

File: Terrorism

July 17, 1985

CONGRESSIONAL RECORD — HOUSE

H 5799

Markey	Pickle	Stump
Marlenee	Richardson	Sweeney
Martin (NY)	Ritter	Swift
Martinez	Roberts	Taylor
Mavroules	Robinson	Thomas (CA)
McCloskey	Rogers	Thomas (GA)
McEwen	Rose	Towns
McGrath	Rowland (CT)	Traficant
McKernan	Scheuer	Vander Jagt
Miller (WA)	Schuette	Volkmer
Mitchell	Schumer	Vucanovich
Mollohan	Shelby	Watkins
Monson	Shuster	Waxman
Morrison (CT)	Sikorski	Weiss
Mrazek	Siskys	Whitehurst
Myers	Skeen	Whitley
Nelson	Slattery	Whittaker
Nielson	Slaughter	Whitten
Nowak	Smith (IA)	Williams
O'Brien	Smith (NE)	Wolf
Oakar	Smith, Denny	Wortley
Ortiz	Smith, Robert	Wright
Oxley	Spence	Wyden
Packard	Staggers	Wyllie
Parris	Stallings	Yatron
Pashayan	Stangeland	Young (FL)
Pepper	Strang	Young (MO)

NOT VOTING—12

Bonior (MI)	Dorman (CA)	Hefner
Coelho	Edwards (OK)	Schneider
Courter	Fuqua	Siljander
Crane	Hall, Ralph	Torres

□ 1440

Messrs. WYDEN, BILIRAKIS, and NOWAK changed their votes from "aye" to "no."

Mr. FAWELL, Mrs. JOHNSON, Mr. GRAY of Pennsylvania, Mr. ANDREWS, Mrs. MARTIN of Illinois, and Messrs. HERTEL of Michigan, BARTON of Texas, and KOLTER changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$43,476,000.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those allowed under the Foreign Service Act of 1980 as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters of personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; \$700,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of the United States attorneys, marshals, and bankruptcy trustees; including acquisition, lease, maintenance, and operation of aircraft, \$471,500,000.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, \$53,240,000; and in addition, \$9,000,000 shall be available under the Cooperative Agreement Program until expended for the purposes of renovating, constructing, and equipping State and local correctional facilities: *Provided*, That amounts made available for constructing any local correctional facility shall not exceed the cost of constructing space for the average Federal prisoner population to be housed in the facility, or in other facilities in the same correctional system, as projected by the Attorney General: *Provided further*, That following agreement on or completion of any Federally assisted correctional facility construction, the availability of the space acquired for Federal prisoners with these Federal funds shall be assured and the per diem rate charged for housing Federal prisoners in the assured space shall not exceed operating costs for the period of time specified in the cooperative agreement.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, including advances; \$47,900,000, to remain available until expended, of which not to exceed \$550,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, \$33,217,000, of which \$26,583,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: *Provided*, That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524, as amended by the Comprehensive Forfeiture Act of 1984, such sums as may be necessary to be derived from the Department of Justice Assets Forfeiture Fund: *Provided*, That in the aggregate, not to exceed \$10,000,000 shall be available for expenses authorized by subsections (c)(1)(B), (c)(1)(E), and (c)(1)(F) of that section.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed one thousand six hundred forty passenger motor vehicles of which one thousand four hundred fifty will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate;

\$1,194,132,000, of which not to exceed \$25,000,000 for automated data processing and telecommunications and \$1,000,000 for undercover operations shall remain available until September 30, 1987; of which \$30,000,000 for research related to investigative activities shall remain available until expended; and of which not to exceed \$500,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism: *Provided*, That notwithstanding the provisions of title 31 U.S.C. 3302, the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records for noncriminal employment and licensing purposes, and credit not more than \$13,500,000 of such fees to this appropriation to be used for salaries and other expenses incurred in providing these services: *Provided further*, That \$13,120,000 shall remain available until expended for constructing and equipping new facilities at the FBI Academy, Quantico, Virginia: *Provided further*, That not to exceed \$45,000 shall be available for official reception and representation expenses.

POINT OF ORDER

Mr. HOWARD. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman from New Jersey will state his point of order.

Mr. HOWARD. Mr. Chairman, I make a point of order against the language which appears on page 15, line 21 after the colon beginning with the proviso down through and including line 23 ending with Virginia. This is a violation of rule XXI, clause 2. This is legislation in an appropriation bill.

The CHAIRMAN (Mr. BROWN of California). Does anyone else desire to be heard on the point of order?

