

106TH CONGRESS
1ST SESSION

H. R. 514

To amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1999

Mrs. WILSON (for herself, Mr. TAUZIN, Mr. MARKEY, Mr. OXLEY, Ms. ESHOO, Mr. DEAL of Georgia, Mr. WYNN, Mrs. CUBIN, Mr. LUTHER, Mr. ROGAN, Mr. SAWYER, Mr. PICKERING, and Mr. GILLMOR) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, 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 “Wireless Privacy En-
5 hancement Act of 1999”.

6 **SEC. 2. COMMERCE IN ELECTRONIC EAVESDROPPING**
7 **DEVICES.**

8 (a) PROHIBITION ON MODIFICATION.—Section
9 302(b) of the Communications Act of 1934 (47 U.S.C.

1 302a(b)) is amended by inserting before the period at the
2 end thereof the following: “, or modify any such device,
3 equipment, or system in any manner that causes such de-
4 vice, equipment, or system to fail to comply with such reg-
5 ulations”.

6 (b) PROHIBITION ON COMMERCE IN SCANNING RE-
7 CEIVERS.—Section 302(d) of such Act (47 U.S.C.
8 302a(d)) is amended to read as follows:

9 “(d) EQUIPMENT AUTHORIZATION REGULATIONS.—

10 “(1) PRIVACY PROTECTIONS REQUIRED.—The
11 Commission shall prescribe regulations, and review
12 and revise such regulations as necessary in response
13 to subsequent changes in technology or behavior, de-
14 nying equipment authorization (under part 15 of
15 title 47, Code of Federal Regulations, or any other
16 part of that title) for any scanning receiver that is
17 capable of—

18 “(A) receiving transmissions in the fre-
19 quencies that are allocated to the domestic cel-
20 lular radio telecommunications service or the
21 personal communications service;

22 “(B) readily being altered to receive trans-
23 missions in such frequencies;

24 “(C) being equipped with decoders that—

1 “(i) convert digital domestic cellular
2 radio telecommunications service, personal
3 communications service, or protected spe-
4 cialized mobile radio service transmissions
5 to analog voice audio; or

6 “(ii) convert protected paging service
7 transmissions to alphanumeric text; or

8 “(D) being equipped with devices that oth-
9 erwise decode encrypted radio transmissions for
10 the purposes of unauthorized interception.

11 “(2) PRIVACY PROTECTIONS FOR SHARED FRE-
12 QUENCIES.—The Commission shall, with respect to
13 scanning receivers capable of receiving transmissions
14 in frequencies that are used by commercial mobile
15 services and that are shared by public safety users,
16 examine methods, and may prescribe such regula-
17 tions as may be necessary, to enhance the privacy of
18 users of such frequencies.

19 “(3) TAMPERING PREVENTION.—In prescribing
20 regulations pursuant to paragraph (1), the Commis-
21 sion shall consider defining ‘capable of readily being
22 altered’ to require scanning receivers to be manufac-
23 tured in a manner that effectively precludes alter-
24 ation of equipment features and functions as nec-
25 essary to prevent commerce in devices that may be

1 used unlawfully to intercept or divulge radio commu-
2 nication.

3 “(4) WARNING LABELS.—In prescribing regula-
4 tions under paragraph (1), the Commission shall
5 consider requiring labels on scanning receivers warn-
6 ing of the prohibitions in Federal law on inten-
7 tionally intercepting or divulging radio communica-
8 tions.

9 “(5) DEFINITIONS.—As used in this subsection,
10 the term ‘protected’ means secured by an electronic
11 method that is not published or disclosed except to
12 authorized users, as further defined by Commission
13 regulation.”.

14 (c) IMPLEMENTING REGULATIONS.—Within 90 days
15 after the date of enactment of this Act, the Federal Com-
16 munications Commission shall prescribe amendments to
17 its regulations for the purposes of implementing the
18 amendments made by this section.

19 **SEC. 3. UNAUTHORIZED INTERCEPTION OR PUBLICATION**
20 **OF COMMUNICATIONS.**

21 Section 705 of the Communications Act of 1934 (47
22 U.S.C. 605) is amended—

23 (1) in the heading of such section, by inserting
24 “**INTERCEPTION OR**” after “**UNAUTHORIZED**”;

1 (2) in the first sentence of subsection (a), by
2 striking “Except as authorized by chapter 119, title
3 18, United States Code, no person” and inserting
4 “No person”;

5 (3) in the second sentence of subsection (a)—

6 (A) by inserting “intentionally” before
7 “intercept”; and

8 (B) by striking “and divulge” and insert-
9 ing “or divulge”;

10 (4) by striking the last sentence of subsection
11 (a) and inserting the following: “Nothing in this
12 subsection prohibits an interception or disclosure of
13 a communication as authorized by chapter 119 of
14 title 18, United States Code.”;

15 (5) in subsection (e)(1)—

16 (A) by striking “fined not more than
17 \$2,000 or”; and

18 (B) by inserting “or fined under title 18,
19 United States Code,” after “6 months,”; and

20 (6) in subsection (e)(3), by striking “any viola-
21 tion” and inserting “any receipt, interception, divul-
22 gence, publication, or utilization of any communica-
23 tion in violation”;

24 (7) in subsection (e)(4), by striking “any other
25 activity prohibited by subsection (a)” and inserting

1 “any receipt, interception, divulgence, publication, or
2 utilization of any communication in violation of sub-
3 section (a)”;

4 (8) by adding at the end of subsection (e) the
5 following new paragraph:

6 “(7) Notwithstanding any other investigative or en-
7 forcement activities of any other Federal agency, the Com-
8 mission shall investigate alleged violations of this section
9 and may proceed to initiate action under section 503 of
10 this Act to impose forfeiture penalties with respect to such
11 violation upon conclusion of the Commission’s
12 investigation.”.

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