

106TH CONGRESS
1ST SESSION

S. 1769

To continue the reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 22, 1999

Mr. LEAHY (for himself and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To continue the reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Continued Reporting
5 of Intercepted Wire, Oral, and Electronic Communications
6 Act”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

9 (1) Section 2519(3) of title 18, United States
10 Code, requires the Director of the Administrative

1 Office of the United States Courts to transmit to
 2 Congress a full and complete annual report con-
 3 cerning the number of applications for orders au-
 4 thorizing or approving the interception of wire, oral,
 5 or electronic communications. This report is required
 6 to include information specified in section 2519(3).

7 (2) The Federal Reports Elimination and Sun-
 8 set Act of 1995 provides for the termination of cer-
 9 tain laws requiring submittal to Congress of annual,
 10 semiannual, and regular periodic reports as of De-
 11 cember 21, 1999, 4 years from the effective date of
 12 that Act.

13 (3) Due to the Federal Reports Elimination Act
 14 and Sunset Act of 1995, the Administrative Office
 15 of United States Courts is not required to submit
 16 the annual report described in section 2519(3) of
 17 title 18, United States Code, as of December 21,
 18 1999.

19 **SEC. 3. CONTINUED REPORTING REQUIREMENTS.**

20 (a) CONTINUED REPORTING REQUIREMENTS.—Sec-
 21 tion 2519 of title 18, United States Code, is amended by
 22 adding at the end the following:

23 “(4) The reports required to be filed by subsection
 24 (3) are exempted from the termination provisions of sec-

tion 3003(a) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66).”.

(b) EXEMPTION.—Section 3003(d) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66) is amended—

(1) in paragraph (31), by striking “or” at the end;

(2) in paragraph (32), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(33) section 2519(3) of title 18, United States Code.”.

SEC. 4. ENCRYPTION REPORTING REQUIREMENTS.

Section 2519(1)(b) of title 18, United States Code, is amended by striking “and (iv)” and inserting “(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)”.

SEC. 5. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3126 of title 18, United States Code, is amended by striking the period and inserting “, which report shall include information concerning—

1 “(1) the period of interceptions authorized by
2 the order, and the number and duration of any ex-
3 tensions of the order;

4 “(2) the offense specified in the order or appli-
5 cation, or extension of an order;

6 “(3) the number of investigations involved;

7 “(4) the number and nature of the facilities af-
8 fected; and

9 “(5) the identity, including district, of the ap-
10 plying investigative or law enforcement agency mak-
11 ing the application and the person authorizing the
12 order.”.

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