In the opinion of the Chair, the amount is unauthorized and the language is legislative in character and the point of order is sustained.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Young of Florida: On page 15, line 4 strike "\$1,194,132,000" and insert "\$1,203,625,000".

□ 1450

Mr. SMITH of Iowa. Mr. Chairman, I reserve a point of order on the amendment.

Mr. EDWARDS of California. Mr. Chairman, I also reserve a point of order on the amendment.

Mr. YOUNG of Florida. I thank the Chairman.

Mr. Chairman, this is the amendment that I discussed earlier during general debate that would provide an additional \$9.5 million for the FBI for use in their counterterrorism program.

The details as to how the \$9.493 million would be spent, unfortunately, are very classified and cannot be discussed openly in this debate today but the information is available here.

H 5800

CONGRESSIONAL RECORD — HOUSE

July 17, 1985

For Members only I would be more than happy to make available to them the data as to what the money would provide and why it is so desperately needed.

It is something that needs to be done now. Thanks to the efforts of the subcommittee, and I compliment the subcommittee for their work in this field, the funding for the FBI's battle against domestic terrorism has been taken care of adequately. The funding, though, for their international terrorist activities has not been funded to the extent that they require.

Now I realize that several points of order have been reserved and I would hope those points of order would not be pressed.

The time to give the FBI the tool to battle terrorism is now. We do not want any more airplane hijackings, and if we do have any, we want to be able to respond; we do not want any more assassinations; we do not like the fact that the White House is barricaded; the Capitol of the United States has garbage trucks parked around it at night to protect against terrorists; and two bombs have exploded in this Capitol Building since I have been a Member of this House.

The time to act is now. We can eventually, if the points of order lie today, we can eventually get another vehicle by which we will be able to consider this money, maybe later on this year, probably next year.

But the case is made strongly, though, that we need to give the FBI the tools that they need right now to battle international terrorism. We are only talking about \$9.5 million. The House spends that much every week just in the legislative budget.

Mr. EARLY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I would be happy to yield to my colleague.

Mr. EARLY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would suggest that the gentleman has offered a very progressive amendment. To reiterate what happened with regard to terrorism, I think foreign and domestic terrorism are related. Chairman SMITH and Mr. O'BRIEN, the ranking minority member, put \$1.3 million into the supplemental for 191 positions for domestic terrorism, which was stricken on a point of order. It is in this bill. As the gentleman from Florida, whom I have much respect for—you know every spending measure is in the eyes of the beholder; he is the leader in the fight to save the Social Security COLA and here he comes in with a very valid attack on terrorism and to prevent it and to save money before the problem occurs.

Now, with the 191 positions we have in this bill, we are not doing a whole lot for the FBI. All we are doing with regards to terrorism in this respect is giving the FBI the resources they utilized in 1984 and what they utilized in 1985.

But what happened? The Bureau had to borrow from Narcotics, white-collar crime and other activities.

Now as to the specific amendment of the gentleman, during general debate he identified several specific cases that are all very accurate. Members interested in the additional material, which is classified, would see how necessary this money is.

I would urge the gentleman, though, to withdraw the amendment because the Chairman of the subcommittee, Mr. SMITH of Iowa, and, I think, Mr. O'BRIEN are in agreement but were just prohibited by the rule. Let us work our will because we know what a priority this is and we hope that it will get in the next financial vehicle because it is a necessary amendment.

Mr. YOUNG of Florida. I would like to compliment the gentleman, Mr. EARLY, for the work that he has done in providing the funding already in the bill for the domestic counterterrorism programs. I would ask the gentleman if he would be able, as a member of that subcommittee, to give us some idea, if we withdraw this amendment, when we might be able to get consideration of the amendment to provide these funds?

Mr. EARLY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I would be happy to yield to my colleague.

Mr. EARLY. I thank the gentleman for yielding.

Mr. Chairman, the first vehicle, the first vehicle that we can get, I can assure the gentleman, only speaking for myself as a member of the subcommittee, that I will try to insert the money.

As I told the gentleman, as I suggested to this House, Chairman SMITH had done it in the supplemental. Recently we read an article about a Member of the other body in which he had suggested they were doing something. There is nothing new here.

The CHAIRMAN. The time of the gentleman from Florida [Mr. Young] has expired.

(On request of Mr. EARLY and by unanimous consent, Mr. YOUNG of Florida was allowed to proceed for three additional minutes.)

