

Wireless Privacy Enhancement Act of 1999 (Introduced in the House)

HR 514 IH

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Wireless Privacy Enhancement Act of 1999'.

SEC. 2. COMMERCE IN ELECTRONIC EAVESDROPPING DEVICES.

(a) PROHIBITION ON MODIFICATION- Section 302(b) of the Communications Act of 1934 (47 U.S.C. 302a(b)) is amended by inserting before the period at the end thereof the following: ', or modify any such device, equipment, or system in any manner that causes such device, equipment, or system to fail to comply with such regulations'.

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

'(d) EQUIPMENT AUTHORIZATION REGULATIONS-

'(1) PRIVACY PROTECTIONS REQUIRED- The Commission shall prescribe regulations, and review and revise such regulations as necessary in response to subsequent changes in technology or behavior, denying equipment authorization

(under part 15 of title 47, Code of Federal Regulations, or any other part of that title) for any scanning receiver that is capable of--

`(A) receiving transmissions in the frequencies that are allocated to the domestic cellular radio telecommunications service or the personal communications service;

`(B) readily being altered to receive transmissions in such frequencies;

`(C) being equipped with decoders that--

`(i) convert digital domestic cellular radio telecommunications service, personal communications service, or protected specialized mobile radio service transmissions to analog voice audio; or

`(ii) convert protected paging service transmissions to alphanumeric text; or

`(D) being equipped with devices that otherwise decode encrypted radio transmissions for the purposes of unauthorized interception.

`(2) PRIVACY PROTECTIONS FOR SHARED FREQUENCIES- The Commission shall, with respect to scanning receivers capable of receiving transmissions in frequencies that are used by commercial mobile services and that are shared by public safety users, examine methods, and may prescribe such regulations as may be necessary, to enhance the privacy of users of such frequencies.

`(3) TAMPERING PREVENTION- In prescribing regulations pursuant to paragraph (1), the Commission shall consider defining `capable of readily being altered' to require scanning receivers to be manufactured in a manner that effectively precludes alteration of equipment features and functions as necessary to prevent commerce in devices that may be used unlawfully to intercept or divulge radio communication.

`(4) WARNING LABELS- In prescribing regulations under paragraph (1), the Commission shall consider requiring labels on scanning receivers warning of the prohibitions in Federal law on intentionally intercepting or divulging radio communications.

`(5) DEFINITIONS- As used in this subsection, the term `protected' means secured by an electronic method that is not published or disclosed except to authorized users, as further defined by Commission regulation.'

(c) IMPLEMENTING REGULATIONS- Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall prescribe amendments to its regulations for the purposes of implementing the amendments made by this section.

SEC. 3. UNAUTHORIZED INTERCEPTION OR PUBLICATION OF COMMUNICATIONS.

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

- (1) in the heading of such section, by inserting `interception or' after `unauthorized';
- (2) in the first sentence of subsection (a), by striking `Except as authorized by chapter 119, title 18, United States Code, no person' and inserting `No person';
- (3) in the second sentence of subsection (a)--
 - (A) by inserting `intentionally' before `intercept'; and
 - (B) by striking `and divulge' and inserting `or divulge';
- (4) by striking the last sentence of subsection (a) and inserting the following:
`Nothing in this subsection prohibits an interception or disclosure of a communication as authorized by chapter 119 of title 18, United States Code.';
- (5) in subsection (e)(1)--
 - (A) by striking `fined not more than \$2,000 or'; and
 - (B) by inserting `or fined under title 18, United States Code,' after `6 months,'; and
- (6) in subsection (e)(3), by striking `any violation' and inserting `any receipt, interception, divulgence, publication, or utilization of any communication in violation';
- (7) in subsection (e)(4), by striking `any other activity prohibited by subsection (a)' and inserting `any receipt, interception, divulgence, publication, or utilization of any communication in violation of subsection (a)'; and
- (8) by adding at the end of subsection (e) the following new paragraph:
` (7) Notwithstanding any other investigative or enforcement activities of any other Federal agency, the Commission shall investigate alleged violations of this section and may proceed to initiate action under section 503 of this Act to impose forfeiture penalties with respect to such violation upon conclusion of the Commission's investigation.'