

119TH CONGRESS
2^D SESSION

S. _____

To amend title 18, United States Code, to require that notice of criminal surveillance orders be eventually provided to targets, to reform the use of non-disclosure orders to providers, to prohibit indefinite sealing of criminal surveillance orders, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WYDEN (for himself, Mr. DAINES, Mr. LEE, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 18, United States Code, to require that notice of criminal surveillance orders be eventually provided to targets, to reform the use of non-disclosure orders to providers, to prohibit indefinite sealing of criminal surveillance orders, 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 “Government Surveil-
5 lance Transparency Act of 2026”.

1 **SEC. 2. CRIMINAL SURVEILLANCE ORDERS.**

2 (a) IN GENERAL.—Part II of title 18, United States
3 Code, is amended by inserting after chapter 206 the fol-
4 lowing:

5 **“CHAPTER 206A—CRIMINAL**
6 **SURVEILLANCE ORDERS**

“Sec.

“3131. Definitions.

“3132. Criminal surveillance orders.

“3133. Request for unsealing or challenging redactions.

7 **“§ 3131. Definitions**

8 “In this chapter:

9 “(1) APPLICATION.—The term ‘application’—

10 “(A) means an application for a criminal
11 surveillance order; and

12 “(B) includes all supporting affidavits and
13 exhibits.

14 “(2) PEN REGISTER; TRAP AND TRACE DE-
15 VICE.—The terms ‘pen register’, and ‘trap and trace
16 device’ have the meanings given the terms in section
17 3127.

18 “(3) CRIMINAL SURVEILLANCE ORDER.—The
19 term ‘criminal surveillance order’ means—

20 “(A) an order authorizing or approving the
21 interception of a wire communication, oral com-
22 munication, or electronic communication under
23 chapter 119 or under an equivalent State law;

1 “(B) an order authorizing or approving the
2 installation and use of a pen register or a trap
3 and trace device under chapter 206 or under an
4 equivalent State law;

5 “(C) an order for the installation of a mo-
6 bile tracking device under section 3117;

7 “(D) an order for disclosure under chapter
8 121;

9 “(E) an order for a delay of notification or
10 nondisclosure under section 2705;

11 “(F) a search or seizure warrant issued
12 using the procedures described in the Federal
13 Rules of Criminal Procedure or in the case of
14 a State or Tribal court, issued using State or
15 Tribal warrant procedures;

16 “(G) in the case of a court-martial or other
17 proceeding under chapter 47 of title 10 (Uni-
18 form Code of Military Justice), a warrant or
19 order issued under section 846 of that title;

20 “(H) a warrant under section 3103a;

21 “(I) an order under section 1651 of title
22 28;

23 “(J) an order for third party assistance
24 under section 2518(4) or section 3124; or

1 “(K) an order to enforce the assistance ca-
2 pability and capacity requirements under sec-
3 tion 2522.

4 “(4) ELECTRONIC COMMUNICATION; ORAL COM-
5 MUNICATION; WIRE COMMUNICATION.—The terms
6 ‘electronic communication’, ‘oral communication’,
7 and ‘wire communication’ have the meanings given
8 the terms in section 2510.

9 “(5) INDIAN TRIBE.—the term ‘Indian Tribe’
10 has the meaning given such term in section 102 of
11 the Federally Recognized Indian Tribe List Act of
12 1994 (25 U.S.C. 5130).

13 “(6) INVENTORY.—The term ‘inventory’ means
14 the inventory and other materials—

15 “(A) returned to a Federal, State, or Trib-
16 al court or a court-martial or other proceeding
17 under chapter 47 of title 10 (Uniform Code of
18 Military Justice) in connection with the execu-
19 tion of a criminal surveillance order (including
20 under paragraph (1)(D) or (2)(B) of rule 41(f)
21 of the Federal Rules of Criminal Procedure,
22 under comparable State warrant procedures, or
23 under procedures applicable to a court-martial
24 or other proceeding under chapter 47 of title
25 10); or

1 “(B) provided to persons and other parties
2 described in section 2518(8)(d).

3 “(7) STATE.—The term ‘State’ means each of
4 the several States of the United States, the District
5 of Columbia, the Commonwealth of Puerto Rico,
6 American Samoa, the Commonwealth of the North-
7 ern Mariana Islands, Guam, and the United States
8 Virgin Islands.

9 “(8) SUBSTANTIALLY PREVAILS.—The term
10 ‘substantially prevails’ has the meaning given the
11 term in section 552(a)(4)(E) of title 5.

12 **“§ 3132. Criminal surveillance orders**

13 “(a) LIMITATION ON SEALING.—

14 “(1) IN GENERAL.—Except as provided in para-
15 graph (2), a court may not seal a criminal surveil-
16 lance order, application, or inventory for a period
17 that extends after the later of—

18 “(A) date the order is executed; or

19 “(B) the date on which the authorized sur-
20 veillance ends.

21 “(2) EXCEPTIONS.—

22 “(A) IN GENERAL.—An applicant for a
23 criminal surveillance order may file a written
24 request for the court to seal the criminal sur-
25 veillance order, the application, or the inventory

1 for a period not to exceed 180 days after the
2 later of the date the order is executed or the
3 date on which the authorized surveillance ends,
4 which request the court shall grant if the appli-
5 cant certifies that there is reason to believe that
6 failure to seal will have an adverse result de-
7 scribed in subparagraph (B).

8 “(B) ADVERSE RESULT.—

9 “(i) IN GENERAL.—An adverse result
10 described in this subparagraph is—

11 “(I) endangering the life or phys-
12 ical safety of an individual;

13 “(II) flight from prosecution;

14 “(III) destruction of or tam-
15 pering with evidence;

16 “(IV) intimidation of potential
17 witnesses; or

18 “(V) otherwise seriously jeopard-
19 izing the investigation to which the
20 criminal surveillance order relates or
21 unduly delaying a trial resulting from
22 the investigation.