Mr. YOUNG of Florida. Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. EARLY. I thank the gentleman for yielding further. As to what the gentleman suggested, Mr. Chairman, there was not one new thing that this subcommittee did not try to do in this funding bill. I would assure the gentleman that in the first vehicle, the first vehicle that we have available, I would at least try to put in this foreign counter intelligence money.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I would be happy to yield to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment of the gentleman from Florida, Mr. YOUNG. I recognize the germaneness problems involved in it, but one of the problems we have is that the Subcommittee on Civil and Constitutional Rights absolutely refuses to deal with the increase in authorization that is necessary to finance this amendment. I think the need for this amendment is abundantly clear, and we certainly do not wish to see any more acts of terrorism committed against the United States and against the citizens of the United States, either here or overseas.

It is a very necessary amendment in order to get the FBI out to speed so that they will be able to do the job that we all hope will be successful. So, that is why I would hope that the point of order would not be pressed, and we would be able to provide the FBI with this additional money today because every day we wait in not providing the money that is requested is one more day that the terrorists can strike and embarrass this country, and threaten the lives of our diplomatic personnel overseas and threaten the lives of our citizens.

(By unanimous consent, Mr. Young of Florida was allowed to proceed for 2 additional minutes.)

Mr. YOUNG of Florida. I think what we are seeing here is a debate indicating that most everyone is supportive of recognizing the need of the FBI, which the FBI has in these two specific cases that this money would provide for. Secondly, it appears that everyone seems to be in agreement that if there was some way to have this amendment offered without it being in violation of the Budget Act that they would be willing to do that.

I would like to add this thought, as we deal with the Budget Act, so far we have only passed the first budget resolution and it has not passed both bodies. We have not passed the second budget resolution. My understanding is that the first budget resolution is not binding anyway. In the last 10 years, only once, that was in 1978, did we ever pass a second budget resolution on time.

So, I have strong reason to believe that we can make a persuasive argument in opposition to a point of order against this amendment, but whether we can do that or not remains to be seen. But before we get to that point I would like to ask my friend and colleague with whom we have cooperated many times, successfully on a number of issues, if, in fact, he would be willing, on the next vehicle, to seek the type of a rule that would protect the right to offer this type of an amendment.

July 17, 1985

CONGRESSIONAL RECORD — HOUSE

H 5801

□ 1500

Mr. EARLY. I will just say to the gentleman from Florida [Mr. Young] that as far as, other than the normal procedure here, I will do anything I can to help to get the funds through. That is the rule, that is anything that we have to do to make sure that the FBI gets this tool to carry out what the gentleman from Wisconsin [Mr. SENSENBRENNER] just suggested.

Mr. YOUNG of Florida. I appreciate the gentleman's comment, and I know of the many hours that he spent on this subject at the FBI and in his committee office.

I yield to the chairman.

Mr. SMITH of Iowa. I do not want to preclude what we might do on a rule, but I want to say that we have tried our best to cooperate; we do not have the administration's request for this and I think if it were urgent and they submitted a request that it would be approved today.

As the gentleman knows very well, there are a number of ways these things are financed. We are trying our best to take care of them, but we are also under constraints here today because we are operating under our tentative limitation on 302 allocations. Even though we do not have a budget resolution yet, we are voluntarily, in the Appropriations Committee, staying within our 302 allocation according to the budget resolution that passed the House; and if we start violating that I do not know where this bill will go.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. Mr. Chairman, I understand that, and I appreciate the comments that have been made.

Yes, I yield to the gentleman.

(Mr. EDWARDS of California asked and was given permission to revise and extend his remarks.)

Mr. EDWARDS of California. I thank the gentleman from Florida [Mr. Young] for yielding. I know the gentleman from Florida understands the high respect that I have for him and for my friend from Massachusetts [Mr. EARLY] and the request that you are making today.

I think the record ought to be made clear, however, that at the hearings the Judiciary Committee subcommittee had on the FBI's request for funds the FBI did not ask for this money. Indeed, I have asked Director Webster on several occasions whether or not he needed the money, and to the best of my recollection he said, "Well, we can always use more money, but no, we are not asking for the money," referring to the money for 191 new agents with regard to domestic terrorism.

(By unanimous consent, Mr. Young of Florida was allowed to proceed for 3 additional minutes.)

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. EDWARDS of California. I appreciate the gentleman yielding. The

subcommittee that I chair has jurisdiction over terrorism and has had extensive investigations and hearings, and has written a report on it.

We have kept very careful count of the incidents of terrorism in the United States, and it is a real problem and I certainly understand that. However, the FBI is doing a very good job, and we have always supported any request that the FBI has made in this area.

Let me point out to you, Mr. Chairman, that terrorist incidents in the United States have fallen off from an average of over 100 a year a few years ago to 51 in 1982, 31 in 1983, and 13 in 1984. In the first 6 months of 1985 there have been only 2 incidents in the United States, according to FBI records. In 1984, no one was killed or injured as a result of terrorist activity in the United States.

