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104TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 104–241

PROVIDING FOR THE CONSIDERATION OF H.R. 1655, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1996

SEPTEMBER 7, 1995.—Referred to the House Calendar and ordered to be printed

Mr. GOSS, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 216]

The Committee on Rules, having had under consideration House Resolution 216, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 1655, the Intelligence Authorization Act for Fiscal Year 1996 under a modified open rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The rule waives section 302(f) (prohibiting consideration of legislation which exceeds a committee's allocation of new entitlement authority), section 308(a) (requiring a cost estimate in the committee report on new entitlement authority) and section 401(b) (prohibiting consideration of legislation providing new entitlement authority which becomes effective during the fiscal year which ends in the calendar year in which the bill is reported) of the Budget Act against consideration of the bill.

The rule makes in order as an original bill for the purpose of amendment the Intelligence Committee amendment in the nature of a substitute now printed in the bill, modified by the Government Reform and Oversight Committee amendment striking section 505 now printed in the bill and by an amendment striking title VII.

The committee amendment in the nature of a substitute, as modified, shall be considered by title with the first section and each title considered as read.

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The rule waives clause 7 of rule XVI (prohibiting nongermane amendments) against the committee substitute as modified. It also waives clause 5(a) of rule XXI (prohibiting appropriations in a legislative bill) against the committee substitute as modified.

The rule waives section 302(f) and section 401(b) of the Budget Act against the committee substitute as modified.

No amendment to the committee substitute as modified is in order unless it is printed in the Congressional Record.

Finally, the rule provides one motion to recommit with or without instructions.

POINTS OF ORDER THAT MAY LIE AGAINST H.R. 1655—THE INTELLIGENCE AUTHORIZATION BILL FOR FY 1996

Sections of the bill requiring budget waivers

Section 401—Extension of the CIA Voluntary Separation Pay Act

This section creates a new entitlement by extending the current law by two additional years from September 30, 1997 to September 30, 1999. This Act authorizes the Director of Central Intelligence to pay up to $25,000 per person to encourage early retirements and resignations. The Act has been an effective tool to manage downsizing at CIA. By extending the Act through 1999, CIA managers can plan and reach their goal of a 22½% reduction and avoiding involuntary separations.

Section 305—Authority to restore spousal pension benefits to spouses who cooperate in criminal investigations and prosecutions for national security offenses

This section creates a new entitlement by allowing a spouse who fully cooperates in a criminal investigation of his wife or her husband to receive his or her spousal pension benefits upon a determination by the Attorney General that the spouse has fully cooperated with the Government's investigation and prosecution. Current law discourages husbands or wives who know that their spouse is engaged in espionage from disclosing this to the government because upon conviction of the spouse their annuity is forfeited. This is the case even when the spouse fully cooperates with the government. This section remedies this problem by conferring a new entitlement, the pension.

Section 601—Clarification with respect to pay for Director or Deputy Director for Central Intelligence appointed from commissioned officer of the armed forces

This section makes a technical correction to clarify that a retired military officer who is appointed as Director or Deputy Director of Central Intelligence can receive pay at the appropriate level authorized in the Executive Schedule. This correction, however, creates a new pay entitlement; hence, the need for a budget waiver. This problem came to light earlier this year when President Clinton nominated retired Air Force General Michael Carns to be the new DCI. Under existing law General Carns would have only received his military retirement pay, which was a disincentive to his taking this position. This section fixes this problem while ensuring

that an active duty officer appointed as DCI only receives his or her military pay.

POINTS OF ORDER FOR VIOLATION OF HOUSE RULES

Waiver of clause 7, rule XVI

H.R. 1655, as originally introduced, was a narrowly drafted bill that contained recurring provisions that appear in the annual authorization. The Committee reported an amendment in the nature of a substitute that contained a number of new sections that, although within the Committee's jurisdiction, were broader than the original bill.

Examples:

Sections 303 and 304 contain provisions that address issues that have arisen in light of the arrest and conviction of Aldrich Ames. Section 303 provides for forfeiture of Thrift Savings Plan contributions made by the Government if an employee is convicted of espionage. Section 304, which is discussed above, encourages spouse to cooperate with the government when they believe their wife or husband may be committing espionage.

Section 501 creates the Defense Intelligence Senior Level Personnel system that will permit the Director of the Defense Intelligence and Director of the Central Imagery Office to create new positions above the grade of GS–15 to retain and attract senior scientists who can work in the fields of biology, physical sciences, medicine, chemistry, and computer science.

Section 504 authorizes the expenditure of $20 million in FY95 Appropriations for the acquisition of Tier II unmanned aerial vehicles (UAV). These aircraft are currently deployed in Bosnia where they are making a positive contribution to monitoring developments on the ground.

Waiver of clause 5(a) of House Rule XXI

Section 402(b) authorizes the Director for Central Intelligence to use appropriated funds to establish a voluntary service program where up to 50 retirees of the CIA may volunteer their services in declassifying documents. The Director may use appropriated funds to reimburse incidental expenses, however, since the section gives the Director authority to use appropriated funds for a purpose different than those for which they were appropriated a waiver is necessary.

Section 601(a), which is described fully above, provides the authority to pay a retired military officer serving as the Director or Deputy Director of Central Intelligence pay at the appropriate level of the Executive Schedule. Since funds appropriated for civilian pay would be used to offset some of the military pay that the retired officer is entitled a waiver is arguably necessary.

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