23 “(ii) OTHER REQUIREMENTS.—

24 “(I) IN GENERAL.—When certi-
25 fying an adverse result, the applicant

1 shall certify that there is reason to be-
2 lieve that the person whose informa-
3 tion is targeted by the order does not
4 know—

5 “(aa) about the investiga-
6 tion; and

7 “(bb) that they are a target
8 or person of interest in the inves-
9 tigation.

10 “(II) FAILURE TO CERTIFY.—If
11 the applicant does not satisfy the re-
12 quirements of subclause (I)—

13 “(aa) the applicant must fol-
14 low the higher standard of judi-
15 cial review required by subpara-
16 graph (C)(ii); and

17 “(bb) the failure to satisfy
18 such requirements shall be dis-
19 closed in both the criminal sur-
20 veillance order and any pre-
21 clusion of notice order issued for
22 that criminal surveillance order.

23 “(iii) REVIEW BY COURT.—The court
24 may, in its discretion, require the govern-
25 ment to provide the factual basis for the

1 certification described in clause (i) and
2 may review that factual basis for suffi-
3 ciency.

4 “(iv) NOTIFICATION.—

5 “(I) IN GENERAL.—For any
6 criminal surveillance order, applica-
7 tion, or inventory that is sealed at the
8 Government’s request, the Govern-
9 ment shall promptly notify the court if
10 the Government no longer has reason
11 to believe that removal of a seal will
12 have an adverse result described in
13 this subparagraph.

14 “(II) UNSEALING.—After being
15 notified by the Government under
16 subclause (I), the court shall unseal
17 the criminal surveillance order, appli-
18 cation, or inventory.

19 “(C) EXTENSIONS.—

20 “(i) IN GENERAL.—The court may
21 grant a single extension of a sealing order
22 for up to 180 days, upon the applicant’s
23 motion, based on a renewed certification
24 that failure to extend the sealing period

1 will have an adverse result described in
2 subparagraph (B).

3 “(ii) HEIGHTENED JUDICIAL REVIEW
4 OF SUBSEQUENT EXTENSIONS.—

5 “(I) IN GENERAL.—For any ex-
6 tension after an extension under
7 clause (i), the court may grant an ex-
8 tension of a sealing order for up to
9 180 days, upon the applicant’s mo-
10 tion, if the applicant—

11 “(aa) demonstrates—

12 “(AA) a particularized
13 showing that failure to ex-
14 tend the sealing period will
15 have an adverse result de-
16 scribed in subparagraph (B);
17 and

18 “(BB) a particularized
19 showing that the adverse re-
20 sult would not be avoided by
21 redaction of specified words,
22 phrases, or passages in the
23 criminal surveillance order,
24 application, or inventory;
25 and

1 “(bb) details—

2 “(AA) the nature of the
3 investigation;

4 “(BB) the suspected
5 crimes;

6 “(CC) the name of the
7 target; and

8 “(DD) specific facts
9 that substantiate the need
10 for the extension.

11 “(II) REDACTED DOCUMENTS.—

12 “(aa) IN GENERAL.—If the
13 court determines that an appli-
14 cant has met the requirements of
15 subitem (AA) of subclause
16 (I)(aa), but not the requirements
17 of subitem (BB) of subclause
18 (I)(aa), the court shall order the
19 applicant to submit proposed
20 redactions to each sealed docu-
21 ment.

22 “(bb) DISPOSITION.—After
23 considering the proposed
24 redactions of the applicant, if
25 any, the court may order the ap-

1 plicant to refile 1 or more sealed
2 documents with such redactions
3 as the court finds appropriate,
4 direct the clerk to unseal the en-
5 tirety of 1 or more sealed docu-
6 ments, or order that 1 or more
7 sealed documents remain under
8 seal.

9 “(D) SEALING OF REJECTED APPLICA-
10 TIONS AND UNEXECUTED CRIMINAL SURVEIL-
11 LANCE ORDERS.—A court may, pursuant to
12 subparagraph (A), seal an unexecuted criminal
13 surveillance order, or a rejected application.

14 “(E) CHALLENGE OF ADVERSE RESULT
15 CERTIFICATION OR EXTENSION.—

16 “(i) IN GENERAL.—Any person seek-
17 ing to unseal a surveillance order, applica-
18 tion, or inventory may challenge—

19 “(I) a certification of the adverse
20 result under this paragraph; or

21 “(II) the particularized showings
22 and detailed information necessary for
23 a second and subsequent extension.

24 “(ii) HEIGHTENED STANDARD.—If an
25 order under this paragraph is issued ear-

1 lier than 1 year before the date on which
2 a challenge under clause (i) is made, the
3 requirements of subparagraph (C)(ii) shall
4 apply to a warrant or order sealed in ac-
5 cordance with chapter 206A.

6 “(iii) COSTS.—If a person substan-
7 tially prevails in a challenge under this
8 subparagraph, the court shall order the ap-
9 plicant for the criminal surveillance order
10 at issue to pay the litigation costs of the
11 person (including reasonable attorney’s
12 fees).