At the same time, in the first 6 months of this year, at current funding levels, the FBI was able to successfully thwart 17 terrorist incidents before they occurred.

Moreover, Mr. Chairman, I should emphasize that last year in this country, there was not one single international terrorist incident in the United States. International terrorist incidents are those in this country committed by foreign groups. All of the terrorist incidents in this country last year were by domestic groups. The FBI does not generally have jurisdiction over terrorist incidents abroad. The gentleman from Massachusetts [Mr. EARLY] has added additional funds for 191 agents to counter terrorism by domestic groups, and I am in agreement with the gentleman. I cannot agree with the gentleman from Florida's [Mr. Young] amendment on international terrorism.

I should also note that the FBI's counterterrorism program is unrelated to its foreign counterintelligence program. This year, for the 3rd straight year, the bill contains substantial increases for foreign counterintelligence, and I fully support those increases.

The FBI has increased the staffing of its counterterrorism program by reassigning agents from other areas. An increase in funding would increase overall staffing for the Bureau but would not increase counterterrorism staffing. Holding funding at present levels will require the FBI to set its priorities, as every agency in the Federal Government must. It will not prevent the Bureau from continuing to allocate substantial resources to counterterrorism and it will not interfere with the continued success of the FBI's counterterrorism program.

That is the reason that the FBI has not come forward and asked for this money. However, we are not going to object to the request of the gentleman from Massachusetts [Mr. EARLY] for the 191 new agents. We know that he is making this request in good faith, and even though the administration and OMB do not want this to go

through, as far as we are concerned, we are not going to object to it.

The issue raised by the gentleman from Florida [Mr. Young] is something else. It certainly should be the subject of hearings, it should be the subject for the Department of Justice and the FBI to come and ask for it, which they have not done. We really ought to follow some orderly processes in this body.

Mr. SENSENBRENNER. Will the gentleman from Florida yield?

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. SENSENBRENNER. Mr. Chairman, just to make sure that the record on this subject is complete, the hearings before the Subcommittee on Civil and Constitutional Rights are far from complete. As a matter of fact, last month the three minority members of the subcommittee, the gentleman from Ohio [Mr. DEWINE], the gentleman from California [Mr. DANNEMEYER] and myself, specifically attempted to invoke the House rule that provides for a minority day of hearings, to hold hearings on this subject; and we were rejected by the chairman of the full committee, Mr. ROBINO.

So there were no hearings on this subject, and the record ought to be perfectly clear on where the obstructionism is; it is in the majority side of the aisle on the Committee on the Judiciary why we have not been able to deliberate on this subject before the authorization committee.

Mr. EARLY. Will the gentleman from Florida yield?

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. EARLY. I want to clear the record, too, on this for my good friend from California [Mr. EDWARDS]. With regards to domestic terrorism, the gentleman said they have had hearings and there has been no request for the money.

The gentleman from California, and everyone on the Committee on the Judiciary knows, and everyone in this House should know, the FBI spent much more than originally available for domestic terrorism in 1984 and in 1985.

(By unanimous consent, Mr. Young of Florida was allowed to proceed for 2 additional minutes.)

Mr. EARLY. If the gentleman will yield further, for the past 2 years, utilization of work-years for this area has outstripped the work-years assumed, given the appropriation levels.

In 1984, they had to increase resources that we provided by 118 percent. In 1985, they had to increase them by 150 percent.

If the gentleman wants to suggest that domestic terrorism is not a threat, I quote from a Washington Post article, a matter of months ago:

Files seized in a Baltimore apartment used by self-proclaimed revolutionaries contain detailed plans to bomb the Old Executive

H 5802

CONGRESSIONAL RECORD — HOUSE

July 17, 1985

Office Building in the White House complex.

Documents found in a file drawer marked "in progress" include "very detailed" plans to bomb up to a dozen other federal offices.

A threat is of no concern if the person has never done it before. These particular groups; this particular group, the United Freedom Front, has bombed 16 Federal buildings; so they have done it. These are legitimate threats.

This money, that the gentleman from California [Mr. EDWARDS] suggests the FBI has not requested, and in this particular amendment from the gentleman from Florida [Mr. YOUNG] there is no question that I think they will come back in 1987 for this particular funding, and it should be funded and should not be a partisan issue.

Mr. YOUNG of Florida. Mr. Chairman, the gentleman is exactly correct about the threat from domestic terrorists; the threat from international terrorists is equal, if not greater, and the FBI is going to meet that threat. They are going to do the job to the best of their ability, but if they take resources to fight terrorism that we have not provided, they are going to take it from their battles against organized crime. It is going to have to come out of their racketeering or corruption or graft or extortion operations, or out of their white collar crime funds.

