

With this provision, law enforcement officials will be able to follow a criminal suspect and ask the telephone company to activate a wiretap on those telephones that the suspect is shown to be using, or to have used. To do this, law enforcement and telephone company officials would have to make prior arrangements so that the location of the particular telephone used by the suspect could be relayed to the telephone company where employees would stand ready to ascertain the telephone number being used (by cross-reference from the telephone company's own records) and activate a wiretap on it. In the case of cell telephones, law enforcement officials would use existing scanner technology to intercept the telephone number of the phone a suspect is about to use (before or during a call) and then relay that number to telephone company employees, who would then immediately activate a wiretap on that number.

In order to ensure that only the conversation of the suspect (and with whomever he speaks) is intercepted, the bill does not allow law enforcement officials to activate ongoing wiretaps on all telephones they believe the suspect might use. Significantly, law enforcement officials may only activate a wiretap on a particular telephone and then only when it is reasonable to presume that the suspect is "reasonably proximate" to that phone. Thus, law enforcement officials will have to use undercover agents or informants who can actually see the suspect move toward a particular telephone, or enter a room where there is only one or a limited number of telephones, before they can activate a wiretap.

Neither the House bill, nor the Senate amendment contained this provision. The managers agreed, however, to include this language as part of the conference report.

SEC. 605. AUTHORITY OF ATTORNEY GENERAL TO ACCEPT VOLUNTARY SERVICES

Section 605 will allow the Attorney General to accept voluntary services in furtherance of her law enforcement and national security missions. This provision will assist the Attorney General to find technological solutions to the ever-increasing threat of encryption to those missions. The managers agreed to include this language to support the Department of Justice's and Federal Bureau of Investigation's future efforts to address the technological advances that law enforcement will face in future criminal and counter-intelligence investigations and prosecutions. Neither the House bill, nor the Senate amendment contained this or any other similar provision.

TITLE VII—WHISTLEBLOWER PROTECTION FOR INTELLIGENCE COMMUNITY EMPLOYEES REPORTING URGENT CONCERNS TO CONGRESS

The Senate amendment, S. 2052, contained a provision at title V that would have directed the President to inform all employees of the executive branch, and employees of contractors carrying out duties under classified contracts, that the disclosure of classified information reasonably believed by the person to be evidence of a violation of law, regulation, or rule; false statement to Congress; gross mismanagement, waste of funds, abuse of authority; or a substantial and specific danger to public safety, is not prohibited by law, executive order, regulation, or otherwise contrary to public policy. The Senate provision would have allowed disclosure of such information to any Member or staff member of a committee of Congress having primary oversight responsibility for the department, agency, or element of the Federal Government to which such information relates. The House bill contained no similar title or provision. The House Permanent Select Committee on Intelligence, how-

ever, did report the "Intelligence Community Whistleblower Protection Act of 1998" to the House on July 23, 1998. (H.R. Rep. No. 105-747, part 1).

The managers agree to adopt a modified version of H.R. 3829. This title establishes an additional process to accommodate the disclosure of classified information of interest to Congress. The managers further agree that H.R. 3829 is not the exclusive process by which an Intelligence Community employee may make a report to Congress. The managers agree that the modified language furthers the goal of, and builds on, the Senate language contained in S. 1668 and S. 2052, which was adopted by the Senate on three occasions. The managers would also highlight the fact that Senate action on this issue was central to the development of this provision. The managers incorporate by reference the Senate reports on S. 1668 and S. 2052 (S. Rep. Nos. 105-165 and 105-185, respectively) to provide additional legislative history and the need for congressional action on this issue. The two Senate reports on this issue examine the significant constitutional implications of this legislation. See S. Rep. Nos. 105-165 and 105-185. In addition, the managers incorporate by reference the House report on H.R. 3829 (H.R. Rep. No. 105-747, part 1) and adopt that report as the legislative history for title VII of the conference report.<sup>1</sup>

As an additional matter, and separate from the terms and process established by H.R. 3829, the managers agree that an Intelligence Community employee should not be subject to reprisals or threat of reprisals for making a report to appropriate Members or staff of the intelligence committees about wrongdoing within the Intelligence Community.

One important modification to H.R. 3829 that exists in the provision adopted by the managers pertains to the responsibilities of intelligence committee Members and staff receiving complaints or information through the process outlined in this title. The provision makes it plain that an intelligence committee Member or staff employee receiving such complaints or information must abide by the rules of the intelligence committees.

PROVISIONS NOT INCLUDED IN THE CONFERENCE REPORT

AUTHORITY FOR CENTRAL INTELLIGENCE AGENCY INSPECTOR GENERAL TO REVIEW LEGISLATION

The Senate amendment contained a provision that would have authorized the Inspector General (IG) of the Central Intelligence Agency (CIA) to review existing and proposed legislation affecting CIA and to make recommendations to Congress in its semi-annual reports or otherwise. The House bill contained no such provision. The managers, upon further consideration of the issue, believed that this responsibility is already set forth in similar form in the reporting requirements of the CIA's IG in paragraph (1)(F) of section 17(d) of the CIA Act of 1949 (50 U.S.C. §403q(D)).

The managers have agreed to defer on this legislative proposal to allow the newly in-

<sup>1</sup> Though incorporating House Report Number 105-747, part 1, by reference, the managers make the following two corrections. First, in the second paragraph under the heading, "H.R. 3829 as Amended," at page 14 of the House Report, the managers would modify the sentence that provides: "Administration witnesses described such a provision as a constitutional and administrative imperative."; to read as follows: "Administration witnesses strongly supported such a provision based upon constitutional and policy considerations." Further, in the first sentence of the first paragraph under the heading, "The Need for Comity," on page 16 of the House Report, the managers would modify the term "constitutional prerogative" to "presidential prerogative."

stalled CIA IG to determine whether the current statutory authorities are sufficient to permit his independent review of proposed and current legislation.