13 “(b) DOCKETING AND PUBLICATION OF CRIMINAL
14 SURVEILLANCE ORDERS, APPLICATIONS, INVENTORIES,
15 AND ASSOCIATED DOCKET RECORDS.—

16 “(1) DOCKET RECORDS.—Except as provided in
17 paragraph (2), regardless of whether a court seals a
18 criminal surveillance order or application under this
19 section, the public docket record for any criminal
20 surveillance case shall—

21 “(A) be made available as an open Govern-
22 ment data asset and under an open license, as
23 such terms are defined in section 3502 of title
24 44, and in a manner that facilitates
25 downloading docket records in bulk, in accord-

1 “(V) whether sealing and de-
2 ferred notice were requested, if so for
3 how long;

4 “(VI) whether an order for third
5 party assistance was requested; and

6 “(VII) disposition by the court,
7 whether granted, modified, or denied;

8 “(iii) an index describing any subse-
9 quent filings or orders related to the case;

10 “(iv) the unique case number in ac-
11 cordance with paragraph (3); and

12 “(v) the date on which the seal will
13 expire (unless extended pursuant to sub-
14 section (a)(2)(C)).

15 “(2) SHOWING OF ADVERSE RESULT.—If an
16 applicant in a sealed case demonstrates that public
17 disclosure of any docket item listed in paragraph
18 (1)(B)(ii) will have an adverse result described in
19 subsection (a)(2)(B), the court may direct the clerk
20 to withhold that item from the public docket record
21 until the sealing order expires.

22 “(3) CASE NUMBER AND CAPTION.—

23 “(A) IN GENERAL.—A court shall assign
24 for each application—

1 “(i) a unique case number for every
2 identified target, including for each unique
3 street address, parcel, person, phone num-
4 ber, device, or account targeted; and

5 “(ii) a case caption providing only ge-
6 neric information about the type of order
7 sought and the target of the order.

8 “(B) REQUIREMENTS.—A court shall as-
9 sign a case number and case caption under sub-
10 paragraph (A) in accordance with rules promul-
11 gated by the Judicial Conference of the United
12 States, in consultation with the Electronic Pub-
13 lic Access Public User Group, or in the case of
14 a State court, in accordance with rules promul-
15 gated by the highest court of the State, and in
16 the case of a Tribal court, in accordance with
17 rules promulgated by the highest court of the
18 Indian Tribe.

19 “(4) COMPLIANCE WITH THE REHABILITATION
20 ACT OF 1973.—Each criminal surveillance order, ap-
21 plication, inventory, and public docket record for any
22 criminal surveillance case required under this sub-
23 section shall be published in a form that complies
24 with section 508 of the Rehabilitation Act of 1973
25 (29 U.S.C. 794d).

1 “(5) NONDISCLOSURE ORDERS.—When apply-
2 ing for an order for nondisclosure under section
3 2705, to prevent the disclosure of a subpoena—

4 “(A) the applicant for the order shall in-
5 clude a copy of the subpoena; and

6 “(B) the court shall docket the subpoena
7 as part of the application for the order.

8 “(6) AUTOMATIC UNSEALING AND NOTIFICA-
9 TION.—The court shall employ a technical mecha-
10 nism to automatically—

11 “(A) unseal criminal surveillance orders
12 not later than the end of the next business day
13 after the seal expires; and

14 “(B) provide notice, 10 business days be-
15 fore scheduled unsealing, to the law enforce-
16 ment agency that filed the application for the
17 criminal surveillance order.

18 “(c) FILING.—An application and the inventory shall
19 be filed electronically.

20 **“§ 3133. Request for unsealing or challenging**
21 **redactions**

22 “(a) IN GENERAL.—Any person may submit a re-
23 quest to a court to—

1 “(1) unseal an application for a criminal sur-
2 veillance order, a criminal surveillance order, or an
3 inventory; or

4 “(2) challenge a redaction under section
5 3132(a)(2)(C)(ii)(II).

6 “(b) FORM.—A request described in subsection (a)
7 may be submitted as part of—

8 “(1) the particular criminal surveillance matter,
9 including as a motion to unseal; or

10 “(2) as a stand-alone, separate case.

11 “(c) MULTIPLE APPLICATIONS AND ORDERS UN-
12 SEALED.—A request described in subsection (a) may in-
13 clude more than 1 application for a criminal surveillance
14 order, criminal surveillance order, or an inventory.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) IN GENERAL.—Title 18, United States
17 Code, is amended—

18 (A) in section 2518(8)—

19 (i) by striking paragraph (b); and

20 (ii) by redesignating paragraphs (c)

21 and (d) as subparagraphs (b) and (c), re-
22 spectively;

23 (B) in section 3123, by striking subsection

24 (d); and

25 (C) in section 3103a(b)(1)—

1 (i) by striking “2705” and inserting
2 “3132”); and

3 (ii) by striking “trial)” and inserting
4 “trial”.

5 (2) E-GOVERNMENT ACT OF 2002.—

6 (A) IN GENERAL.—Section 205 of the E-
7 Government Act of 2002 (44 U.S.C. 3501 note)
8 is amended—

9 (i) in subsection (a), by adding at the
10 end the following:

11 “(8) Access to the substance of all applications
12 for criminal surveillance orders, criminal surveillance
13 orders, and inventories in a text searchable format
14 in accordance with chapter 206A of title 18, United
15 States Code.”; and

16 (ii) in subsection (c)—

17 (I) by striking paragraph (2) and
18 inserting the following:

19 “(2) EXCEPTIONS.—

20 “(A) IN GENERAL.—Documents that are
21 filed that are not otherwise available to the
22 public, such as documents filed under seal, shall
23 not be made available online.

24 “(B) CRIMINAL SURVEILLANCE ORDERS.—
25 Subparagraph (A) shall not apply to applica-

1 tions for criminal surveillance orders, criminal
 2 surveillance orders, and inventories that are
 3 publicly available in accordance with chapter
 4 206A of title 18, United States Code.”; and

5 (II) in paragraph (3), by adding
 6 at the end the following:

7 “(D) The Supreme Court shall update the
 8 rules prescribed under subparagraph (A) to ad-
 9 dress personal information included in criminal
 10 surveillance orders, applications, and inventories
 11 that are made available to the public.”.

