

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the Comptroller General to evaluate the impact the changes to the Electronic Communications Privacy Act have on law enforcement and the courts.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.**

**S. 607**

To improve the provisions relating to the privacy of electronic communications.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. GRASSLEY

Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_ . EVALUATION BY THE GOVERNMENT ACCOUNT-**  
3 **ABILITY OFFICE.**

4 Not later than September 30, 2015, the Comptroller  
5 General of the United States shall submit to Congress a  
6 report regarding the disclosure of customer communica-  
7 tions and records under section 2703 of title 18, United  
8 States Code, which shall include—

9 (1) an analysis and evaluation of such disclo-  
10 sure under section 2703 of title 18, United States

1 Code, as in effect before the date of enactment of  
2 this Act, including—

3 (A) a comprehensive analysis and evalua-  
4 tion regarding the number of individual in-  
5 stances, in each of the 5 years before the year  
6 in which this Act is enacted, in which Federal,  
7 State, or local law enforcement officers used  
8 section 2703 of title 18, United States Code, to  
9 obtain information relevant to an ongoing  
10 criminal investigation;

11 (B) an analysis of the average length of  
12 time taken by a provider of an electronic com-  
13 munication service or a remote computing serv-  
14 ice to comply with requests by law enforcement  
15 officers for information under section 2703 of  
16 title 18, United States Code;

17 (C) the number of individual instances, in  
18 each of the 5 years before the year in which  
19 this Act is enacted, in which information was  
20 requested by law enforcement officers from a  
21 provider of an electronic communication service  
22 or a remote computing service under a warrant  
23 as authorized under section 2703(a) of title 18,  
24 United States Code;

1           (D) the number of individual instances and  
2           type of request, in each of the 5 years before  
3           the year in which this Act is enacted, in which  
4           information was requested by law enforcement  
5           officers from a provider of an electronic com-  
6           munication service or a remote computing serv-  
7           ice under the other information request provi-  
8           sions in section 2703 of title 18, United States  
9           Code; and

10           (E) the number of individual instances, in  
11           each of the 5 years before the year in which  
12           this Act is enacted, in which law enforcement  
13           officers requested delayed notification to the  
14           subscriber or customer under section 2705 of  
15           title 18, United States Code; and

16           (2) an analysis and evaluation of such disclo-  
17           sure under section 2703 of title 18, United States  
18           Code, as amended by this Act, including—

19           (A) an evaluation of the effects of the  
20           amendments to the warrant requirements on  
21           judges, court dockets, or any other court oper-  
22           ations;

23           (B) a survey of Federal, State, and local  
24           judges and law enforcement officers to deter-  
25           mine the average length of time required for

1 providers of an electronic communication serv-  
2 ice or a remote computing service to provide the  
3 contents of communications requested under a  
4 search warrant, which shall include identifying  
5 the number of instances in which a judge was  
6 required to order a provider of an electronic  
7 communication service or a remote computing  
8 service to appear to show cause for failing to  
9 comply with a warrant or to issue an order of  
10 contempt against a provider of an electronic  
11 communication service or a remote computing  
12 service for such a failure; and

13 (C) determining whether the amendments  
14 to the warrant requirements resulted in an in-  
15 crease in the use of the emergency exception  
16 under section 2702(b)(8) of title 18, United  
17 States Code.