

Congressional Closeup by Carl Osgood

House Defies Bush on Highway Bill

On April 2, the House passed a six-year highway bill that exceeds, by almost \$20 billion, the proposal of the Bush Administration for a \$256 billion six-year highway and transit program. The House bill would cost \$275 billion, which still does not satisfy most of the bill's supporters, who planned \$375 billion. Rep. James Oberstar (D-Minn.), the ranking Democrat on the House Transportation and Infrastructure Committee, told the House that the \$375 billion figure was actually based on a Department of Transportation study that concluded that "we ought to be investing, at all levels of government, \$125 billion a year in infrastructure improvement, and we were investing only about \$75 billion." The bill originally developed by the committee included provision for an increase in the gasoline tax, to pay for the higher funding level, but that was nixed by the White House.

President Bush's veto threat failed to impress most Republicans, as shown by the 357-65 margin of passage. The 6-year highway bill has always had bipartisan support because it brings money home, in the form of highway projects, to every single Congressional district. This year's bill includes a list of almost 3,000 projects, costing \$11 billion, called "pork" by budget hawks. But House Transportation Committee chairman Don Young (R-Ak.) told the House that the committee actually received requests for far more projects than could possibly be accommodated. "That proves to me," he said, "that the needs are real and they are growing." The bill also includes programs to improve highway safety and to improve the flow of truck traffic, including dedicated truck lanes.

Allocation formulas proved to be the most contentious issue, with some states complaining that they receive much less in highway trust fund moneys than they pay in. An amendment to guarantee that states receive at least 90% of what they pay in, was defeated by a vote of 170-254. Rep. Steve LaTourette (R-Ohio), who opposed the amendment, said "We need more money" to fix the problem, rather than changing allocation formulas.

Welfare Reform Bill Jams Over Minimum Wage

The Senate debate on the Welfare Reform bill followed what is becoming a standard pattern. The Republicans bring a bill to the floor that is part of their agenda, the Democrats introduce an amendment that reflects part of their agenda, and the Republicans pull the bill off the floor in order to avoid an amendment vote. That happened, on April 1 with the bill to reauthorize the Welfare Reform Law of 1996. The Democratic amendment at issue would increase the minimum wage to \$7.00 an hour over the next two years from the present \$5.15, where it has been since 1996.

As since 1996, the bill was touted as a way for welfare recipients to move from welfare to work. Sen. Orin Hatch (R-Utah) said the bill "seeks to give each and every recipient a roadmap toward independence and success." It increases core work requirements from 20 to 24 hours per week. Hatch complained that the current law failed to live up to its potential because of lax enforcement and undermining efforts. "All recipients should work full time," he said, "either in a job or in programs designed to help them achieve independence." He did not say what wel-

fare recipients are supposed to do without jobs available.

The bill began to run into trouble when the Democrats demanded an additional \$6 billion for child care services in the bill. The GOP gave in on that one, on a 78-20 vote on March 31, apparently thinking that would satisfy the Democrats. When the latter refused to back down on the minimum wage amendment, the Republicans forced a cloture vote which failed 51-47. Afterwards, they pulled the bill from the floor. Sen. Rick Santorum (R-Penn.) complained afterwards, that "as soon as they got their \$6 billion, now they've started their 'messaging' amendments"; that is, to send constituents messages, not to legislate. Senate Finance Committee chairman Charles Grassley (R-Iowa) added that "there's been a consistent pattern of obstructionism" by the Democrats; they should have learned their lesson in 2002 when "they wanted issues instead of law," and the result was that they lost majority control of the Senate.

Thomas, Rangel Spar On Medicare Estimates

Republicans on the House Ways and Means Committee successfully turned back Democratic demands for subpoenas of White House economic policy advisor Doug Badger and former Medicare Administrator Tom Scully, during a hearing on April 1. Scully and Badger have been named as the two principals who suppressed estimates by Department of Health and Human Services chief actuary Richard Foster, that the Medicare reform bill passed last Fall, would actually cost one-third more than the \$400 billion that the White house was claiming at the time.