12 (3) TABLE OF CHAPTERS.—The table of chap-
 13 ters for part II of title 18, United States Code, is
 14 amended by inserting after the item relating to
 15 chapter 206 the following:

“206A. Criminal surveillance orders 3121”.

16 (c) EFFECTIVE DATE.—

17 (1) IN GENERAL.—Except as provided in para-
 18 graphs (2) and (3), the amendments made by this
 19 section shall take effect on the date that is 2 years
 20 after the date of enactment of this Act.

21 (2) DELAYED APPLICABILITY FOR CERTAIN
 22 STATE AND TRIBAL COURTS.—

23 (A) IN GENERAL.—Subsections (b)(1)(A)
 24 and (c) of section 3132 of title 18, United
 25 States Code, as added by subsection (a) of this

1 section, shall apply on and after the date that
2 is 4 years after the date of enactment of this
3 Act—

4 (i) to a State or Tribal court that, on
5 the date of enactment of this Act, does not
6 offer electronic docketing or public online
7 access to dockets; or

8 (ii) any State or Tribal court that cer-
9 tifies that the court needs more time to
10 comply with the requirements of those sub-
11 sections.

12 (3) AUTHORITY TO DELAY ELECTRONIC FIL-
13 ING.—

14 (A) CERTIFICATION.—

15 (i) FEDERAL COURTS.—The applica-
16 tion of subsection (c) of section 3132 of
17 title 18, United States Code, as added by
18 subsection (a) of this section, to Federal
19 courts under paragraph (1) of this sub-
20 section shall be delayed for 1 year if the
21 Director of the Administrative Office of
22 the United States Courts certifies that the
23 system used by Federal courts for elec-
24 tronic filing is not sufficiently secure.

1 (ii) STATE AND TRIBAL COURTS.—

2 The application of subsection (c) of section
3 3132 of title 18, United States Code, as
4 added by subsection (a) of this section, to
5 a State or Tribal court under paragraph
6 (1) or (2) of this subsection, as applicable,
7 shall be delayed for 1 year if the chief
8 judge of the highest court of the State or
9 Tribe certifies that the system used by the
10 State or Tribal court for electronic filing is
11 not sufficiently secure.

12 (B) CONTENTS.—A certification under
13 subparagraph (A) shall include an estimate of
14 the date by which the electronic filing system of
15 the applicable court will be sufficiently secure.

16 (C) RENEWAL OF DELAY.—The delay of
17 the application of subsection (c) of section 3132
18 of title 18, United States Code, as added by
19 subsection (a) of this section, to Federal courts
20 or to a State or Tribal court may be delayed for
21 1 or more additional 1-year periods if the Di-
22 rector of the Administrative Office of the
23 United States Courts or the chief judge of the
24 highest court of the State or Tribe, respectively,

1 submits an additional certification in accord-
2 ance with subparagraphs (A) and (B).

3 (D) PUBLICATION.—Any certification
4 under this paragraph shall be—

5 (i) made available on the website of
6 the court system with respect to which the
7 certification is submitted; and

8 (ii) submitted to the Committee on
9 the Judiciary of the Senate and the Com-
10 mittee on the Judiciary of the House of
11 Representatives.

12 (d) APPLICABILITY.—

13 (1) DEFINITIONS.—In this subsection, the
14 terms “application”, “criminal surveillance order”,
15 and “inventory” have the meanings given such terms
16 in section 3131 of title 18, United States Code, as
17 added by subsection (a).

18 (2) APPLICATION.—The amendments made by
19 this section shall apply to—

20 (A) any application filed or inventory re-
21 turned on or after the date described in sub-
22 section (d); and

23 (B) any criminal surveillance order entered
24 on or after the date described in subsection (d).

1 (3) RULE OF CONSTRUCTION REGARDING
2 UNSEALING.—Nothing in the amendments made by
3 this section shall be construed to prohibit a court
4 from unsealing—

5 (A) a criminal surveillance order entered or
6 inventory returned before the date described in
7 subsection (d); or

8 (B) an application for a criminal surveil-
9 lance order made before the date described in
10 subsection (d).

11 (4) RULE OF CONSTRUCTION REGARDING IN-
12 TERPRETATION.—The amendments made by this
13 section shall be liberally construed in favor of public
14 access to documents, to the extent possible.

15 **SEC. 3. NOTICE TO COURTS OF UNLAWFUL SURVEILLANCE.**

16 (a) REQUIRED DISCLOSURE OF CUSTOMER COMMU-
17 NICATIONS OR RECORDS.—Section 2703(d) of title 18,
18 United States Code, is amended—

19 (1) by striking “A court order” and inserting
20 the following:

21 “(1) IN GENERAL.—A court order”; and

22 (2) by adding at the end the following:

23 “(2) REQUIRED INVENTORY.—A court order for
24 disclosure issued under subsection (b) or (c) shall re-
25 quire an inventory described in rule 41(f)(1)(B) of

1 the Federal Rules of Criminal Procedure, or any
2 successor thereto, be promptly returned to the court
3 if the provider disclosed to the government any data
4 not authorized by the court.”.