Thus, the Senate recedes to the House position.

EXTENSION OF THE CIA VOLUNTARY SEPARATION PAY ACT

The Senate amendment contained a provision extending, until September 30, 2001, the authority of the Director of Central Intelligence (DCI) to offer early out incentives to its employees. The House bill contained no such provision. The Senate recedes to the House position.

The fact that the current authority does not expire until the end of fiscal year 1999 combined with the considerable concerns by another committee of the House with shared jurisdiction over civil service pay and pension issues, led the managers to omit this provision from the conference report. It is anticipated that the issue of extending this authority of the DCI could be addressed in separate legislation in the 106th Congress. From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

PORTER GOSS,  
BILL YOUNG,  
JERRY LEWIS,  
BUD SHUSTER,  
BILL MCCOLLUM,  
MICHAEL N. CASTLE,  
SHERWOOD BOEHLERT,  
CHARLES F. BASS,  
JIM GIBBONS,  
NORMAN D. DICKS,  
JULIAN C. DIXON,  
DAVID E. SKAGGS,  
NANCY PELOSI,  
JANE HARMAN,  
IKE SKELTON,  
SANFORD D. BISHOP, Jr.,

From the Committee on National Security, for consideration of the House bill and the Senate amendment, and modifications committed to conference;

FLOYD SPENCE,  
BOB STUMP,  
LORETTA SANCHEZ,

*Managers on the Part of the House.*

RICHARD SHELBY,  
JOHN H. CHAFEE,  
DICK LUGAR,  
MIKE DEWINE,  
JON KYL,  
JIM INHOFE,  
ORRIN G. HATCH,  
PAT ROBERTS,  
WAYNE ALLARD,  
DAN COATS,  
BOB KERREY,  
JOHN GLENN,  
RICHARD H. BRYAN,  
BOB GRAHAM,  
JOHN F. KERRY,  
MAX BAUCUS,  
CHUCK ROBB,  
FRANK R. LAUTENBERG,  
CARL LEVIN,

From the Committee on Armed Services:

STROM THURMOND,

*Managers on the Part of the Senate.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT), for today, on account of official business.

Ms. HARMAN (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. MCGOVERN (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT), after 6:30 p.m. Tonight, on account of family illness.

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT, for today, on account of official business.

Mr. Riggs (at the request of Mr. ARMEY), for today, on account of a death in the family.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mrs. CLAYTON) to revise and extend their hsi and include extraneous material:

Mr. SKAGGS, for 5 minutes, today.

Ms. CAPPS, for 5 minutes, today.

Ms. CLAYTON, for 5 minutes, today.

Mr. KLINK, for 5 minutes, today.

The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:

Mr. RIGGS, for 5 minutes, October 7.

Mr. CASTLE, for 5 minutes, today.

Mr. WELLER, for 5 minutes, today.

Mr. BATEMAN, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, October 6.

Mr. HUNTER, for 5 minutes today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. MINGE, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mrs. CLAYTON) and to include extraneous material:

Mr. KIND.

Mr. KENNEDY of Rhode Island.

Mrs. CAPPS.

Ms. NORTON.

Mr. REYES.

Ms. SLAUGHTER.

Mr. LANTOS.

Ms. DEGETTE.

Mr. NEAL of Massachusetts.

Mr. RANGEL.

Mr. KANJORSKI.

Mrs. MEEK of Florida.

Mr. ORTIZ.

Mr. ACKERMAN.

Mr. STARK.

The following Members (at the request of Mr. BEREUTER) and to include extraneous material:

Mr. BILIRAKIS.

Mr. TAYLOR of North Carolina.

Ms. ROS-LEHTINEN.

Mr. CUNNINGHAM.

Mr. GOSS.

Mr. DAVIS of Virginia.

Mr. BILBRAY.

Mr. LARGENT.

Mr. PICKERING.

Mr. GILMAN.

The following Members (at the request of Mr. MCINNIS) and to include extraneous material:

Mr. HAMILTON.

Mr. LAMPSON.

Mr. SNOWBARGER.

Mr. KLINK.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 890. An act to dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes; to the Committee on Resources.

S. 1016. An act to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes; to the Committee on Resources.

S. 1333. An act to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges; to the Committee on Resources.

S. 1398. An act to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir; to the Committee on Resources.

S. 1408. An act to establish the Lower East Side Tenement National Historic Site, and for other purposes; to the Committee on Resources.

S. 1665. An act to reauthorize the Delaware and Lehigh Navigation Canal National Heritage Corridor Act, and for other purposes; to the Committee on Resources.

S. 1718. An act to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property; to the Committee on Resources.

S. 2129. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park; to the Committee on Resources.

S. 2232. An act to establish the Little Rock Central High School National Historic Site in the State of Arkansas, and for other purposes; to the Committee on Resources.

S. 2272. An act to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana; to the Committee on Resources.

S. 2351. An act to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Resources.

S. 2469. An act to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Resources.

S. 2470. An act to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Resources.

S. 2474. An act to direct the Secretary of the Interior to make corrections to certain maps relating to the Coastal Barrier Resources System; to the Committee on Resources.

#### ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3616. An act to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

#### BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On October 2, 1998:

H.R. 6. To extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

#### ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 6, 1998, at 9 a.m. for morning hour debates.

#### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the second quarter of 1998 by Committees of the House of Representatives, as well as for miscellaneous groups in connection with official foreign travel during the calendar year 1998 are as follows: