



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

November 3, 1999

### **S. 1769** **Continued Reporting of Intercepted Wire, Oral, and Electronic Communications Act**

*As reported by the Senate Committee on the Judiciary on October 28, 1999*

CBO estimates that implementing this bill would have no significant impact on the federal budget. Because enacting S. 1769 would not affect direct spending and receipts, pay-as-you-go procedures would not apply.

S. 1769 would require the Administrative Office of the United States Courts (AOUSC) to continue to transmit an annual report to the Congress concerning applications from law enforcement and investigation agencies to intercept wire, oral, and electronic communications. In addition, the bill would require the report to include information on encryption communication, pen registers, and trap and trace devices. Under current law, the requirement to submit this report expires on December 21, 1999. Based on information from the AOUSC, CBO estimates that implementing S. 1769 would cost the federal government less than \$5,000 annually.

S. 1769 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). Currently, state prosecutors are required to report to the AOUSC information about their use of intercepted wire, oral or electronic communications. The bill would require states to also include in their reports information about the number of times they encounter encryption technology while intercepting such communications and whether such technology prevented the acquisition of intercepted information. Because states already report a wide variety of information about the use of such communication, however, CBO estimates that the costs to add this new information would not be significant and would not exceed the threshold established by UMRA (\$50 million in 1996, adjusted annually for inflation). The bill contains no private-sector as defined in UMRA.

The CBO staff contacts for this estimate are Lanette J. Keith, (for federal costs), and Lisa Cash Driskill, (for the state and local impact). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.