5 (b) ISSUANCE OF AN ORDER FOR A PEN REGISTER
6 OR A TRAP AND TRACE DEVICE.—Section 3123(b) of title
7 18, United States Code, is amended—

8 (1) in paragraph (1)(D), by striking “and” at
9 the end;

10 (2) in paragraph (2), by striking the period at
11 the end and inserting “; and”; and

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

13 “(3) shall require an inventory described in rule
14 41(f)(1)(B) of the Federal Rules of Criminal Proce-
15 dure, or any successor thereto, be promptly returned
16 to the court if—

17 “(A) the provider disclosed to the govern-
18 ment any electronic data not authorized by the
19 court; or

20 “(B) the government obtained dialing,
21 routing, addressing, or signaling information
22 that was not authorized by the court or in a
23 manner that exceeded the authorization granted
24 by the court.”.

1 (c) RULE 41.—Rule 41(f)(1)(B) of the Federal Rules
2 of Criminal Procedure is amended by inserting after the
3 period at the end the following:

4 “If an inventory is required pursuant to this rule, or
5 if an inventory is required by section 2703(d)(2) of
6 title 18, United States Code, or section 3123(b)(3)
7 of that title, the inventory shall—

8 (i) disclose whether the provider dis-
9 closed to the government any electronic
10 data not authorized by the court and, if so,
11 provide detailed information regarding the
12 disclosure; and

13 (ii) disclose whether the government
14 searched persons or property, including ac-
15 counts or electronic devices, or obtained di-
16 aling, routing, addressing, or signaling in-
17 formation not authorized by the court or in
18 a manner that exceeded the authorization
19 granted by the court and, if so, provide de-
20 tailed information regarding the search.”.

21 **SEC. 4. NOTICE TO SUBJECTS OF LAW ENFORCEMENT SUR-**
22 **VEILLANCE.**

23 (a) IN GENERAL.—Section 2703 of title 18, United
24 States Code, is amended—

25 (1) in subsection (a), in the first sentence—

1 (A) by inserting “and in accordance with
2 the requirements for executing and returning a
3 warrant” after “the procedures”;

4 (B) by inserting “and execution and re-
5 turn” after “State warrant”; and

6 (C) by inserting “and in accordance with
7 the requirements for executing and returning
8 such a warrant” after “that title”;

9 (2) in subsection (b)—

10 (A) in paragraph (1)

11 (i) in subparagraph (A)—

12 (I) by striking “without required
13 notice to the subscriber or customer,”;

14 (II) by inserting “and in accord-
15 ance with the requirements for exe-
16 cuting and returning a warrant” after
17 “the procedures”;

18 (III) by inserting “and execution
19 and return” after “State warrant”;
20 and

21 (IV) by inserting “and in accord-
22 ance with the requirements for exe-
23 cuting and returning such a warrant”
24 after “that title”; and

25 (ii) in subparagraph (B)—

1 (I) in clause (ii), by striking the
2 semicolon at the end and inserting a
3 period; and

4 (II) in the matter following
5 clause (ii), by striking “except that
6 delayed notice may be given pursuant
7 to section 2705 of this title.”; and

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

9 “(3) Notice may not be delayed pursuant to section
10 2705 for a disclosure under paragraph (1)(B)(i).”;

11 (3) in subsection (c)—

12 (A) in paragraph (1)(A)—

13 (i) by inserting “and in accordance
14 with the requirements for executing and
15 returning a warrant” after “the proce-
16 dures”;

17 (ii) by inserting “and execution and
18 return” after “State warrant”; and

19 (iii) by inserting “and in accordance
20 with the requirements for executing and
21 returning such a warrant” after “that
22 title”; and

23 (B) by striking paragraph (3);

24 (4) in subsection (d), as amended by section
25 3(a) of this Act, by adding at the end the following:

1 “(3) REQUIREMENTS.—Orders under this sub-
2 section shall be issued in accordance with the re-
3 quirements for executing and returning a warrant
4 under the Federal Rules of Criminal Procedure.”;
5 and

6 (5) by adding at the end the following:

7 “(i) SERVICE.—

8 “(1) IN GENERAL.—A governmental entity re-
9 ceiving records or information under subsection (a),
10 (b), or (c) of this section or seeking an order under
11 section 3123 shall provide notice prior to conducting
12 the court-authorized surveillance to the subscriber or
13 customer or the person described in subsection
14 (b)(1)(A) of that section, as applicable, unless notice
15 is delayed in accordance with section 2705. If prior
16 notice is infeasible due to inadequate contact infor-
17 mation, the governmental entity shall provide the re-
18 quired notice within 7 days after receipt of adequate
19 contact information from the provider.

20 “(2) OTHER REQUIREMENTS.—For purposes of
21 serving a copy of a warrant or order described in
22 this section and a receipt for the warrant or order—

23 “(A) the person or persons whose wire or
24 electronic communications are obtained under
25 the warrant or order shall be the person or per-

1 sons whose property was searched or who pos-
2 sessed the information that was seized or cop-
3 ied; and

4 “(B) service of the copy of the warrant or
5 order and the receipt may only be delayed in
6 accordance with section 2705.”.

7 (b) WRITS.—Section 1651 of title 28, United States
8 Code, is amended by adding at the end the following:

9 “(c) In seeking an order to a third party under this
10 section, the Federal Government shall comply with any re-
11 quirement for notice applicable to warrants issued under
12 the Federal Rules of Criminal Procedure.”.

13 (c) VOLUNTARY DISCLOSURE OF CUSTOMER COMMU-
14 NICATIONS OR RECORDS.—Section 2702 of title 18,
15 United States Code, is amended by adding at the end the
16 following:

17 “(e) NOTICE.—If a governmental entity requests and
18 receives a voluntary disclosure from a provider described
19 in subsection (a)—

20 “(1) the contents of communications pursuant
21 to subsection (b)(8); or

22 “(2) a record or other information pertaining to
23 a subscriber to or customer of such service pursuant
24 to subsection (c)(4),

1 the governmental entity shall within 7 days provide notice
2 to the subscriber or customer, unless notice is delayed in
3 accordance with section 2705.”.

