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(Original Signature of Member)

106TH CONGRESS
2^D SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. CANADY of Florida (for himself and Mr. HUTCHINSON) introduced the following bill; which was referred to the Committee on

A BILL

To amend title 18, United States Code, to modify certain provisions of law relating to the interception of communications, 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 “Electronic Communica-
5 tions Privacy Act of 2000”.

1 **SEC. 2. EXCLUSIONARY RULE.**

2 Section 2515 of title 18, United States Code, is
3 amended—

4 (1) by striking “wire or oral communication”
5 and inserting “wire, oral, or electronic communica-
6 tion”;

7 (2) by inserting “, or any stored electronic com-
8 munication has been disclosed,” after “has been
9 intercepted”; and

10 (3) by inserting “or chapter 121” after “this
11 chapter”.

12 **SEC. 3. REPORTS CONCERNING THE DISCLOSURE OF**
13 **STORED ELECTRONIC COMMUNICATIONS.**

14 Section 2703 of title 18, United States Code, is
15 amended by adding at the end the following:

16 “(g) REPORTS CONCERNING THE DISCLOSURE OF
17 STORED ELECTRONIC COMMUNICATIONS.—

18 (1) Within thirty days after the expiration of an
19 order (or each extension thereof) entered under sub-
20 section (d), or the denial of an order approving a
21 disclosure of stored electronic communications, the
22 issuing or denying judge shall report to the Adminis-
23 trative Office of the United States Courts—

24 (A) the fact that an order or extension was
25 applied for;

1 (B) the kind of order or extension applied
2 for;

3 (C) the fact that the order or extension
4 was granted as applied for, was modified, or
5 was denied;

6 (D) the period of disclosures authorized by
7 the order, and the number and duration of any
8 extensions of the order;

9 (E) the offense specified in the order or
10 application, or extension of an order;

11 (F) the identity of the applying investiga-
12 tive or law enforcement officer and agency mak-
13 ing the application and the person authorizing
14 the application; and

15 (G) the nature of the facilities from which
16 or the place where stored electronic communica-
17 tions were to be disclosed.

18 (2) In January of each year the Attorney Gen-
19 eral, an Assistant Attorney General specially des-
20 ignated by the Attorney General, or the principal
21 prosecuting attorney of a State, or the principal
22 prosecuting attorney for any political subdivision of
23 a State, shall report to the Administrative Office of
24 the United States Courts—

1 (A) the information required by subpara-
2 graphs (A) through (G) of paragraph (1) of this
3 section with respect to each application for an
4 order or extension made during the preceding
5 calendar year;

6 (B) a general description of the disclosures
7 made under such order or extension,
8 including—

9 (i) the approximate nature and fre-
10 quency of incriminating communications
11 disclosed;

12 (ii) the approximate nature and fre-
13 quency of other communications disclosed;

14 (iii) the approximate number of per-
15 sons whose communications were disclosed;
16 and

17 (iv) the approximate nature, amount,
18 and cost of the manpower and other re-
19 sources used in the disclosures;

20 (C) the number of arrests resulting from
21 disclosures made under such order or extension,
22 and the offenses for which arrests were made;

23 (D) the number of trials resulting from
24 such disclosures;

1 (E) the number of motions to suppress
2 made with respect to such disclosures, and the
3 number granted or denied;

4 (F) the number of convictions resulting
5 from such disclosures and the offenses for
6 which the convictions were obtained and a gen-
7 eral assessment of the importance of the disclo-
8 sures;

9 (G) the approximate number of persons
10 whose communications were disclosed and who
11 were not charged with a crime; and

12 (H) the information required by subpara-
13 graphs (B) through (G) of this paragraph with
14 respect to orders or extensions obtained in a
15 preceding calendar year.

16 (3) In April of each year the Director of the
17 Administrative Office of the United States Courts
18 shall transmit to the Congress a full and complete
19 report concerning the number of applications for or-
20 ders authorizing or approving the disclosure of
21 stored electronic communications pursuant to this
22 chapter and the number of orders and extensions
23 granted or denied pursuant to this chapter during
24 the preceding calendar year. Such report shall in-
25 clude a summary and analysis of the data required

1 to be filed with the Administrative Office by para-
2 graphs (1) and (2) of this section. The Director of
3 the Administrative Office of the United States
4 Courts is authorized to issue binding regulations
5 dealing with the content and form of the reports re-
6 quired to be filed by paragraphs (1) and (2) of this
7 section.

8 **SEC. 4. PEN REGISTERS.**

9 (a) APPLICATION.—Section 3122(b)(2) of title 18,
10 United States Code, is amended to read as follows:

11 “(2) a showing by the applicant that the re-
12 quirements of section 3123 have been met.”.

13 (b) ISSUANCE OF ORDER.—Section 3123 of title 18,
14 United States Code, is amended—

15 (1) in subsection (a), by inserting “, except that
16 such order shall not be entered if the pen register
17 or trap and trace device identifies an e-mail address
18 unless the court finds that specific and articulable
19 facts reasonably indicate that a crime has been, is
20 being, or will be committed, and information likely
21 to be obtained by such installation and use is rel-
22 evant to an investigation of that crime” before the
23 period at the end; and

1 (2) in subparagraphs (A) and (C) of subsection
2 (b)(1), by striking “telephone” and inserting “trans-
3 mission”.

4 (c) DEFINITIONS.—Section 3127 of title 18, United
5 States Code, is amended—

6 (1) in paragraph (3), by inserting “or which
7 identify the e-mail address transmitted” after “at-
8 tached”; and

9 (2) in paragraph (4), by inserting “, or which
10 identify an e-mail address” after “transmitted”.