

Congressional Closeup by Carl Osgood

Bankruptcy Bill Faces Veto Threat

On Oct. 11, the House adopted an unusual parliamentary procedure in order to pass the Grassley-Gekas bankruptcy reform bill, in the rush before the end of the 106th Congress. On a motion of Steve Chabot (R-Ohio), the House substituted the language of the Senate version of the bill for a State Department authorization bill, and requested a conference with the Senate. The Republicans tried to do it without debate, but Democrats opposed to the bankruptcy bill forced the GOP to allow 20 minutes of debate. Among other things, the bill would, by way of a means test, force many Chapter 7 bankruptcy filers into Chapter 13, which requires that a debtor come up with a plan to repay at least a portion of his debts, rather than allowing a complete write-off, as Chapter 7 provides for.

Jerrold Nadler (D-N.Y.) was particularly incensed at the whole process. He said that the reason the GOP majority was trampling on the rules of the House was "because \$40 million has been spent on lobbying and campaign contributions by the big banks and they must be repaid." He said, "People in the margins of society, those who have had their jobs sent overseas, who have suffered serious illnesses . . . these Americans have very small voices in this Congress, and they are drowned out by millions spent by the big banks."

The bill passed the following day on a voice vote, but the White House made it clear that President Clinton is not happy with it. Chief of Staff John Podesta, in an Oct. 12 letter to House leaders, wrote of Clinton's "deep concern that the bill fails to address some creditor abuses and disadvantages all debtors to an extent unnecessary to stem abuses by a few." Podesta re-

peated the President's "desire to see balanced reform," but said that the House bill "gets the balance wrong."

Intelligence Bill Has 'Official Secrets Act'

The fiscal year 2001 Intelligence Authorization bill, cleared by the House and Senate on Oct. 12, includes a provision that stiffens penalties for the release by current and former government employees of classified information. The provision mandates fines and prison terms up to three years for "knowingly and willfully" disclosing classified information to any person not authorized access to such information.

Porter Goss (R-Fla.), chairman of the House Intelligence Committee, said that intelligence resources have been all too often lost because "those employed by the government and who have access to classified information have chosen to leak that information, and, thus, have ignored their commitments to national security." He said that the provision is "narrowly crafted to protect the rights that all Americans hold dear," and is not an "affront" to the First Amendment.

Opponents of the measure, from both ends of the political spectrum, were not reassured. Nancy Pelosi (D-Calif.) called the provision "an official secrets act" that would allow prosecution of violators "without the government even having to prove any damage to national security." She warned that there's nothing in the bill to "prevent reporters from being hauled in before grand juries and being forced to reveal their sources."

John Conyers (D-Mich.) said that the provision should have been reviewed by the Judiciary Committee, because it involves a change to crimi-

nal statute. The reason it was made part of the Intelligence Authorization bill was because "it will scare the bejesus out of whistleblowers." He said that if the provision had been in effect 30 years ago, disclosures like the Pentagon Papers and the Nixon Administration's support for Pakistan during the 1971 Indo-Pakistan War would have resulted in prosecutions.

Bob Barr (R-Ga.), who, like Conyers, is a member of the Judiciary Committee, also called the provision "an official secrets act," and decried the fact that it was being enacted without any open hearings.

A Few More Spending Bills Inch Forward

As of Oct. 17, there was still no indication as to when the Congress and the White House might reach agreement on eight remaining fiscal year 2001 spending bills. However, a few bills did show signs of life. The House passed the Agriculture Appropriations bill on Oct. 11, including some \$2 billion in emergency aid for farmers, and provisions on sanctions reform and prescription drug re-importation. The conference report on the bill combining the Legislative Branch and Treasury Department appropriations passed the Senate on Oct. 12, after it had been rejected on Sept. 20, including because of a dispute over a Congressional pay raise. Senate GOPers surrendered to the White House on the Missouri River provisions of the Energy and Water Development bill, combined it with the bill funding Veterans Affairs, Housing and Urban Development, and passed it on Oct. 12.

Of the remaining bills, three face the most difficulties: Foreign Operations; Commerce, Justice, State and

the Judiciary; and the Labor, Health, and Human Services and the Education Departments. The Foreign Operations bill is facing a veto threat if it includes language limiting U.S. contributions to international agencies that fund abortions overseas. Democrats and the White House are insisting that the Commerce, Justice, and State bill include an immigration provision that addresses certain immigrants from Central America, and also provides an amnesty for 9 million illegal aliens in this country. The Labor-HHS bill is bogged down in, among other things, disputes related to education funding (see other news item here).

Democrats Say: Fund Education, or Else

Frustration with the GOP's lock over the legislative process, and their apparent inability to get things done despite that control, have led Democrats to begin issuing ultimatums. After House passage of a third continuing resolution (CR), this one expiring on Oct. 21, House Minority Leader Richard Gephardt (D-Mo.) put the GOP on notice that "this is the last long CR for a week that we're going to support until we get the education agenda that we have been talking about for the last two years to be done in the appropriations bills that are left."

The Democrats want funding for 100,000 more school teachers, after-school programs, an education tax credit for school districts to offset the interest cost of bond issues, and other measures. Gephardt said that the appropriations bill that the GOP is working on is "totally inadequate in terms of language and resources."

Two days later, while signing the third CR, President Clinton warned that if Congress fails to meet the Oct.

21 deadline, "any further extensions must be at most a very few days." He called on Congress to "finish its work" and send to the White House a budget "that is fiscally responsible, that reflects the values of the American people, and that invests in the future," especially in education.

Senate Majority Leader Trent Lott (R-Miss.) was unmoved. On NBC's "Meet the Press" on Oct. 15, Lott said, "The important thing to do is to do the right thing and come to an agreement [on the budget]." He said that it's the White House that's always asking for more money, which makes agreement difficult to find. He also said that the GOP-controlled Congress has been getting work done.

Democrats responded by upping the pressure. On Oct. 17, Senate Minority Leader Tom Daschle (D-S.D.) announced that Democrats would take whatever action necessary to force votes on pending legislation. He said that the Senate should be working seven-day weeks, because "we should be finishing the nation's business."

NASA Officials Grilled on Iran Non-Proliferation Act

Some light was thrown on the irrationality of the Iran Non-Proliferation Act on Oct. 12, when two high-ranking officials of the National Aeronautics and Space Administration appeared before the House International Relations Committee to explain NASA's adherence to the law. The bill, signed into law by President Clinton on March 14, prohibits NASA from buying goods and services from entities under the Russian Aviation and Space Agency until the President certifies that none of the entities are involved in weapons proliferation to Iran. The

Administration opposed the bill, but signed it because the House and the Senate had both passed it unanimously.

The issue at the hearing was an exception for crew safety, authored by Dana Rohrabacher (R-Calif.), who stated that his intent "was to address those emergency situations in which the Russians insisted that we pay them to resolve an immediate threat to the lives of our astronauts while on board the International Space Station [ISS]." He accused NASA officials of abusing the exception by misinterpreting the word "imminent," as it appears in the language of the law.

NASA General Counsel Edward Frankle explained that, if the word "imminent" were interpreted literally "imminent" were interpreted literally to mean "immediate," the result would be the sending of astronauts to the ISS in known dangerous situations, because the agency would be prevented from buying necessary safety equipment that can only be obtained from Russia, until there was immediate danger of loss of life of members of the crew. "Such a result . . . means the crew safety exception was self-nullifying and meaningless," Frankle said. He added that Congress did not intend such a result.

Frankle was backed up by the committee's ranking member, Sam Gejdenson (D-Conn.), but Rohrabacher, who was looking for a conspiracy by the Clinton Administration to break the law and put American interests under the threat of weapons of mass destruction, was not mollified. Rohrabacher found no such conspiracy, however, as Frankle maintained that he made his determination on his own, without any pressure from anyone else inside or outside the agency. In fact, NASA Administrator Dan Goldin has yet to make any decision to buy Russian hardware affected by the INA.