill is one of dozens of pieces of legislation introduced in the wake of the Enron collapse, and is supposed to curb some of the practices that led to the disappearance of the retirement savings of many of its employees. However, Democrats opposed to the bill claimed that it did little to address those abuses.

The bill, by its sponsors' own admission, is designed to protect the free-market system, rather than the general welfare of employees. Ways and Means Committee Chairman Bill Thomas (R-Calif.) said, "We are here, today, to make modest adjustments to a system that needs to continue to evolve largely in the private sector, not controlled or dictated by government." Furthermore, "government ought to watch very carefully what is occurring in this area," because the private sector retirement system might provide a model for how to reform Social Security, he said.

Democrat complaints about the bill were closely tied to the procedure by which it was brought to the floor. Alcee Hastings (D-Fla.) said that, despite GOP claims, there was no bipartisanship behind the bill. He pointed to the Rules Committee's rejection of 12 amendments by both Democrats and Republicans that "would have aided" a compromise. In the post-Enron world, he said, "Congress must address the issues of diversification, auditor independence, honest and accurate information, tougher criminal enforcement and . . . equal treatment of employer and employee retirement plans."