

106TH CONGRESS  
2D SESSION

# H. R. 4987

To amend title 18, United States Code, with respect to electronic eavesdropping, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2000

Mr. BARR of Georgia (for himself and Mrs. EMERSON) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, with respect to electronic eavesdropping, 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 “Digital Privacy Act  
5 of 2000”.

6 **SEC. 2. REPORTING REQUIREMENTS.**

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

9 “(g) **REPORTS CONCERNING COURT-ORDERED DIS-**  
10 **CLOSURE.**—Not later than 30 days after the expiration

1 of (or each extension thereof) an order under subsection  
2 (d) by a Federal court, or the denial of such an order,  
3 the issuing or denying judge shall report to the Adminis-  
4 trative Office of the United States Courts that information  
5 about the order of disclosure that would be required to  
6 be reported under section 2519 with respect to an order  
7 relating to an interception under chapter 119.”.

8 “(h) REPORTS CONCERNING OTHER DISCLOSURE.—  
9 In April of each year, the Attorney General shall transmit  
10 to Congress a report on—

11 “(1) the number and kind of warrants and sub-  
12 poenas applied for by law enforcement agencies of  
13 the Department of Justice under this section during  
14 the preceding year;

15 “(2) the number of such applications granted or  
16 denied;

17 “(3) with respect to each warrant or subpoena  
18 issued under this section—

19 “(A) the number and type of communica-  
20 tions disclosed;

21 “(B) the approximate number and fre-  
22 quency of incriminating communications dis-  
23 closed;

24 “(C) the offense specified in the applica-  
25 tion; and

1           “(D) the approximate number of persons  
2           whose communications were disclosed; and

3           “(4) the number of arrests resulting from such  
4           warrants and subpoenas, the offenses for which  
5           those arrests were made, the number of trials result-  
6           ing from such warrants and subpoenas, the number  
7           of motions to suppress made with respect to such  
8           warrants and subpoenas, the number of such mo-  
9           tions granted or denied, the number of convictions  
10          resulting from such warrants and subpoenas, and  
11          the offenses for which the convictions were obtained  
12          and a general assessment of the importance of the  
13          warrants and subpoenas.”.

14 **SEC. 3. EXTENSION OF EXCLUSIONARY RULE.**

15          Section 2515 of title 18, United States Code, is  
16          amended by inserting “or electronic communication” after  
17          “wire or oral communication”.

18 **SEC. 4. ISSUANCE OF PEN REGISTER AND TRAP AND TRACE**

19   **DEVICE ORDERS.**

20          Subsection (a) of section 3123 of title 18, United  
21          States Code, is amended by striking “the attorney for the  
22          Government” and all that follows through the end of the  
23          subsection and inserting “factual evidence reasonably indi-  
24          cates that a crime has been, is being, or will be committed,

1 and information likely to be obtained by such installation  
2 and use is relevant to an investigation of that crime.”.

3 **SEC. 5. GOVERNMENT ACCESS TO CONTENTS OF STORED**  
4 **ELECTRONIC COMMUNICATIONS.**

5 Section 2703(a) of title 18, United States Code, is  
6 amended by striking “one hundred and eighty days” each  
7 place it appears and inserting “one year”.

8 **SEC. 6. GOVERNMENT ACCESS TO LOCATION INFORMA-**  
9 **TION.**

10 (a) COURT ORDER REQUIRED.—Section 2703 of title  
11 18, United States Code, as amended by section 2, is fur-  
12 ther amended by adding at the end the following:

13 “(i) DISCLOSURE OF LOCATION INFORMATION TO  
14 GOVERNMENTAL ENTITIES.—

15 “(1) DISCLOSURE UPON COURT ORDER.—A  
16 provider of mobile electronic information generated  
17 by and disclosing the current physical location of a  
18 subscriber’s equipment only if the governmental en-  
19 tity obtains a court order issued upon a finding that  
20 there is probable cause to believe that the equipment  
21 has been used, is being used, or is about to be used  
22 to commit a felony offense.

23 “(2) DISCLOSURE UPON SUBSCRIBER OR USER  
24 CONSENT.—A provider of mobile electronic commu-  
25 nication service may provide to a governmental enti-

1 ty information described in paragraph (1) with the  
2 consent of the subscriber or the user of the equip-  
3 ment concerned.”.

4 (b) CONFORMING AMENDMENT.—Subsection  
5 (c)(1)(B) of section 2703 of title 18, United States Code,  
6 is amended by striking “(b) of this section” and inserting  
7 “(b), or wireless location information covered by sub-  
8 section (g)”.

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