Something else is going to have to suffer. Terrorism is here. It is now, it is immediate, and the FBI is going to do the very best job they can to meet that threat; but something else is going to suffer, and I do not think any of us want that to happen.

(On request of Mr. EARLY and by unanimous consent, Mr. YOUNG of Florida was allowed to proceed for 2 additional minutes.)

Mr. EARLY. Will the gentleman yield for one more point?

Mr. YOUNG of Florida. I am happy to yield.

Mr. EARLY. Mr. Chairman, I would like the House to look at the FBI's budget. They have a billion almost \$200 million for their whole operation. It is almost all in personnel.

Now this bill includes the \$8.5 million that we put in for domestic terrorism. If, later on in the day, this House adopts a 4-percent across-the-board cut, you will cut \$47.8 million from the FBI. It will give them less money than they had in 1985. There is no way the FBI will be able to approach domestic terrorism or what the gentleman from Florida [Mr. YOUNG] is talking about.

So I urge the Members as we vote, the only type of cuts we get today are across-the-board because every one of us can run and hide when we do that. I have never voted for an across-the-board cut. I do not say that bragging; I am just saying it is not responsible.

Each Member that wants to cut 4 percent as the items come up, stand and ask to reduce it 4 percent. If the 4 percent prevails, the FBI cannot do

any of the domestic terrorism work. The 4-percent cut would leave the FBI with less than they had last year.

□ 1510

POINTS OF ORDER

The CHAIRMAN. Does the gentleman from California [Mr. EDWARDS] insist on his point of order?

Mr. EDWARDS of California. Mr. Chairman, did the gentleman from Florida [Mr. YOUNG] withdraw his amendment?

Mr. YOUNG of Florida. Mr. Chairman, I did not withdraw the amendment, no.

Mr. EDWARDS of California. Mr. Chairman, it was my understanding there was a commitment made to withdraw the amendment. If that is not true, I insist on my point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from California [Mr. EDWARDS] will state his point of order.

Mr. EDWARDS of California. Mr. Chairman, the amendment violates clause 2 of House rule XXI, which provides no appropriation shall be reported in any general appropriation bill for any expenditure not previously authorized by law.

The CHAIRMAN. Does the gentleman from Iowa [Mr. SMITH] desire to press his point of order?

Mr. SMITH of Iowa. I do, Mr. Chairman, I have a different point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Iowa. I am very reluctant to make a point of order, but I feel I have to in this case.

It would add budget authority for fiscal year 1986. The waiver of the points of order against the provisions in the bill did not waive points of order against amendments. Therefore, an amendment to add money to the bill would not be in order.

I am very constrained to do that, but if I do not do that in this case, I know there will be a lot of amendments all over the place.

The CHAIRMAN. Does the gentleman from Florida [Mr. YOUNG] wish to be heard on the point of order?

Mr. YOUNG of Florida. Mr. Chairman, I do.

Regarding the point made by our colleague, the gentleman from California [Mr. EDWARDS], that it is an unauthorized item, this paragraph in question is not authorized but it is protected by the rule. It is well established under the precedents of the House that where an unauthorized appropriation is permitted to remain in the bill by waiver of points of order, that appropriation may be amended to increase the sum, provided the amendment does not add unauthorized items.

My amendment does exactly that, and I believe that that point of order should be overruled.

On the point of my friend and colleague from Iowa [Mr. SMITH], dealing with the Budget Act, again, Mr. Chairman, I suggest that the point of order

is not well taken. The purpose of House Resolution 221, the rule covering points of order against the Budget Act, is to allow an appropriations bill to be considered on the House floor before the first concurrent budget resolution has been approved by Congress. And since consideration of an appropriations bill on the House floor generally does not require a rule and does not limit amendments, interpretation of this language should follow usual House procedures and allow amendments to appropriations bills whether the amendment would increase or decrease an uncertain budget ceiling.

Therefore, the point of order I think should be overruled. I make the point again that the first budget resolution is still pending, it has still not been finalized by the Congress.

Second, on the same point, Mr. Chairman, House Resolution 221, the rule covering points of order against the Budget Act, provides that all points of order for failure to comply with the provisions of section 303(a) of the Congressional Budget Act of 1974, Public Law 93-344, are hereby waived. Section 303(a) of the Budget Act states that "it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution (or amendment thereto) * * *." Since House Resolution 221 does not specifically limit amendments and since it is to be read in conjunction with section 303(a), my amendment offered during consideration of a general appropriations bill that was reported by the Appropriations Committee prior to July 12, 1985, should be allowed and the point of order overruled.

