

105TH CONGRESS  
1ST SESSION

# S. 170

To provide for a process to authorize the use of clone pagers, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. DEWINE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To provide for a process to authorize the use of clone pagers, 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 “Clone Pager Author-  
5       ization Act of 1996”.

6       **SEC. 2. WIRE AND ELECTRONIC COMMUNICATIONS.**

7       (a) DEFINITIONS.—Section 2510(12) of title 18,  
8       United States Code, is amended—

9               (1) in subparagraph (B), by striking “or” at  
10       the end;

1           (2) in subparagraph (C), by adding “or” at the  
2           end; and

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

4                   “(D) any communication made through a  
5           clone pager (as that term is defined in section  
6           3127).”

7           (b) PROHIBITION.—Section 2511(2)(h) of title 18,  
8           United States Code, is amended by striking clause (i) and  
9           inserting the following:

10                   “(i) to use a pen register, a trap and trace de-  
11           vice, or a clone pager (as those terms are defined for  
12           the purposes of chapter 206 (relating to pen reg-  
13           isters, trap and trace devices, and clone pagers));  
14           or”.

15   **SEC. 3. AMENDMENT OF CHAPTER 206.**

16           Chapter 206 of title 18, United States Code, is  
17           amended—

18                   (1) in the chapter heading, by striking “AND  
19           TRAP AND TRACE DEVICES” and inserting “,  
20           TRAP AND TRACE DEVICES, AND CLONE  
21           PAGERS”;

22                   (2) in the chapter analysis—

23                           (A) by striking “and trap and trace de-  
24           vice” each place that term appears and insert-  
25           ing “, trap and trace device, and clone pager”;

1 (B) by striking “and trap and trace de-  
2 vices” and inserting “, trap and trace devices,  
3 and clone pagers”; and

4 (C) by striking “or a trap and trace de-  
5 vice” each place that term appears and insert-  
6 ing “, a trap and trace device, or a clone  
7 pager”;

8 (3) in section 3121—

9 (A) in the section heading, by striking  
10 **“and trap and trace device”** and insert-  
11 ing **“, trap and trace device, and clone**  
12 **pager”**; and

13 (B) by striking “or a trap and trace de-  
14 vice” each place that term appears and insert-  
15 ing “, a trap and trace device, or a clone  
16 pager”;

17 (4) in section 3122—

18 (A) in the section heading by striking **“or**  
19 **a trap and trace device”** and inserting **“,**  
20 **a trap and trace device, or a clone**  
21 **pager”**;

22 (B) by striking “or a trap and trace de-  
23 vice” each place that term appears and insert-  
24 ing “, a trap and trace device, or a clone  
25 pager”;

1 (5) in section 3123—

2 (A) in the section heading, by striking “**or**  
3 **a trap and trace device**” and inserting “,  
4 **a trap and trace device, or a clone**  
5 **pager**”;

6 (B) by striking subsection (a) and insert-  
7 ing the following:

8 “(a) IN GENERAL.—Upon an application made under  
9 section 3122, the court shall enter an ex parte order au-  
10 thorizing the installation and use of a pen register or a  
11 trap and trace device within the jurisdiction of the court,  
12 or of a clone pager for which the service provider is subject  
13 to the jurisdiction of the court, if the court finds that the  
14 attorney for the Government or the State law enforcement  
15 or investigative officer has certified to the court that the  
16 information likely to be obtained by such installation and  
17 use is relevant to an ongoing criminal investigation.”;

18 (C) in subsection (b)(1)—

19 (i) in subparagraph (A), by inserting  
20 before the semicolon the following: “, or, in  
21 the case of a clone pager, the identity, if  
22 known, of the person who is the subscriber  
23 of the paging device, the communications  
24 to which will be intercepted by the clone  
25 pager”;

1 (ii) in subparagraph (C), by inserting  
2 before the semicolon the following: “, or, in  
3 the case of a clone pager, the number of  
4 the paging device, communications to  
5 which will be intercepted by the clone  
6 pager”; and

7 (iii) in paragraph (2), by striking “or  
8 trap and trace device” and inserting “,  
9 trap and trace device, or clone pager”;

10 (D) in subsection (c), by striking “or a  
11 trap and trace device” and inserting “, a trap  
12 and trace device, or a clone pager”; and

13 (E) in subsection (d)—

14 (i) in the subsection heading, by strik-  
15 ing “OR A TRAP AND TRACE DEVICE” and  
16 inserting “, TRAP AND TRACE DEVICE, OR  
17 CLONE PAGER”; and

18 (ii) in paragraph (2), by inserting “or  
19 the paging device, the communications to  
20 which will be intercepted by the clone  
21 pager,” after “attached,”;

22 (6) in section 3124—

23 (A) in the section heading, by striking “**or**  
24 **a trap and trace device**” and inserting “,

1           **a trap and trace device, or a clone**  
2           **pager”;**

3           (B) by redesignating subsections (c)  
4           through (f) as subsections (d) through (g), re-  
5           spectively; and

6           (C) by inserting after subsection (b) the  
7           following:

8           “(c) CLONE PAGER.—Upon the request of an attor-  
9           ney for the Government or an officer of a law enforcement  
10          agency authorized to acquire and use a clone pager under  
11          this chapter, a Federal court may order, in accordance  
12          with section 3123(b)(2), a provider of a paging service or  
13          other person, to furnish to such investigative or law en-  
14          forcement officer, all information, facilities, and technical  
15          assistance necessary to accomplish the operation and use  
16          of the clone pager unobtrusively and with a minimum of  
17          interference with the services that the person so ordered  
18          by the court accords the party with respect to whom the  
19          programming and use is to take place.”;

20          (7) in section 3125—

21                 (A) in the section heading, by striking  
22                 “**and trap and trace device**” and insert-  
23                 ing “**, trap and trace device, and clone**  
24                 **pager**”;

25                 (B) in subsection (a)—

1 (i) by striking “or a trap and trace  
2 device” and inserting “, a trap and trace  
3 device, or a clone pager”; and

4 (ii) by striking the quotation marks at  
5 the end; and

6 (C) by striking “or trap and trace device”  
7 each place that term appears and inserting “,  
8 trap and trace device, or clone pager”;

9 (8) in section 3126—

10 (A) in the section heading, by striking  
11 “**and trap and trace devices**” and insert-  
12 ing “, **trap and trace devices, and**  
13 **clone pagers**”; and

14 (B) by inserting “or clone pagers” after  
15 “devices”; and

16 (9) in section 3127—

17 (A) by redesignating paragraphs (5) and  
18 (6) as paragraphs (6) and (7), respectively; and

19 (B) by inserting after paragraph (4) the  
20 following:

21 “(5) the term ‘clone pager’ means a numeric  
22 display device that receives communications intended  
23 for another numeric display paging device;”.

○