

105TH CONGRESS
1ST SESSION

S. 170

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 1997

Referred to the Committee on the Judiciary

AN ACT

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”.

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

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

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

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

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

9 “(D) any communication made through a
10 clone pager (as that term is defined in section
11 3127).”

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

15 “(i) to use a pen register, a trap and trace de-
16 vice, or a clone pager (as those terms are defined for
17 the purposes of chapter 206 (relating to pen reg-
18 isters, trap and trace devices, and clone pagers));
19 or”.

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

21 Chapter 206 of title 18, United States Code, is
22 amended—

23 (1) in the chapter heading, by striking “AND
24 TRAP AND TRACE DEVICES” and inserting “,
25 TRAP AND TRACE DEVICES, AND CLONE
26 PAGERS”;

1 (2) in the chapter analysis—

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

5 (B) by striking “and trap and trace de-
6 vices” and inserting “, trap and trace devices,
7 and clone pagers”; and

8 (C) by striking “or a trap and trace de-
9 vice” each place that term appears and insert-
10 ing “, a trap and trace device, or a clone
11 pager”;

12 (3) in section 3121—

13 (A) in the section heading, by striking
14 **“and trap and trace device”** and insert-
15 ing **“, trap and trace device, and clone**
16 **pager”**; and

17 (B) by striking “or a trap and trace de-
18 vice” each place that term appears and insert-
19 ing “, a trap and trace device, or a clone
20 pager”;

21 (4) in section 3122—

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

1 (B) by striking “or a trap and trace de-
 2 vice” each place that term appears and insert-
 3 ing “, a trap and trace device, or a clone
 4 pager”;

5 (5) in section 3123—

6 (A) in the section heading, by striking “**or**
 7 **a trap and trace device**” and inserting “,
 8 **a trap and trace device, or a clone**
 9 **pager**”;

10 (B) by striking subsection (a) and insert-
 11 ing the following:

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

22 (C) in subsection (b)(1)—

23 (i) in subparagraph (A), by inserting
 24 before the semicolon the following: “, or, in
 25 the case of a clone pager, the identity, if

1 known, of the person who is the subscriber
2 of the paging device, the communications
3 to which will be intercepted by the clone
4 pager”;

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

11 (iii) in paragraph (2), by striking “or
12 trap and trace device” and inserting “,
13 trap and trace device, or clone pager”;

14 (D) in subsection (c), by striking “or a
15 trap and trace device” and inserting “, a trap
16 and trace device, or a clone pager”; and

17 (E) in subsection (d)—

18 (i) in the subsection heading, by strik-
19 ing “OR A TRAP AND TRACE DEVICE” and
20 inserting “, TRAP AND TRACE DEVICE, OR
21 CLONE PAGER”; and

22 (ii) in paragraph (2), by inserting “or
23 the paging device, the communications to
24 which will be intercepted by the clone
25 pager,” after “attached,”;

1 (6) in section 3124—

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 redesignating subsections (c)
7 through (f) as subsections (d) through (g), re-
8 spectively; and

9 (C) by inserting after subsection (b) the
10 following:

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

23 (7) in section 3125—

24 (A) in the section heading, by striking
25 “**and trap and trace device**” and insert-

1 ing “, **trap and trace device, and clone**
 2 **pager**”;

3 (B) in subsection (a)—

4 (i) by striking “or a trap and trace
 5 device” and inserting “, a trap and trace
 6 device, or a clone pager”; and

7 (ii) by striking the quotation marks at
 8 the end; and

9 (C) by striking “or trap and trace device”
 10 each place that term appears and inserting “,
 11 trap and trace device, or clone pager”;

12 (8) in section 3126—

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

17 (B) by inserting “or clone pagers” after
 18 “devices”; and

19 (9) in section 3127—

20 (A) by redesignating paragraphs (5) and
 21 (6) as paragraphs (6) and (7), respectively; and

22 (B) by inserting after paragraph (4) the
 23 following:

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

Passed the Senate November 7, 1997.

Attest:

GARY SISCO,
Secretary.