The CHAIRMAN (Mr. BROWN of California). If no one else wishes to be heard on the point of order, the Chair is prepared to rule.

With regard to the point of order raised by the gentleman from California [Mr. EDWARDS], as to appropriation without authorization, the Chair is constrained to overrule that point of order on the grounds that a waiver has been provided in the rule against the amount in the bill, and the amendment merely increases that amount without an earmarking for an unauthorized purpose.

With regard to the point of order made by the gentleman from Iowa [Mr. SMITH] as to whether it has not been waived by the rule, the Chair is constrained to uphold that point of order on the grounds that, while consideration of the bill itself has in House Resolution 221 received a waiver from section 303(a) of the Budget Act, that does not apply to amendments adding new budget authority to the bill and the Chair, therefore, sustains the point of order.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

July 17, 1985

CONGRESSIONAL RECORD — HOUSE

H 5803

The Clerk read as follows:

Amendment offered by Mr. Young of Florida: On page 15, in line 4, strike "\$1,194,132,000," and insert in lieu thereof "\$1,203,625,000, of which \$9,493,000 shall be derived by transfer from the appropriation in this Act for "National Endowment for Democracy".

Mr. YOUNG of Florida. Mr. Chairman, this is the same amendment, the same money to be applied to the FBI's Counterterrorism Program, but in this case, in order to comply with the Budget Act and the rules, we attempt to transfer that same money from another section of the bill dealing with the National Endowment for Democracy. This is somewhat of a controversial program, to begin with, Mr. Chairman, the National Endowment for Democracy. What it does is provide money for certain private organizations to get involved in international diplomacy. According to the report, the Endowment would promote pluralism, democratic governments and political processes, education, culture and communications, research and international cooperation, and it provides that the Endowment itself would not do any of these things but would provide funding for organizations like the AFL-CIO and the U.S. Chamber of Commerce or other private organizations and groups to use this money.

The Federal Government is already doing this, with the expenditure of a lot of money from a lot of sources, and I would remind my colleagues that on the last vote we had on this issue on May 31, 1984, 226 of our colleagues voted for an amendment to strike the funding for this Endowment. The other body put the money back in.

I am not suggesting that it is a bad program or that it is a good program. What I am saying is that I do not think it has the priority that fighting international terrorism does. So let us take the \$9.5 million that the FBI needs from the National Endowment for Democracy and put it into the FBI account. Do this and we will have struck a good blow in the fight against international terrorism. Again, I do not want to abuse the time of the committee by carrying on the argument. I think everyone is convinced we need the money. Here is a way to do it and do it under the rules and within the provisions of the Budget Act.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Michigan.

Mr. CONYERS. The gentleman has really got me between a rock and a hard place. We have got to get rid of NED, but I did not want to give it to the FBI this way. I hope this survives the test of the parliamentary challenge that is in front of it. But the gentlemen is quite right, NED is the biggest waste of a small amount of money that has happened in quite a while. I reluctantly go half way with the gentleman on his amendment.

Mr. YOUNG of Florida. I would say to the gentleman that this is basically

a compromise because we do not take all of the money from the endowment fund. We just took \$9.5 million. We are going to leave about \$10 million there. If the gentleman thinks we ought to get rid of that as well, I would probably be happy to support his amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Iowa (Mr. SMITH) desire to press his point of order?

Mr. SMITH of Iowa. Yes, Mr. Chairman, I do.

My point of order is that it is in violation of clause 7, rule XVI. It involves an increase in the FBI by a transfer of funds. There are no transfers in the bill for the FBI. The money would be transferred from a source that is entirely different and unrelated, and therefore taking money that is intended for one purpose and transferring it to an entirely different purpose when it is offered as an amendment is not germane.

The CHAIRMAN. Does the gentleman from Florida (Mr. Young) desire to be heard on the point of order?

Mr. YOUNG of Florida. Mr. Chairman, I am in opposition to the point of order. The amendment does not violate section 303 of the Budget Act because the amendment does not provide new budget authority but rather provides funds by transfer from elsewhere in the bill.

The amendment does not violate rule XXI, clause 2, because it is in order to perfect a paragraph in the bill permitted to remain by a waiver of points of order, so long as the amendment does not add legislation or unauthorized items. A transfer of funds within the confines of an appropriation bill is not considered legislation, and clearly the amendment does not add unauthorized items. The amendment is germane to the bill which contains numerous other transfers. For example, I call to the Chair's attention page 6 and page 7, where there are numerous transfers from one fund to another in that section of the bill alone.

So I would hope that the Chair would overrule the point of order.

The CHAIRMAN (Mr. BROWN of California). If no one else wishes to be heard on the point of order, the Chair is prepared to rule.

The Chair believes that the amendment is not germane to this paragraph because there are no other transfers involved in this particular paragraph and it would effect an account in an unrelated portion of the bill.

The Chair, therefore, upholds the point of order made by the gentleman from Iowa (Mr. SMITH).

□ 1520

AMENDMENTS OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The text of the amendments is as follows:

Amendment offered by Mr. Kasich: Page 15, line 4, strike out "\$1,194,132,000," and insert in lieu thereof "\$1,199,647,924."

Page 25, line 10, strike out "\$480,235,000;" and insert in lieu thereof "\$474,719,076."

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. SMITH of Iowa. Mr. Chairman, reserving the right to object, I yield to the gentleman from Ohio (Mr. KASICH) to explain his amendments.

Mr. KASICH. I thank the gentleman for yielding to me.

Mr. Chairman, I was trying to bring my amendment up under the same procedure that Mr. Young was attempting to use to transfer some money. What my amendment would do is freeze our operations support of the United Nations at the 1985 level, taking the \$5 million that would be saved and transferring it to the FBI domestic counterintelligence area. The reason being that there is great concern expressed by a number of people, including Mr. Lichenstein, who was our Alternate Representative at the United Nations, about the problem of espionage involving Soviet personnel, at the United Nations.

Let me elaborate for a second and explain that when someone goes to work for the Secretariat, they are asked to take an oath of office. In that oath they swear that they will not seek or accept any instructions in regard to the performance of any of their duties from any government or any authority external to the organization.

What we have found, of course, is a consistent violation of this oath on the part of the Soviets. We have 333 Soviet personnel who work for the Secretariat. According to the Senate Intelligence Committee, the Soviet citizens assigned to the United Nations civil servants report directly to the Soviet missions and are part of an organization controlled by the Soviet Foreign Ministry, the Soviet intelligence services, KGB and GRU, and the Central Committee of the Communist Party.

The Soviet Union, according to the Senate Intelligence Committee, has gained significant advantage over the West through a comprehensive strategy of using the U.N. Secretariat for its own ends. Beyond the Secretariat, there are 295 accredited Soviet diplomats at the U.N. mission in New York, plus the 333 Soviet nationals who are employed by the U.N. Secretary. That does not include 18 accredited personnel representing the Ukrainian Soviet Socialist Republic. There are also 27 Ukrainian U.N. Secretariat employees, 14 Belorussian diplomats, and 11 Belorussian U.N. Secretariat employees.

What is particularly disturbing about this is that if you add together the delegation from the Secretariat, add together all the Soviet diplomats, all of the Soviet employees of the Soviet Union and bloc nations, we are

H 5804

CONGRESSIONAL RECORD — HOUSE

July 17, 1985

talking about somewhere in the vicinity of 2,750 Soviet bloc personnel in New York State alone.

Now, the FBI estimates that 35 percent of these people are spies, which means that there are 1,000 spies working directly or indirectly through satellite governments for the U.S.S.R. at the United Nations. The FBI arrived at the 35-percent figure by counting only those personnel who had received formal intelligence training.

Mr. Shevchenko, who we are all familiar with now, who defected from the Soviet Union, estimates that 50 percent of their personnel are working as spies in some capacity, and a Romanian defector says 70 percent of his fellow nationals in New York are espionage agents.

We had a big debate up here with Mr. McCOLLUM's amendment on whether we should have the death penalty for those people who engage in espionage. After a major debate in this House, it passed. We are concerned about the Walker case and what could be the overwhelming implications, the threats to America's national security. We just got done talking about the need to beef up the area of antiterrorist activity, and we find that we have a tremendous number of Soviet bloc personnel, who our own FBI says are actually spies that we pay for. Twenty-five percent for the funding for the United Nations comes from the United States. Keep in mind that former FBI Director Clarence Kelly said that if you are going to have effective counterintelligence you have got to have an agent on ever one of these people.

We are not meeting that now. We do have a program that is moving along which is intended to beef this section up. I think it ought to move more quickly. We can see the tremendous implications of espionage activity.

Charles Lichenstein, who was the Alternate Representative to the United Nations, said, "We are in effect subsidizing a hostile intelligence effort on our own soil." DON SUNDBQUIST, not long ago, offered an amendment on this floor that asked for a study in the State Department to check Soviet laundering of money that we pay to them that they launder back to the Soviet Union in order to use for bribes; for espionage purposes.

