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Cummings Warms to the Task of Being Issa's Foil on Oversight Panel

By JOHN MCARDLE of Greenwire

As the House Republican majority pursues multiple ways to reduce the burden of government regulation on private businesses, Rep. Elijah Cummings (D-Md.) has been offering a cautionary tale from his teenage years in Baltimore.

For two summers, Cummings worked at the now-shuttered Bethlehem Steel plant at Sparrows Point southeast of the city. It was hot work with few protections for those who breathed the dirty air.

"If you stayed there for a half hour and you blew your nose it came out black," Cummings said as he recalled the experience while on his way to a vote on Capitol Hill last week.

It is a disturbing memory, but what really gets Cummings upset is thinking about the men who spent eight hours a day for 40 years or more breathing that air. Cummings believes far too many of them suffered early deaths before safety and air quality regulations were put in place that helped save lives.

The memories of those two summers at Bethlehem Steel helped shape Cummings' outlook on the role that government plays in regulating the private sector, and they have helped guide him as he leads the Democratic minority as ranking member of the House Oversight and Government Reform Committee.

Last week, after spending the first five months of the 112th Congress rebutting what Democrats view as a Republican investigative crusade full of politically motivated hearings, Cummings began rolling out the first part of what Democratic aides say will be an alternative agenda for the committee.

With its broad jurisdiction and history and its special subpoena authority, the oversight committee has been a major battleground upon which House Republicans have chosen to wage their war on regulations. Under the leadership of Rep. Darrell Issa (R-Calif.), a provocateur with a flair for attracting media attention, Republicans have focused much of their energy this year on exposing ways in which, they say, the Obama administration is holding back the private sector and, therefore, slowing the country's economic recovery.

In the sparring matches that have taken place so far this year, Cummings has served the expected role of defender of the Obama agenda. The simmering tension between the two men reached a boiling point last week when Cummings snapped after he felt Issa had unfairly implied that an administration official was lying under oath (E&ENews PM, May 24).

But in the 18 hearings that the oversight committee has held on government red tape and job creation so far this year, Cummings has also gone to bat for regulation. He has repeatedly challenged the assumption that all red tape is inherently burdensome. It is a tricky position,

because tallying the financial costs associated with implementing regulations can be much easier than adding up the health or environmental benefits that may result from them.

But Cummings, the 60-year-old son of working class parents who moved to Baltimore to escape the life of sharecroppers in South Carolina, said the issues he is raising go to the core of who he is.

"I think it's important for industry to do well. But I want them to do well and do good at the same time," he said. "If I'm going to err on the side of a person's welfare and safety, that's where I'm going to err."

Last week Issa, who entered Congress after making his fortune in the electronics business, acknowledged that the two men approach the issues with different outlooks.

"The most important thing in health, welfare and safety is a standard of living from a good job," Issa said.

Getting aggressive

On the day before last week's hearing, which was titled, "Pain At The Pump: Policies That Suppress Domestic Production Of Oil And Gas," Cummings rolled out the first piece of his plan for an alternative agenda.

It came in the form of a Democratic committee report that concluded that Issa was pursuing the wrong line of questioning in his effort to lower gas prices. The report cited conservative scholars and financial experts who have said that oil speculation has had a much greater impact on gas prices than anything that could be achieved by increasing domestic production. Cummings used the report to call on the chairman to shift the focus of his hearing and concentrate on ways to crack down on speculation.

The idea for an alternative agenda seems to be designed at least in part to steal the committee spotlight from Issa, who attracts attention at his hearings with aggressive questions, provocative signage and snappy video montages.

Democratic aides have grumbled for the past several months that despite promises to work with committee Democrats to pursue waste, fraud and abuse, Issa's hearings have been little more than one political stunt after another. They say that titles like an April hearing called "Regulatory Impediments To Job Creation: Assessing The Cumulative Impact Of EPA Regulation On Farmers" allow Issa to pass judgment before even listening to any testimony on an issue.

Cummings has not been shy about offering suggestions to Issa about how they could jointly pursue the committee's goals this year. For instance, on the issue of government transparency, Cummings asked Issa to allow the committee to consider a package of five bills that passed the House in the 111th Congress. Issa declined, saying those changes do not go far enough.

But last week, Cummings essentially told Issa that he was barking up the wrong tree and actively

worked to take the hearing in a different direction.

Issa ignored the oil speculation issue as he blamed the Obama administration for what he believes is a deliberate attempt to raise gas prices to pursue a cap-and-trade-type energy agenda. But that did not keep most Democrats at the hearing from using part of their time to steer the conversation toward fuel speculation (Greenwire, May 24).

Issa said he was not really surprised by Cummings' strategy.

"Ranking member Cummings ran for this job saying he was going to go toe-to-toe and 10 feet ahead and stop me," Issa said. "He ran as an obstructionist."

He was referring to the leadership race that developed between Cummings and Rep. Carolyn Maloney (D-N.Y.) after Rep. Edolphus Towns (D-N.Y.), who chaired the oversight panel in the 111th Congress, decided not to seek the ranking member slot at the end of last year (E&E Daily, Dec. 15, 2010).

In announcing his interest in the committee slot, Cummings released a statement on Dec. 14 that indicated he was the right man to go up against Issa.

Issa "has announced his intention to seek as many as 280 hearings in 2011 alone, in pursuit of obstructing some of the most significant legislative achievements from the 111th Congress and undermining the current Administration," Cummings wrote. "The Democratic Caucus must not cede to the new House Majority that wishes to move our nation backward, and must take every opportunity to defend against partisan attacks and the dismantling of policies that ensure security for hardworking Americans."

Issa clearly did not appreciate the release then or Cummings' new effort to promote an alternative agenda.

"When somebody runs not on their ideas but on their creating havoc and stopping things and then does it, one should expect he's kept his campaign promise," he said.

The right man for the job

But Cummings' performance thus far has won praise from his Democratic colleagues, including former Oversight and Government Reform Chairman Henry Waxman (D-Calif.).

"He's exactly the person we need in that spot," Waxman said. "I think that Congressman Cummings is willing to work with Chairman Issa when he's doing appropriate oversight. But if he uses his position for political purposes then Elijah Cummings is going to point that out and set the record straight."

Waxman is no stranger to tangling with Issa. At a 2008 committee hearing in which former U.S. EPA Administrator Stephen Johnson was testifying, Waxman threatened to have Issa physically removed after the California congressman held up Waxman's hearing by repeatedly citing House rules.

Waxman acknowledged the tough competition for the committee ranking member spot. It was a race that Cummings won despite Maloney's seniority.

"He's got good judgment and he's willing to stand up to anybody who would try to demagogue," Waxman said.

Others noted that Cummings' skills from his years as a trial lawyer have served him well, as has his passion for fighting injustice, which he developed from growing up in the midst of the Civil Rights movement and his deep involvement in Baltimore's African American Baptist community.

"I think he was born with those skills," said Casper Taylor (D), the former speaker of the Maryland House of Delegates, who watched Cummings hone his political skills during the 13 years Cummings spent in state government. "He is a very committed individual who has a strong set of beliefs that he gained from childhood up."

It was Taylor who eventually appointed Cummings to the state House's second-ranking position, which at the time was the highest Maryland office ever held by an African American.

"It was a major step forward," Taylor said of the decision. However, "I had the very strong feeling at that stage in my life that Elijah was going to go far beyond speaker pro tem in the state of Maryland."

Cummings was eventually elected to Congress in 1996, beating out more than two dozen other Democrats in a special election to replace former Rep. Kweisi Mfume (D).

Cummings said last week that along with his days at Bethlehem Steel, another experience that guides him in his work on the oversight committee happened on the day he was sworn in to Congress.

"I'll never forget looking up at my father in the balcony [of the House Chamber] and he was wiping tears away from his face," Cummings said.

It was the first time that the congressman ever saw his father cry.

When they met up after the ceremony Cummings asked his father why he was crying.

"He said 'Son, I am happy for you, but that's not why I'm crying,'" Cummings recalled. "He said, 'Now I see what I could have been. ... If I had been given the opportunity, now I see what I could have achieved.'"

Cummings said he plans to continue to press Issa to make sure the committee keeps its agenda focused on creating opportunities for all Americans.

"We have the power in this Congress every day to help people achieve their goals," Cummings

said. "We have a committee whose duty it is to make sure government is working right. At some point we have to leave politics at the door. ... It's all for the purpose of helping Americans live the very best lives they can."

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