

Calendar No. 355

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

OCTOBER 28, 1999

Reported by Mr. HATCH, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Section 2519(3) of title 18, United States
4 Code, requires the Director of the Administrative
5 Office of the United States Courts to transmit to
6 Congress a full and complete annual report con-
7 cerning the number of applications for orders au-
8 thorizing or approving the interception of wire, oral,
9 or electronic communications. This report is required
10 to include information specified in section 2519(3).

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

17 (3) Due to the Federal Reports Elimination Act
18 and Sunset Act of 1995, the Administrative Office
19 of United States Courts is not required to submit
20 the annual report described in section 2519(3) of
21 title 18, United States Code, as of December 21,
22 1999.

23 **SEC. 3. CONTINUED REPORTING REQUIREMENTS.**

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

1 “(4) The reports required to be filed by subsection
 2 (3) are exempted from the termination provisions of sec-
 3 tion 3003(a) of the Federal Reports Elimination and Sun-
 4 set Act of 1995 (Public Law 104–66).”.

5 (b) EXEMPTION.—Section 3003(d) of the Federal
 6 Reports Elimination and Sunset Act of 1995 (Public Law
 7 104–66) is amended—

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

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

12 (3) by adding at the end the following:

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

15 **SEC. 4. ENCRYPTION REPORTING REQUIREMENTS.**

16 ~~Section 2519(1)(b)~~ (a) *Section 2519(2)(b)* of title 18,
 17 United States Code, is amended by striking “and (iv)” and
 18 inserting “(iv) the number of orders in which encryption
 19 was encountered and whether such encryption prevented
 20 law enforcement from obtaining the plain text of commu-
 21 nications intercepted pursuant to such order, and (v)”.

22 (b) *The encryption reporting requirement in subsection*
 23 *(a) shall be effective for the report transmitted by the Direc-*
 24 *tor of the Administrative Office of the Courts for calendar*
 25 *year 2000 and in subsequent reports.*

1 **SEC. 5. REPORTS CONCERNING PEN REGISTERS AND TRAP**
2 **AND TRACE DEVICES.**

3 Section 3126 of title 18, United States Code, is
4 amended by striking the period and inserting “, which re-
5 port shall include information concerning—

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

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

11 “(3) the number of investigations involved;

12 “(4) the number and nature of the facilities af-
13 fected; and

14 “(5) the identity, including district, of the ap-
15 plying investigative or law enforcement agency mak-
16 ing the application and the person authorizing the
17 order.”.

○

Calendar No. 355

106TH CONGRESS
1ST SESSION

S. 1769

A BILL

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

OCTOBER 28, 1999

Reported with amendments