4 **SEC. 5. DELAY AND PRECLUSION OF REQUIRED NOTICE.**

5 (a) IN GENERAL.—Section 2705 of title 18, United
6 States Code, is amended—

7 (1) in the section heading, by striking “**De-**
8 **layed**” and inserting “**Delay and preclusion**
9 **of**”;

10 (2) by striking subsection (a) and inserting the
11 following:

12 “(a) DELAY OF REQUIRED NOTICE TO CUSTOMER OR
13 SUBSCRIBER.—

14 “(1) IN GENERAL.—A governmental entity act-
15 ing under section 2702, 2703, or section 3123 may
16 apply to a court for an order delaying the required
17 notice to the person whose wire or electronic commu-
18 nications or records or information are obtained.

19 “(2) WARRANTS AND ORDERS.—The court may
20 enter an order described in paragraph (1) with re-
21 spect to a warrant or order only if the warrant or
22 order is sealed in accordance with chapter 206A,
23 and only for the period during which the sealing
24 order is in effect.

1 “(3) SUBPOENAS AND EMERGENCY RE-
2 QUESTS.—

3 “(A) IN GENERAL.—The court shall enter
4 an order described in paragraph (1) with re-
5 spect to a subpoena or emergency request for a
6 period not to exceed 180 days after the return
7 date of the subpoena or the emergency request
8 if the governmental entity certifies that there is
9 reason to believe that failure to issue the order
10 will have an adverse result described in section
11 3132(a)(2)(B).

12 “(B) EXTENSIONS.—

13 “(i) IN GENERAL.—The court shall
14 grant a single extension of an order de-
15 scribed in paragraph (1) with respect to a
16 subpoena or emergency request for a pe-
17 riod not to exceed 180 days upon the gov-
18 ernmental entity’s motion, based on a re-
19 newed certification that failure to extend
20 the order will have an adverse result de-
21 scribed in section 3132(a)(2)(B).

22 “(ii) SUBSEQUENT EXTENSIONS.—

23 “(I) IN GENERAL.—For any ex-
24 tension after an extension under
25 clause (i), the court may grant an ex-

1 tension of an order described in para-
2 graph (1) with respect to a subpoena
3 or emergency request for up to 180
4 days, upon the governmental entity’s
5 motion, if the governmental entity
6 demonstrates a particularized showing
7 described in subitems (AA) and (BB)
8 of section 3132(a)(2)(C)(I)(aa) and
9 details the information described in
10 item (bb) of section 3132(a)(2)(C)(I).

11 “(II) REDACTED DOCUMENTS.—
12 The court shall consider and order
13 redactions under this clause in accord-
14 ance with the procedures under sec-
15 tion 3132(a)(2)(C)(II).

16 “(C) REVIEW BY COURT.—The court may,
17 in its discretion, require the governmental enti-
18 ty to provide the factual basis for the certifi-
19 cation described in subparagraph (A) and may
20 review that factual basis for sufficiency.

21 “(D) NOTIFICATION.—

22 “(i) IN GENERAL.—A governmental
23 entity shall promptly notify the court once
24 the governmental entity no longer has rea-
25 son to believe that the order is necessary

1 to prevent an adverse result described in
2 section 3132(a)(2)(B).

3 “(ii) REVOCATION.—After being noti-
4 fied by the governmental entity under
5 clause (i), the court shall revoke the
6 order.”; and

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

8 “(c) REPORTS CONCERNING PRECLUSION OF NOTICE
9 ORDERS.—

10 “(1) IN GENERAL.—In January of each year,
11 any judge who has issued an order (or an extension
12 thereof) under subsection (b) that expired during the
13 preceding year, or who has denied approval of a re-
14 quest for a preclusion of notice order, shall report to
15 the Administrative Office of the United States
16 Courts—

17 “(A) the fact that an order or extension
18 was applied for;

19 “(B) the fact that the order or extension
20 was granted as applied for, was modified, or
21 was denied;

22 “(C) the period of the preclusion of notice
23 required by the order, and the number and du-
24 ration of any extensions of the order;

1 “(D) the nature of the offense or criminal
2 investigation that was the basis for the under-
3 lying criminal surveillance order;

4 “(E) the name of each provider of elec-
5 tronic communication service or remote com-
6 puting service served with the order, if so
7 granted; and

8 “(F) the investigative or law enforcement
9 agency that submitted the application.

10 “(2) PUBLIC REPORT.—In June of each year,
11 the Director of the Administrative Office of the
12 United States Courts shall publish on the website of
13 the Administrative Office of the United States
14 Courts and include in the report required under sec-
15 tion 2519(3)—

16 “(A) a full and complete report con-
17 cerning—

18 “(i) the number of applications for or-
19 ders authorizing or approving the pre-
20 clusion of notice pursuant to this section;
21 and

22 “(ii) the number of orders and exten-
23 sions granted or denied pursuant to this
24 section during the preceding calendar year;
25 and

1 “(B) a detailed summary and analysis of
2 each category of data required to be reported
3 under paragraph (1).

4 “(3) FORMAT.—Not later than 180 days after
5 the date of enactment of this section, the Director
6 of the Administrative Office of the United States
7 Courts shall, in consultation with the National Insti-
8 tute of Standards and Technology and the Adminis-
9 trator of General Services, private entities offering
10 electronic case management software, the National
11 Center for State Courts, and the National American
12 Indian Court Judges Association, publish a machine
13 readable form that shall be used for any report re-
14 quired under paragraph (1).

15 “(4) REGULATIONS.—The Director of the Ad-
16 ministrative Office of the United States Courts may
17 promulgate regulations with respect to the content
18 and form of the reports required under paragraph
19 (1).

