

issuances and revisions for these purposes shall be provided the DoD General Counsel and the ASD(C) as promulgated.

(4) *Retention and disposition of records.* Records and recordings of interception shall be retained for 10 years after termination of the interception and then disposed of in accordance with component records retirement procedures. If the interception was conducted in the United States under the provisions of 18 U.S.C. 2516, the records may be destroyed only pursuant to order of the court involved.

(f) *Reports*—(1) *By the Assistant Secretary of Defense (Comptroller).* The ASD(C), or a designee, shall submit the following reports to the Attorney General:

(i) *Quarterly.* For the quarters ending in March, June, September, and December, to be submitted by the end of each following month, a report of all consensual interceptions of oral communications by DoD components in the United States and abroad. This report shall specify for each interception the means by which the interception was conducted, the place in which it was conducted, its duration, and the use made of the information acquired. This report shall also contain the names and positions of persons authorized to approve consensual interceptions of oral communications, including those persons authorized to approve emergency, telephonic requests.

(ii) *Annually.* (A) By January 31, a report of all nonconsensual interceptions of wire or oral communications conducted for investigative or law enforcement purposes abroad by DoD components during the preceding year and of all unsuccessful applications for orders to conduct such interceptions during the preceding year. This report shall contain the information required in 18 U.S.C. 2519(2).

(B) By July 31, an inventory of all DoD electronic or mechanical equipment primarily useful for interception of wire or oral communications.

(2) *By the Secretaries of the military departments.* The Secretaries of the military departments, or their designees, shall submit the following reports to the ASD(C):

(i) *Quarterly.* For the quarters ending in March, June, September, and December, to be received by the 15th day of each following month, a report of all interceptions of wire and oral communications, pen register operations, and unsuccessful applications for non-consensual interceptions conducted by the military departments in the United States and abroad. This report shall include the information listed in § 42.8.

(ii) *Annually.* By July 15, a complete inventory of all devices in the DoD component that are primarily useful for interception of wire or oral communications or for operations covered by paragraph (b) of this section. This report shall include a statement that the amount of equipment is being maintained at the lowest level consistent with operational requirements.

**§ 42.8 Information to be included in reports of interceptions and pen register operations.**

(a) *Consensual interceptions.* (1) Identity of DoD component making this report.

(2) Indicate whether the report is a wire or oral interception operation and whether the interception included the use of a pen register. (If more than one operation is authorized, a separate entry should be made for each.)

(3) Purpose or objective of operation. Specify offense being investigated and included a brief synopsis of the case.

(4) Investigative case number or identifier for the operation.

(5) Location of the operation.

(6) Type of equipment used and method of installation.

(7) Identity of the performing organizational unit. (Indicate if the interception was conducted for a DoD component other than the component making the report or for a non-DoD activity.)

(8) Identity of DoD investigative or law enforcement officer who requested or applied for the interception.

(9) Approval authority and date of approval.

(10) Length and dates for which operation was approved.

(11) Actual date operation was initiated, and date terminated.

(12) If operation was extended, state name of authority approving extension and dates to which extended.

(13) State where tapes, transcripts, and notes are stored.

(14) Evaluation of results of operations, including the use made of the information in subsequent investigation or prosecution.

(15) The names and positions of persons authorized to approve consensual interceptions, including those persons authorized to approve emergency, telephonic requests.

(16) Indicate whether the interception took place in the United States or abroad.

(b) *Nonconsensual interceptions in the United States.* In addition to items in § 42.8(a) (1)–(14), include the following:

(1) Identity of court and judge who issued the intercept authorization order and date of order.

(2) Nature and frequency of incriminating communications intercepted (specify dates and approximate duration of each communication).

(3) Nature and frequency of other communications intercepted.

(4) Number of persons whose communications were intercepted. Indicate number of U.S. persons known to have been intercepted and whether such persons were targets or incidentals.

(c) *Nonconsensual interceptions abroad.* In addition to items in paragraphs (a) (1)–(14) and (b) (1)–(4) of this section, include the following:

(1) Number of persons located in the United States whose communications were intercepted.

(2) In the report for the last quarter of each calendar year, include:

(i) The number of arrests and trials resulting from each interception conducted during the year. Indicate the offense for each interception.

(ii) The number of convictions resulting from the interceptions conducted during the year and the offenses for which convictions were obtained.

(d) *Pen register operations.* Pen register operations conducted in conjunction with nonconsensual interceptions should be included in § 42.8 (a) and (b). For all other pen register operations include items (1)–(15) from § 42.8(a), items (1)–(4) from § 42.8(b), and indicate whether the operation was conducted in the United States or abroad.

(e) *Unsuccessful applications for non-consensual interception authorization or-*

*ders.* (1) Identity of applying organizational unit. (Indicate if the application was on behalf of a DoD component other than the component making the report or on behalf of a non-DoD activity.)

(2) Investigative case number or identifier for the application.

(3) Identity of applying DoD investigative or law enforcement officer.

(4) Approval authority and date of approval of DoD request.

(5) Identity of judge who denied the application and date of denial.

(6) Offense specified in the application.

(7) Whether the application was for a wire or oral interception order, and whether the application was for an interception in the United States or abroad.

(8) Purpose or object of the interception applied for. Include a brief synopsis of the case.

(9) If the application was for an extension, indicate the dates, duration, and results of the previous interception.

(10) Specific location of the interception applied for.

(11) Number of U.S. persons named as targets in the application.

(12) Reason why the application was denied.

## PART 43—PERSONAL COMMERCIAL SOLICITATION ON DoD INSTALLATIONS

Sec.

43.1 Reissuance and purpose.

43.2 Applicability and scope.

43.3 Definitions.

43.4 Policy.

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43.6 Procedures.

APPENDIX A TO PART 43—LIFE INSURANCE PRODUCTS AND SECURITIES

APPENDIX B TO PART 43—THE OVERSEAS LIFE INSURANCE ACCREDITATION PROGRAM

AUTHORITY: 5 U.S.C. 301.

SOURCE: 51 FR 7552, Mar. 5, 1986, unless otherwise noted.

### § 43.1 Reissuance and purpose.

This part:

(a) Consolidates into a single document parts 43 and 276 of this title and update DoD policies and procedures