Let me tell you what the Soviet employees in the Secretariat do. They have complete access to all the personnel files at the United Nations. They can make determinations as to whether people have financial troubles. We know from the Walker case that monetary reward is becoming a seemingly more interesting reason to try to tempt people. Yet, we have Soviet personnel who the FBI says could be spies having access to this kind of information.

Mr. SMITH of Iowa. Mr. Chairman, I hope we will not take too much longer on this. As the gentleman knows, this subcommittee is nonparti-

san. On the subcommittee we cooperate 100 percent. This subcommittee and the Intelligence Committee are taking care of things in the best way we can, and I think very satisfactorily.

After all, the United Nations is in New York; it is a fact, you cannot just kick the United Nations out with an amendment on a bill like this. We have to pay our assessment as we are doing; we also have to watch the employees who might want to do this country harm. The problem is not just limited to New York. There are other places that are included. I know the gentleman is very interested in this, but I would hope that the gentleman would not offer these amendments because we cannot address these issues properly in an appropriations bill.

Mr. KASICH. If the gentleman would yield, the chairman is certainly within his right to object to the unanimous-consent request, and I understand that he will. I am disappointed that he objected to the amendment by the gentleman from Florida; I am disappointed he objects to this.

We are not trying to kick everybody out. I tell the chairman what we are simply saying is let us freeze U.N. funding at the 1985 level and take that \$5 million and give it to the FBI for counterintelligence activity. I think tomorrow is too late; we have got to get on with it today.

Mr. SMITH of Iowa. I would explain to the gentleman that your amendment does not really accomplish anything because we are paying, in this budget for 1986, our dues for calendar 1985. Just by taking \$5 million out of the payment that we have got to make for last year's dues does not eliminate what we owe; the bill is still there. It will have to be paid. So you are not really finding extra money to transfer to the FBI; that bill has to be paid.

Mr. KASICH. If the gentleman will yield, let me just say this. What I am suggesting is that for this year's activity and operation we spend no more than what we spent last year. There has been some discussion that if we were to reduce our level of reimbursement to the United Nations it would violate a treaty. It certainly does not because the provision in the law says that if the funding of any of these organizations or activities could work to the detriment of this Government, we certainly are within our rights to withhold some payments. When the FBI estimates that 35 percent of the Soviet employees at the United Nations are working as spies and Mr. Shevchenko is saying it is as high as 50 percent, I think we have a problem.

I do appreciate the gentleman's concern on this issue; I understand his reasons for objecting. I think they are more parliamentary than they are substantive, and I would hope that the committee would address this issue.

□ 1530

We are going to hear more about it. We are going to hear more about it on

Soviet travel and Soviet laundering of money and activity within the Secretariat.

Mr. SMITH of Iowa. I am sure we will hear more about it.

Mr. KASICH. I appreciate the gentleman's attention and his graciousness in yielding time to me.

Mr. HUNTER. Mr. Chairman, would the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I wonder if it might be possible on this bill to adopt a sense-of-the-Congress resolution of some sort that would prescribe, in light of the continuing Soviet abuses in East Germany and other places.

Mr. SMITH of Iowa. First of all, that is legislation in an appropriations bill.

Mr. HUNTER. I understand that.

Mr. SMITH of Iowa. But second, I especially do not like sense-of-Congress resolutions. That is like simply playing you are in Congress. A sense of Congress just expresses an opinion. Anyone who wants to can offer an opinion, and I am one who objects to having 20 or 30 or 40 bills on the House floor every year as sense-of-Congress resolutions. Again, that is playing like you are passing legislation when you are not really doing anything. So I really do not like sense-of-Congress resolutions.

Mr. HUNTER. If the gentleman would continue to yield, the reason I offered that was because the chairman did not like and indicated he would object to the gentleman's amendment. I was trying to think of something that would send a message. I think there is a value in message sending in light of the three or four attacks on American and British personnel in East Germany recently, and the abuses with regard to Soviet officials in the United States.

Mr. SMITH of Iowa. I think the colloquy here indicates that there is no difference of opinion on the substance at all and there is no reason to put another resolution in because everybody is in agreement on the substance, as far as I know.

Mr. HUNTER. I thank the gentleman.

Mr. SMITH of Iowa. Mr. Chairman, would the gentleman withdraw his unanimous-consent request?

Mr. KASICH. Mr. Chairman, I would rather not withdraw it. I would rather the gentleman object.

Mr. SMITH of Iowa. I have to object on this issue, Mr. Chairman.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

DRUG ENFORCEMENT ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergen-