

111TH CONGRESS  
1ST SESSION

# H. R. 2449

To amend title 18, United States Code, to prohibit fraud and related activity in connection with purchases of certain wireless prepaid access devices.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2009

Mr. WEINER (for himself and Mr. DANIEL E. LUNGREN of California) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to prohibit fraud and related activity in connection with purchases of certain wireless prepaid access devices.

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 Prepaid Ac-  
5       cess Device Enforcement Act of 2009”.

6       **SEC. 2. ENFORCEMENT.**

7       Section 1029 of title 18, United States Code, is  
8       amended as follows:

9               (1) Subsection (a) is amended—

1 (A) in paragraph (9), by striking “or”  
2 after the semicolon;

3 (B) in paragraph (10), by inserting “or”  
4 after the semicolon; and

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

6 “(11)(A) knowingly purchases and/or handles  
7 one or more wireless prepaid access devices for the  
8 purpose of, or as part of a scheme involving, modi-  
9 fying, removing, avoiding or overwriting installed  
10 software which is designed to cause any such device  
11 to operate as a wireless prepaid access device on the  
12 wireless network or networks for which such device  
13 was sold, unless such purchase or handling is au-  
14 thorized by the wireless service provider or device  
15 manufacturer; or

16 “(B) knowingly engages in the unauthorized re-  
17 sale or redistribution outside of the United States of  
18 any wireless prepaid access device that is sold to be  
19 used on a wireless network within the United States,  
20 whether or not the applicable software has been  
21 modified, removed, avoided or overwritten, whether  
22 individually or as part of a scheme;”.

23 (2) Subsection (c)(1)(A)(i) is amended by strik-  
24 ing “or (10)” and inserting “(10), or (11)”.

25 (3) Subsection (e) is amended—

1 (A) in paragraph (10), by striking “and”  
2 after the semicolon;

3 (B) paragraph (11), by striking the period  
4 and inserting “; and”; and

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

6 “(12) the term ‘wireless prepaid access device’  
7 means any access device that is marketed or made  
8 available for sale for use with prepaid or pay in ad-  
9 vance commercial mobile radio service as defined in  
10 47 C.F.R. 20.3, but does not include installed-in-ve-  
11 hicle access devices used in connection with an emer-  
12 gency communications system.”.

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