20 “(d) DURATION.—Any order issued under subsection
21 (a) before the effective date of chapter 206A shall be for
22 a period of not longer than 180 days.”.

23 (b) ADDITIONAL GROUNDS FOR ISSUING WAR-
24 RANT.—Section 3103a of title 18, United States Code, is
25 amended—

1 (1) in subsection (b)(3), by inserting “, not to
2 exceed 180 days,” after “certain”;

3 (2) in subsection (c), by inserting “, not to ex-
4 ceed 180 days” before the period at the end; and

5 (3) in subsection (d)(1)—

6 (A) in subparagraph (C), by striking
7 “and” at the end;

8 (B) in subparagraph (D), by striking the
9 period at the end and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(E) the identification of the statute or
12 rule of law authorizing the search and seizure
13 of property or material.”.

14 (c) **TECHNICAL AND CONFORMING AMENDMENT.**—

15 The table of sections for chapter 121 of title 18, United
16 States Code, is amended by striking the item relating to
17 section 2705 and inserting the following:

“2705. Delay and preclusion of notice.”.

18 **SEC. 6. INCENTIVES FOR STATE AND TRIBAL COURTS TO**
19 **IMPLEMENT REQUIREMENTS.**

20 (a) **AMENDMENTS.**—

21 (1) **STORED COMMUNICATIONS.**—Chapter 121
22 of title 18, United States Code, is amended—

23 (A) in section 2703, as amended by section
24 4(a) of this Act, by inserting after “return pro-
25 cedures” each place the term appears the fol-

1 lowing: “and containing a certification that the
2 court is acting in compliance with chapter
3 206A”; and

4 (B) in section 2711(3)(B), by inserting
5 “that is acting in compliance with chapter
6 206A” after “search warrants”.

7 (2) WIRETAPPING.—Section 2516(2) of title
8 18, United States Code, is amended by striking
9 “The principal prosecuting attorney of any State”
10 and inserting “If a State requires that courts in the
11 state comply with chapter 206A, the principal pro-
12 secuting attorney of that State”.

13 (3) PEN REGISTERS AND TRAP AND TRACE DE-
14 VICES.—Section 3122(a)(2) of title 18, United
15 States Code, is amended by inserting “and if the
16 State requires that courts in the state comply with
17 chapter 206A,” after “law,”.

18 (4) FULL FAITH AND CREDIT.—The third un-
19 designated paragraph of section 1738 of title 28,
20 United States Code, is amended by inserting “, pro-
21 vided that any criminal surveillance order, as defined
22 in section 3131 of title 18, shall be entitled to full
23 faith and credit only if the order contains a certifi-
24 cation that the court that issued the order is acting

1 in compliance with the requirements of chapter
2 206A of title 18” before the period at the end.

3 (b) EFFECTIVE DATE.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), the amendments made by subsection (a)
6 shall take effect on the date that is 2 years after the
7 date of enactment of this Act.

8 (2) DELAYED APPLICABILITY FOR CERTAIN
9 STATE AND TRIBAL COURTS.—The amendments
10 made by subsection (a) shall apply on and after the
11 date that is 4 years after the date of enactment of
12 this Act—

13 (A) to a State or Tribal court that, on the
14 date of enactment of this Act, does not offer
15 electronic docketing or public online access to
16 dockets; or

17 (B) to any State or Tribal court that cer-
18 tifies that the court needs more time to comply
19 with the requirements of the subsection.

20 **SEC. 7. MODERNIZING CRIMINAL SURVEILLANCE REPORTS.**

21 (a) REPORTS CONCERNING ACCESS TO CUSTOMER
22 COMMUNICATIONS OR RECORDS.—

23 (1) IN GENERAL.—Section 2703 title 18,
24 United States Code, as amended by section 4(5) of

1 this Act, is amended by adding at the end the fol-
2 lowing:

3 “(j) REPORTS CONCERNING ACCESS TO CUSTOMER
4 COMMUNICATIONS OR RECORDS.—

5 “(1) IN GENERAL.—In January of each year,
6 any judge who has issued an order under this sec-
7 tion or a warrant to obtain records described in this
8 section, or who has denied approval of an application
9 under this section during the preceding year, shall
10 report to the Administrative Office of the United
11 States Courts—

12 “(A) the fact that the order or warrant
13 was applied for;

14 “(B) the type of records sought in the
15 order or warrant;

16 “(C) whether the order or warrant was—

17 “(i) granted as applied for;

18 “(ii) granted as modified; or

19 “(iii) denied;

20 “(D) the subsection of this section under
21 which the application for the order or warrant
22 was filed;

23 “(E) the nature of the offense or criminal
24 investigation that was the basis for the applica-
25 tion for the order or warrant;

1 “(F) the name of each provider of elec-
2 tronic communication service or remote com-
3 puting service served with the order or warrant,
4 if so granted; and

5 “(G) the investigative or law enforcement
6 agency that submitted the application.

7 “(2) PUBLIC REPORT.—In June of each year,
8 the Director of the Administrative Office of the
9 United States Courts shall publish on the website of
10 the Administrative Office of the United States
11 Courts and include in the report required under sec-
12 tion 2519(3)—

13 “(A) a full and complete report concerning
14 the number of applications for orders or war-
15 rants requiring the disclosure of, during the
16 preceding calendar year—

17 “(i) the contents of wire or electronic
18 communications in electronic storage under
19 subsection (a);

20 “(ii) the contents of wire or electronic
21 communications in a remote computer
22 service under subsection (b); and

23 “(iii) records concerning electronic
24 communication service or remote computer
25 service under subsection (c);

1 “(B) the number of orders and warrants
2 granted or denied under this section during the
3 preceding calendar year; and

4 “(C) a detailed summary and analysis of
5 each category of data required to be filed with
6 the Administrative Office of the United States
7 Courts under paragraph (1).

