

enhancement of White Clay Creek and its tributaries, the Secretary shall offer to enter into cooperative agreements pursuant to section 10(e) and section 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 16 U.S.C. 1882(b)(1)) with the White Clay Creek Watershed Management Committee as provided for in the plan entitled "White Clay Creek and its Tributaries Watershed Management Plan" and dated May, 1998 (hereinafter referred to as the "management plan").

(b) **FEDERAL ROLE.**—(1) The Director of the National Park Service (or a designee) shall represent the Secretary in the implementation of the management plan and this paragraph (including the review, required under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), of proposed Federally-assisted water resources projects that could have a direct and adverse effect on the values for which the segments were designated and authorized).

(2) To assist in the implementation of the management plan and to carry out this Act, the Secretary may provide technical assistance, staff support, and funding at a cost to the Federal Government in an amount, in the aggregate, of not to exceed \$150,000 for each fiscal year.

(c) **COOPERATIVE AGREEMENTS.**—Any cooperative agreement entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by section 3—

(1) shall be consistent with the management plan; and

(2) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(d) **COMPREHENSIVE MANAGEMENT PLAN.**—The management plan shall be deemed to satisfy the requirements for a comprehensive management plan under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(e) **STATE REQUIREMENTS.**—State and local zoning laws and ordinances, as in effect on the date of enactment of this Act, shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(f) **NATIONAL PARK SYSTEM.**—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a segment designated by section 3 that is not in the National Park System as of the date of enactment of this Act shall not—

(1) be considered a part of the National Park System;

(2) be managed by the National Park Service; or

(3) be subject to laws (including regulations) that govern the National Park System.

(g) **NO LAND ACQUISITION.**—The Federal Government shall not acquire, by any means, any right or title in or to land, any easement, or any other interest for the purpose of carrying out this Act.

The committee amendment in the nature of a substitute was agreed.

The bill (S. 1849), as amended, was passed.

#### ESTABLISHING WOMEN'S RIGHTS NATIONAL HISTORIC PARK

The Senate proceed to consider the bill (S. 1910) to amend the Act establishing Women's Rights National Historic Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York, which had been re-

ported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1910

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ACQUISITION OF HUNT HOUSE.

(a) **IN GENERAL.**—Section 1601(d) of Public Law [97-607] 96-607 (94 Stat. 3547; 16 U.S.C. 4101(d)) is amended—

(1) in the first sentence—

(A) by inserting a period after "park"; and

(B) by striking the remainder of the sentence; and

(2) by striking the last sentence.

(b) **TECHNICAL CORRECTION.**—Section 1601(c)(8) of Public Law [97-607] 96-607 (94 Stat. 3547; 16 U.S.C. 4101(c)(8)) is amended by striking "Williams" and inserting "Main".

The bill (S. 1910) as amended was passed.

#### WILD AND SCENIC RIVERS

The bill (H.R. 1615) amending the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment, was considered, ordered to a third reading, read the third time, and passed.

#### MINERAL LEASING ACT AMENDMENTS

The bill (H.R. 3063) to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### CASCADE RESERVOIR LAND EXCHANGE

The Senate proceeded to consider the bill (S. 1778) to provide for equal exchanges of land around the Cascade Reservoir, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. EXCHANGES OF LAND EXCESS TO CASCADE RESERVOIR RECLAMATION PROJECT.

Section 5 of Public Law 86-92 (73 Stat. 219) is amended by striking subsection (b) and inserting the following:

"(b) **LAND EXCHANGES.**—

"(1) **IN GENERAL.**—The Secretary may exchange land of either class described in subsection (a) for non-Federal land of not less than approximately equal value, as determined by an appraisal carried out in accordance with—

"(A) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

"(B) the publication entitled 'Uniform Appraisal Standards for Federal Land Acquisitions', as amended by the Interagency Land

Acquisition Conference in consultation with the Department of Justice.

"(2) **EQUALIZATION.**—If the land exchanged under paragraph (1) is not of equal value, the values shall be equalized by the payment of funds by the Secretary or the grantor, as appropriate, in an amount equal to the amount by which the values of the land differ."

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1778), as amended, was passed.

#### NRC FAIRNESS IN FUNDING ACT OF 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 411, S. 1627.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1627) to extend the authority of the Nuclear Regulatory Commission to collect fees through 2004, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "NRC Fairness in Funding Act of 1999".

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—FUNDING

Sec. 101. Nuclear Regulatory Commission annual charges.

Sec. 102. Cost recovery from Government agencies.

#### TITLE II—OTHER PROVISIONS

Sec. 201. Office location.

Sec. 202. License period.

Sec. 203. Elimination of NRC antitrust reviews.

Sec. 204. Gift acceptance authority.

Sec. 205. Carrying of firearms by licensee employees.

Sec. 206. Unauthorized introduction of dangerous weapons.

Sec. 207. Sabotage of nuclear facilities or fuel.

#### TITLE I—FUNDING

#### SEC. 101. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking "September 30, 1999" and inserting "September 30, 2005"; and

(2) in subsection (c)—

(A) by striking paragraph (2) and inserting the following:

"(2) **AGGREGATE AMOUNT OF CHARGES.**—The aggregate amount of the annual charges collected from all licensees shall equal an amount that approximates 100 percent of the budget authority of the Commission for the fiscal year for which the charge is collected, less, with respect to the fiscal year, the sum of—

"(A) any amount appropriated to the Commission from the Nuclear Waste Fund;

"(B) the amount of fees collected under subsection (b); and

"(C)(i) for fiscal years 2001 and 2002, an amount equal to the amount of appropriations made to the Commission from the general fund of the Treasury in response to the request for appropriations referred to in paragraph (5)(A)(ii)"; and

“(ii) for fiscal years 2003 through 2005, to the extent provided in paragraph (5), the costs of activities of the Commission with respect to which a determination is made under paragraph (5).”; and

(B) by adding at the end the following:

“(5) EXCLUDED BUDGET COSTS.—

“(A) IN GENERAL.—In the budget request for fiscal year 2001 and each fiscal year thereafter, the Commission shall—

“(i) determine the activities of the Commission that could not be fairly and equitably funded through assessments of annual charges on a licensee or class of licensee of the Commission; and

“(ii) subject to subparagraph (C), request that funding for the activities described in clause (i) be appropriated to the Commission out of the general fund of the Treasury.

“(B) CONSIDERATIONS.—In making the determination under subparagraph (A), the Commission shall consider—

“(i) the extent to which activities of the Commission provide benefits to persons that are not licensees of the Commission; and

“(ii) the extent to which the Commission cannot, as a matter of law, or does not, as a matter of policy, assess fees or charges on a licensee or class of licensee that benefits from the activities.

“(C) MAXIMUM EXCLUDED AMOUNT.—The total amount of costs for which appropriations from the general fund of the Treasury may be sought by the Commission under subparagraph (A)(ii) for any fiscal year shall not exceed—

“(i) for fiscal years 2001 and 2002, 12 percent of the budget authority of the Commission;

“(ii) for fiscal year 2003, 4 percent of the budget authority of the Commission;

“(iii) for fiscal year 2004, 8 percent of the budget authority of the Commission; or

“(iv) for fiscal year 2005, 12 percent of the budget authority of the Commission.”.

#### SEC. 102. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking “, or which operates any facility regulated or certified under section 1701 or 1702.”;

(2) by striking “483a” and inserting “9701”; and

(3) by inserting before the period at the end the following: “, and, commencing October 1, 2000, prescribe and collect from any other Government agency any fee, charge, or price that the Commission may require in accordance with section 9701 of title 31, United States Code, or any other law”.

### TITLE II—OTHER PROVISIONS

#### SEC. 201. OFFICE LOCATION.

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking “; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia”.

#### SEC. 202. LICENSE PERIOD.

Section 103c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking “c. Each such” and inserting the following:

“c. LICENSE PERIOD.—

“(1) IN GENERAL.—Each such”; and

(2) by adding at the end the following:

“(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185(b), the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185(b) are met.”.

#### SEC. 203. ELIMINATION OF NRC ANTITRUST REVIEWS.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by adding at the end the following:

“(d) APPLICABILITY.—Subsection (c) shall not apply to an application for a license to con-

struct or operate a utilization facility under section 103 or 104(b) that is pending on or that is filed on or after the date of enactment of this subsection.”.

#### SEC. 204. GIFT ACCEPTANCE AUTHORITY.

(a) IN GENERAL.—Section 161g. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)) is amended—

(1) by inserting “(1)” after “(g)”;

(2) by striking “this Act,” and inserting “this Act; or”; and

(3) by adding at the end the following:

“(2) accept, hold, utilize, and administer gifts of real and personal property (not including money) for the purpose of aiding or facilitating the work of the Nuclear Regulatory Commission.”.

(b) CRITERIA FOR ACCEPTANCE OF GIFTS.—

(1) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following:

#### “SEC. 170C. CRITERIA FOR ACCEPTANCE OF GIFTS.

“(a) IN GENERAL.—The Commission shall establish written criteria for determining whether to accept gifts under section 161g.(2).

“(b) CONSIDERATIONS.—The criteria under subsection (a) shall take into consideration whether the acceptance of the gift would compromise the integrity of, or the appearance of the integrity of, the Commission or any officer or employee of the Commission.”.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by adding at the end the following:

“Sec. 170C. Criteria for acceptance of gifts.”.

#### SEC. 205. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.

(a) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section 204(b)) is amended—

(1) in section 161, by striking subsection k. and inserting the following:

“(k) authorize to carry a firearm in the performance of official duties such of its members, officers, and employees, such of the employees of its contractors and subcontractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities, and such of the employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission or in the protection of property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities, as the Commission considers necessary in the interest of the common defense and security;” and

(2) by adding at the end the following:

#### “SEC. 170D. CARRYING OF FIREARMS.

“(a) AUTHORITY TO MAKE ARREST.—

“(1) IN GENERAL.—A person authorized under section 161k. to carry a firearm may, while in the performance of, and in connection with, official duties, arrest an individual without a warrant for any offense against the United States committed in the presence of the person or for any felony under the laws of the United States if the person has a reasonable ground to believe that the individual has committed or is committing such a felony.

“(2) LIMITATION.—An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to make an arrest under paragraph (1) may make an arrest only—

“(A) when the individual is within, or is in flight directly from, the area in which the offense was committed; and

“(B) in the enforcement of—

“(i) a law regarding the property of the United States in the custody of the Department of Energy, the Nuclear Regulatory Commission, or a contractor of the Department of Energy or Nuclear Regulatory Commission or a licensee or certificate holder of the Commission;

“(ii) a law applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission under section 161k.;

“(iii) a law applicable to property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission; or

“(iv) any provision of this Act that subjects an offender to a fine, imprisonment, or both.

“(3) OTHER AUTHORITY.—The arrest authority conferred by this section is in addition to any arrest authority under other law.

“(4) GUIDELINES.—The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement section 161k. and this subsection.”.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 204(b)(2)) is amended by adding at the end the following:

“Sec. 170D. Carrying of firearms.”.

#### SEC. 206. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting “or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act” before the period at the end.

#### SEC. 207. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

Section 236a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking “storage facility” and inserting “storage, treatment, or disposal facility”; and

(2) in paragraph (3)—

(A) by striking “such a utilization facility” and inserting “a utilization facility licensed under this Act”; and

(B) by striking “or” at the end;

(3) in paragraph (4)—

(A) by striking “facility licensed” and inserting “or nuclear fuel fabrication facility licensed or certified”; and

(B) by striking the period at the end and inserting “; or”; and

(4) by adding at the end the following:

“(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the person knows or reasonably should know that there is a significant possibility that the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility.”.

Amend the title so as to read: “An Act to extend the authority of the Nuclear Regulatory Commission to collect fees through 2005, and for other purposes.”.

AMENDMENTS NOS. 3100 AND 3101, EN BLOC

Mr. SESSIONS. The chairman has two amendments at the desk and I ask they be considered en bloc.

The PRESIDING OFFICER. The clerk will report by title.

The legislative clerk read as follows:

The Senator from Alabama (Mr. SESSIONS) proposes amendments numbered 3100 and 3101, en bloc.

The amendments en bloc are as follows:

AMENDMENT NO. 3100

(Purpose: To amend the provision extending the authority of the Nuclear Regulatory Commission to collect annual charges and modifying the formula for the charges)

Beginning on page 5, strike line 2 and all that follows through page 7, line 22, and insert the following:

**SEC. 101. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.**

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking “September 30, 1999” and inserting “September 20, 2005”; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting “or certificate holder” after “licensee”; and

(B) by striking paragraph (2) and inserting the following:

“(2) AGGREGATE AMOUNT OF CHARGES.—

“(A) IN GENERAL.—The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less—

“(i) amounts collected under subsection (b) during the fiscal year; and

“(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

“(B) PERCENTAGES.—The percentages referred to in subparagraph (A) are—

“(i) 98 percent for fiscal year 2001;

“(ii) 96 percent for fiscal year 2002;

“(iii) 94 percent for fiscal year 2003;

“(iv) 92 percent for fiscal year 2004; and

“(v) 88 percent for fiscal year 2005.”.

AMENDMENT NO. 3101

(Purpose: To amend the Atomic Energy Act of 1954 to provide the Nuclear Regulatory Commission authority over former licensees for funding of decommissionings)

On page 7, strike line 23 and insert the following:

**SEC. 102. NUCLEAR REGULATORY COMMISSION AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.**

Section 1611. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking “and (3)” and inserting “(3)”; and

(2) by inserting before the semicolon at the end the following: “, and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility”.

**SEC. 103. COST RECOVERY FROM GOVERNMENT AGENCIES.**

Mr. SESSIONS. I ask unanimous consent the amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 3100 and 3101), en bloc, were agreed to.

Mr. SESSIONS. I ask unanimous consent that the committee substitute amendment, as amended, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I ask unanimous consent the bill, as amended, be read the

third time and passed, and the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1627), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

An Act to extend the authority of the Nuclear Regulatory Commission to collect fees through 2005, and for other purposes.

**CONTINUED REPORTING OF INTERCEPTED WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS ACT**

Mr. SESSIONS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1769) to the reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives;

*Resolved*, That the bill from the Senate (S. 1769) entitled “An Act to continue the reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes”, do pass with the following amendments:

Strike out all after the enacting clause and insert:

**SECTION 1. EXEMPTION OF CERTAIN REPORTS FROM AUTOMATIC ELIMINATION AND SUNSET.**

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) The following sections of title 18, United States Code: sections 2519(3), 2709(e), 3126, and 3525(b).

(2) The following sections of title 28, United States Code: sections 522, 524(c)(6), 529, 589a(d), and 594.

(3) Section 3718(c) of title 31, United States Code.

(4) Section 9 of the Child Protection Act of 1984 (28 U.S.C. 522 note).

(5) Section 8 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997f).

(6) The following provisions of the Omnibus Crime Control and Safe Streets Act of 1968: sections 102(b) (42 U.S.C. 3712(b)), 520 (42 U.S.C. 3766), 522 (42 U.S.C. 3766b), and 810 (42 U.S.C. 3789e).

(7) The following provisions of the Immigration and Nationality Act: sections 103 (8 U.S.C. 1103), 207(c)(3) (8 U.S.C. 1157(c)(3)), 412(b) (8 U.S.C. 1522(b)), and 413 (8 U.S.C. 1523), and subsections (h), (l), (o), (q), and (r) of section 286 (8 U.S.C. 1356).

(8) Section 3 of the International Claims Settlement Act of 1949 (22 U.S.C. 1622).

(9) Section 9 of the War Claims Act of 1948 (50 U.S.C. App. 2008).

(10) Section 13(c) of the Act of September 11, 1957 (8 U.S.C. 1255b(c)).

(11) Section 203(b) of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. App. 1989c-2(b)).

(12) Section 801(e) of the Immigration Act of 1990 (29 U.S.C. 2920(e)).

(13) Section 401 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1364).

(14) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(15) Section 201(b) of the Privacy Protection Act of 1980 (42 U.S.C. 2000aa-11(b)).

(16) Section 609U of the Justice Assistance Act of 1984 (42 U.S.C. 10509).

(17) Section 13(a) of the Classified Information Procedures Act (18 U.S.C. App.).

(18) Section 1004 of the Civil Rights Act of 1964 (42 U.S.C. 2000g-3).

(19) Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414).

(20) Section 11 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 621).

(21) The following provisions of the Foreign Intelligence Surveillance Act of 1978: sections 107 (50 U.S.C. 1807) and 108 (50 U.S.C. 1808).

(22) Section 102(b)(5) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note).

**SEC. 2. ENCRYPTION REPORTING REQUIREMENTS.**

(a) Section 2519(2)(b) of title 18, United States Code, is amended by striking “and (iv)” and inserting “(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)”.

(b) The encryption reporting requirement in subsection (a) shall be effective for the report transmitted by the Director of the Administrative Office of the Courts for calendar year 2000 and in subsequent reports.

**SEC. 3. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.**

Section 3126 of title 18, United States Code, is amended by striking the period and inserting “, which report shall include information concerning—

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

“(2) the offense specified in the order or application, or extension of an order;

“(3) the number of investigations involved;

“(4) the number and nature of the facilities affected; and

“(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order.”.

Amend the title so as to read “An Act to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995, and for other purposes.”.

Mr. LEAHY. Mr. President, I am pleased that the Senate is today considering for final passage S. 1769, as amended by the House. I introduced S. 1769 with Chairman HATCH on October 22, 1999 and it passed the Senate on November 5, 1999. This bill will continue and enhance the current reporting requirements for the Administrative Office of the Courts and the Attorney General on the eavesdropping and surveillance activities of our federal and state law enforcement agencies. The House amendment is the text of H.R. 3111, a bill to exempt from automatic elimination and sunset certain reports submitted to Congress that are useful and helpful in informing the Congress and the public about the activities of federal agencies in the enforcement of federal law. I am also glad to support this amendment.

For many years, the Administrative Office (AO) of the Courts has complied with the statutory requirement, in 18 U.S.C. 2519(3), to report to Congress annually the number and nature of federal and state applications for orders authorizing or approving the interception of wire, oral or electronic communications. By letter dated September 3,