Committee chairman Bill Thomas (R-Calif.) backed White House Counsel Alberto Gonzalez' claim of executive privilege for Badger, and Scully simply declined to appear.

The Democrats argued that the issue was whether or not the Bush Administration knowingly withheld information Congress needed, to deliberate on the bill. Thomas replied that it was a simple matter as to whether or not Scully had acted legally, and Foster had testified the week before that he had been advised that Scully had. Therefore, in Thomas's view, there was no compelling need to subpoena either Badger or Scully.

Rep. Charles Rangel (D-N.Y.) moved that the committee subpoena them, and debate on both motions was shut down by motions by Rep. Jim McCrery (R-La.) to table Rangel's motions, angering the Democrats. Rep. Sander Levin (D-Mich.) told Thomas that "We voted in this Congress on major legislation while there was information that was hidden from us by some in the administration"; he noted that Foster had testified under oath that there was a cover-up, "and we want to know how high the cover-up went." In response, McCrery claimed that Thomas had been quite generous in giving time to the Democrats to pursue the matter, but that "This is a lot about politics" and the committee should move on.

House Democrats Propose Intelligence Reform

Democratic members of the House Intelligence Committee, led by Rep. Jane Harman (D-Calif.) announced, on April 1, a reform package that would, among other things, create a

director of national intelligence with both legal and budget authority over all intelligence agencies, including those in the Pentagon. The legislation, modeled on the 1986 Goldwater-Nichols Act that reorganized the military command structure, proposes "jointness" in the collection and analysis of intelligence, and mandates new infrastructure to improve collection and analysis. It would also create a "red team," to challenge intelligence assumptions and analyses.

Rep. Rush Holt (D-N.J.), one of the co-sponsors, said, "What we are proposing is an institutional devil's advocate," which would serve as "our insurance against self-deception, our protection against fooling ourselves." He said that this alternative analysis unit was absolutely necessary, because "one of the lessons of life, as well as government, is that the easiest person to deceive is yourself. Self-deception is what the intelligence community exists to protect us against, and we know going into Iraq that there was group-think, there was conventional thinking. . . . This will be an institutional check against that."

A Democrats' letter to President Bush urged him to act on near-term recommendations of an ongoing review of pre-war intelligence on Iraq by the full committee. Included among the letter's ten recommendations is that the White House should refrain from involving itself in declassification decisions of material relating to either the inquiries on the 9/11 attacks, or those on Iraq's WMD programs. "White House involvement," the letter states, will only raise suspicions that critical declassification decisions are being made for partisan political reasons." The letter also recommends the administration acknowledge problems in pre-war intelligence and scrub intelligence on

other WMD programs, such as North Korea and Iran. "The systematic analytic deficiencies that plagued estimates of Iraq's WMD programs could also have affected other estimates," the letter states.

DoD Inspector Reports On Boeing Tanker Deal

On April 1, Defense Department Inspector General Joseph Schmitz delivered his report on the the Air Force plan to lease-and-buy airborne refueling aircraft from Boeing. Though he briefed the Senate Armed Services Committee behind closed doors, Chairman John Warner (R-Va.) emerged afterwards to say the report revealed "serious audit concerns" about the deal. "The Air Force needs a tanker aircraft," Warner said, "but at this point in time, much needs to be done." News reports indicated that, while Schmitz is not recommending blocking the program, issues of procurement strategy, acquisition, and legal requirements need to be addressed before the deal moves forward.

News of inappropriate contacts between two Air Force acquisition officials and Boeing prompted the IG's probe. Those two officials had subsequently gone to work for Boeing, but were fired after the investigation was initiated. Former Defense Policy Board chairman Richard Perle was also involved, lobbying publicly for the deal without revealing that he was being compensated by Boeing for doing so, though Schmitz officially cleared him of wrongdoing. Warner said that his committee will hold hearings in May, after three more reviews of the deal—by the Defense Science Board, National Defense University, and the Pentagon's Office of General Counsel.