8 “(3) FORMAT.—Not later than 180 days after
9 the date of enactment of the Government Surveil-
10 lance Transparency Act of 2026, the Director of the
11 Administrative Office of the United States Courts
12 shall, in consultation with the National Institute of
13 Standards and Technology, the Administrator of
14 General Services, the Electronic Public Access Pub-
15 lic User Group, private entities offering electronic
16 case management software, the National Center for
17 State Courts, and the National American Indian
18 Court Judges Association, publish a machine read-
19 able form that shall be used for any report required
20 under paragraph (1).

21 “(4) REGULATIONS.—The Director of the Ad-
22 ministrative Office of the United States Courts may
23 issue binding regulations with respect to the content
24 and form of the reports required under paragraph
25 (1).”.

1 (2) TECHNICAL AND CONFORMING AMEND-
2 MENT.—Section 2519(3) of title 18, United States
3 Code, is amended, in the first sentence, by inserting
4 “publish on the website of the Administrative Office
5 of the United States Courts” before “transmit”.

6 (b) REPORTS CONCERNING PEN REGISTERS AND
7 TRAP AND TRACE DEVICES.—Section 3126 of title 18,
8 United States Code, is amended to read as follows:

9 **“§ 3126. Reports concerning pen registers and trap**
10 **and trace devices**

11 “(a) IN GENERAL.—In January of each year, any
12 judge who has issued an order (or an extension thereof)
13 under section 3123 that expired during the preceding
14 year, or who has denied approval of an installation and
15 use of a pen register or trap and trace device during that
16 year, shall report to the Administrative Office of the
17 United States Courts—

18 “(1) the fact that an order or extension was ap-
19 plied for;

20 “(2) the kind of order or extension applied for;

21 “(3) the fact that the order or extension was
22 granted as applied for, was modified, or was denied;

23 “(4) the period of installation and use of a pen
24 register or trap and trace device authorized by the

1 order, and the number and duration of any exten-
2 sions of the order;

3 “(5) the offense specified in the order or appli-
4 cation, or extension of an order;

5 “(6) the precise nature of the facilities affected
6 and the precise nature of the information sought;
7 and

8 “(7) the investigative or law enforcement agen-
9 cy that submitted the application.

10 “(b) PUBLIC REPORT.—In June of each year, the Di-
11 rector of the Administrative Office of the United States
12 Courts shall publish on the website of the Administrative
13 Office of the United States Courts and include in the re-
14 port required under section 2519(3)—

15 “(1) a full and complete report concerning—

16 “(A) the number of applications for orders
17 authorizing or approving the installation and
18 use of a pen register or trap and trace device
19 pursuant to this chapter; and

20 “(B) the number of orders and extensions
21 granted or denied pursuant to this chapter dur-
22 ing the preceding calendar year; and

23 “(2) a detailed summary and analysis of each
24 category of data required to be reported under sub-
25 section (a).

1 “(c) **FORMAT.**—Not later than 180 days after the
2 date of enactment of the Government Surveillance Trans-
3 parency Act of 2026, the Director of the Administrative
4 Office of the United States Courts shall, in consultation
5 with the National Institute of Standards and Technology
6 and the Administrator of General Services, private entities
7 offering electronic case management software, the Na-
8 tional Center for State Courts, and the National American
9 Indian Court Judges Association, publish a machine read-
10 able form that shall be used for any report required under
11 subsection (a).

12 “(d) **REGULATIONS.**—The Director of the Adminis-
13 trative Office of the United States Courts may issue bind-
14 ing regulations with respect to the content and form of
15 the reports required under subsection (a).”.

16 (c) **REPORTING OF EMERGENCY DISCLOSURES.**—
17 Section 2702(d) of title 18, United States Code, is amend-
18 ed, in the matter preceding paragraph (1), by inserting
19 “and publish on the website of the Department of Justice”
20 after “Senate”.

21 **SEC. 8. GRANTS.**

22 (a) **DEFINITIONS.**—In this section—

23 (1) the term “Indian Tribe” has the meaning
24 given such term in section 102 of the Federally Rec-

1 ognized Indian Tribe List Act of 1994 (25 U.S.C.
2 5130); and

3 (2) the term “State” means each of the several
4 States of the United States, the District of Colum-
5 bia, the Commonwealth of Puerto Rico, American
6 Samoa, the Commonwealth of the Northern Mariana
7 Islands, Guam, and the United States Virgin Is-
8 lands.

9 (b) **AUTHORITY.**—The Attorney General shall make
10 grants to State and Tribal court systems for the cost of
11 implementing the requirements under the amendments
12 made by this Act for the 5-year period beginning on the
13 date of enactment of this Act.

14 (c) **MAXIMUM AMOUNT.**—The total amount of grants
15 awarded under this section shall be not greater than
16 \$25,000,000.

17 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated—

19 (1) \$1,000,000 to the Administrative Office of
20 the United States Courts to implement the require-
21 ments of this Act and the amendments made by this
22 Act; and

23 (2) \$25,000,000 to carry out the grant program
24 under section 8.

1 **SEC. 10. SEVERABILITY.**

2 If any provision of this Act, an amendment made by
3 this Act, or the application of such a provision or amend-
4 ment to any person or circumstance, is held to be uncon-
5 stitutional, the remaining provisions of and amendments
6 made by this Act, and the application of the provision or
7 amendment held to be unconstitutional to any other per-
8 son or circumstance, shall not be affected thereby.