

In the Senate of the United States,

November 19, 1999.

Resolved, That the bill from the House of Representatives (H.R. 3111) entitled “An Act to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995.”, do pass with the following

AMENDMENT:

1 Page 4, after line 10, insert:

2 ***SEC. 2. CONTINUED REPORTING OF INTERCEPTED WIRE,***
3 ***ORAL, AND ELECTRONIC COMMUNICATIONS.***

4 *(a) SHORT TITLE.—This section may be cited as the*
5 *“Continued Reporting of Intercepted Wire, Oral, and Elec-*
6 *tronic Communications Act”.*

7 *(b) FINDINGS.—Congress makes the following findings:*

8 *(1) Section 2519(3) of title 18, United States*
9 *Code, requires the Director of the Administrative Of-*
10 *fice of the United States Courts to transmit to Con-*
11 *gress a full and complete annual report concerning*

1 *the number of applications for orders authorizing or*
2 *approving the interception of wire, oral, or electronic*
3 *communications. This report is required to include*
4 *information specified in section 2519(3).*

5 *(2) The Federal Reports Elimination and Sunset*
6 *Act of 1995 provides for the termination of certain*
7 *laws requiring submittal to Congress of annual, semi-*
8 *annual, and regular periodic reports as of December*
9 *21, 1999, 4 years from the effective date of that Act.*

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

15 *(c) CONTINUED REPORTING REQUIREMENTS.—*

16 *(1) CONTINUED REPORTING REQUIREMENTS.—*
17 *Section 2519 of title 18, United States Code, is*
18 *amended by adding at the end the following:*

19 *“(4) The reports required to be filed by sub-*
20 *section (3) are exempted from the termination provi-*
21 *sions of section 3003(a) of the Federal Reports Elimini-*
22 *ation and Sunset Act of 1995 (Public Law 104–*
23 *66).”.*

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

4 (A) *in paragraph (31), by striking “or” at*
5 *the end;*

6 (B) *in paragraph (32), by striking the pe-*
7 *riod and inserting “; or”; and*

8 (C) *by adding at the end the following:*

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

11 (d) *ENCRYPTION REPORTING REQUIREMENTS.*—

12 (1) *Section 2519(2)(b) of title 18, United States*
13 *Code, is amended by striking “and (iv)” and insert-*
14 *ing “(iv) the number of orders in which encryption*
15 *was encountered and whether such encryption pre-*
16 *vented law enforcement from obtaining the plain text*
17 *of communications intercepted pursuant to such*
18 *order, and (v)”.*

19 (2) *The encryption reporting requirement in sub-*
20 *section (a) shall be effective for the report transmitted*
21 *by the Director of the Administrative Office of the*
22 *Courts for calendar year 2000 and in subsequent re-*
23 *ports.*

24 (e) *REPORTS CONCERNING PEN REGISTERS AND TRAP*
25 *AND TRACE DEVICES.*—Section 3126 of title 18, United

1 *States Code, is amended by striking the period and insert-*
2 *ing “, which report shall include information concerning—*

3 *“(1) the period of interceptions authorized by the*
4 *order, and the number and duration of any extensions*
5 *of the order;*

6 *“(2) the offense specified in the order or applica-*
7 *tion, or extension of an order;*

8 *“(3) the number of investigations involved;*

9 *“(4) the number and nature of the facilities af-*
10 *ected; and*

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

Attest:

Secretary.

106TH CONGRESS
1ST SESSION

H. R. 3111

AMENDMENT