

2015 AGM

Morning Plenary Panel: “Bridging the Congressional-Executive Chasm: A Conversation with Three Congressional Leaders”

George Ingram (moderator) introduced former Congressmen Matt McHugh, Jim Kolbe and Howard Berman as dedicated public servants whose record is replete with real contributions to foreign affairs; moreover, they were prepared to compromise and always had the national interest at heart.

The moderator posed a number of key questions designed to explore the theme of this session:

- how would you characterize congressional/executive relations during your tenure in Congress compared to today?
- what produced Congressional-Executive agreement on a specific topic?
- how to engage the Congress to reduce earmarks and provide greater flexibility?
- how to balance the tension between the Administration's desire for greater flexibility with the Congress wanting to have a say and having different priorities?
- He then mentioned a number of issues for their consideration:
 - Central America and the demise of the Soviet Union.
 - The Gephardt/Gingrich trip to Russia in 1992, which played a key role in winning Gingrich and Republican support for the Freedom Support Act.
 - The Reagan Administration's push to support the Salvadoran government and the Democrats insistence on human rights is a case in which the tension between the two branches -- and their ability to reach a compromise -- produced a workable policy. Another case was the economic sanctions on South Africa.
 - The Development Fund for Africa (DFA), as an example of Congress-Executive branch collaboration -- what made the collaboration work?
 - MCC and PEPFAR are examples of what can happen with bipartisan support. How did these come about?
- **Mr. McHugh** complimented USAID staff on their great but not well-known or understood contributions to development and the reduction of poverty – as noted in a recent Kristof column in the New York Times (based in part on a new book by Steve Radelet). He then noted that there was divided government during most of his 18 years in the House, but it was still possible to come to compromise outcomes despite all the differences and battles. Why? Because most people were genuinely interested in getting something done. Now it appears that a significant group of Members do not really believe in government or governing - which reflects a more fundamental problem as the country itself is much more polarized. There is now a different culture in the country than during the Reagan period.
- While not disagreeing with Mr. McHugh, **Mr. Kolbe** thought there was a broad degree of consensus on the Hill about foreign aid appropriations. Congress almost always supports the development budget. The sub-committees still reflect generally strong bipartisan support. In the 1990s there was a fall-off in support following the end of the Cold War, but it came back after 9/11. There was great support for the Bush Initiatives – MCC, PEPFAR – and although the Obama Administration was cool to these programs at the start, they too came to strongly support these programs.

- **Mr. Berman** believes in the adage that “things were always better in the old days”! The 24-hour news cycle, the technology revolution and other factors have created problems that Members of Congress have responded to, but in a sense the dysfunction in Congress has protected foreign aid as there were often simply continuing resolutions and no votes on specifics (in which foreign aid would have been in jeopardy). It is possible for the Executive Branch and Congress to cooperate. He cited President Clinton working with the House leadership to build a coalition for the Freedom Support Act based on the Gephardt/Gingrich trip. George Bush showed great leadership in pushing through PEPFAR, convincing everybody to hold back on pushing their special interests that would have killed the bill. He noted a call he made to the President’s Chief of Staff Josh Bolton to help sort out a few issues that arose on the Republican side – he came to the Hill and took care of them.
- The panel agreed that Presidential leadership was critical – but acknowledged that passing an MCC today would be much more difficult than in their days in Congress. The fight over the Ex-Im Bank renewal illustrates the depth of today’s difficulties.
- McHugh stressed the importance of Members educating their constituents on difficult subjects, such as foreign aid. He did a great deal of this, but today Members do very little on these tough-to- defend subjects as it is risky, especially in light of talk radio and other media always ready to attack.
- The panel agreed that the Obama Administration did not work as well with the Hill as it would have been desired. In the past, USAID had people always on the Hill helping staff work through draft legislation (e.g., Bob Lester, a USAID lawyer, worked with Hill staffers to write foreign aid legislation). Very little of this kind of collaboration is found now, unfortunately. Apparently the current Administration believes in doing as much as they can without engaging Congress – unlike President Clinton’s Administration which was much more willing to engage the Congress. In general there has been a sharp decline in liaisons with Congress.
- **Mr. Kolbe** thought that at some point the Berman text for a rewritten Foreign Assistance Act should be implemented as it is “really good”.
- **Mr. McHugh** described how the DFA had come about. Congressman Wolpe found no support in the House authorizing committee and so he asked McHugh and the Appropriations Committee to incorporate it in their bill. The basic point was to free underfunded Africa from too rigid functional account allocations – with the clear stipulation that USAID should allocate the funds for development purposes according to country needs and USAID’s professional judgment – free of State Department or other pressures. This was only possible as the Committee and its staff had confidence and trust in the USAID staff’s competence and ability based on years of close interaction and collaboration.
- **Mr. Ingram** summarized the critical variables in the various approaches as: DFA – high level of confidence in USAID; Eastern Europe – the excitement surrounding the

opportunities were grasped by all sides; the MCC – no earmarks. So one question for the future is how to get Congress back to being more flexible – as it was in these cases.

- **Stu Callison** lamented the absence of funding for economic growth, perhaps because of earmarking of other priorities. The former Members said that they tried to create a process where they could hear from USAID, civil society and the recipient countries to find the right balance. Where Congress has confidence and trust they are more willing to hold back on “earmarks”, which one panelist said have become more “sinister” since they were abolished - now legislation is written in a less transparent way, unfortunately. In general, however, they believe that the priorities of the Administration are usually generally followed. They stressed the need for greater engagement and understanding on both the Hill and USAID. USAID does not push enough on important questions to gain the needed support.
- **David Shear** noted – and **McHugh** agreed – that InterAction’s support was very important in mobilizing NGO support for the DFA.
- **Jim Michel** asked about the importance of communication and leadership – and the impact of the demise of authorization bills in this connection. (There has not been a foreign aid authorization since 1985.) The panelists agreed this was a great loss, although, as **Mr. Kolbe** pointed out, the MCC was authorized in the House but not in the Senate; hence, it was tacked on to an appropriations bill. The Berman redraft of the FAA passed the House but the Senate leadership never found time to take it up so it died.
- **Chris O’Donnell** asked about how to balance security objectives in aid allocations with concern for human rights and other similar issues. Panelists agreed this was an important and difficult policy issue that USAID and the Congress had to address in individual cases and cited a few examples (e.g., Uganda, Egypt).
- **Bob Berg** asked how to get the necessary legislation passed for the IMF and the other multilateral development banks (MDBs). Panelists agreed it was a hard sell. **Mr. McHugh** noted he had been a strong advocate for both bilateral and multilateral aid but he was one of the few in his day. **Mr. Berman** added that progress on any foreign policy issue could only be made if a few congressmen and senators tried to convince their colleagues on the value of supporting new, comprehensive legislation for USAID. Also, senior and mid-level USAID colleagues should go to the Hill more frequently to brief interested congressmen and senators on progress being made with USAID programs.
- **Mr. Ingram** thanked the three former Members once again for their service and for joining today’s discussion – and noted that they would have support from everyone in the room if any of them would like to become USAID Administrator!