particularly proud that my party has shown that it can be fiscally responsible. It can be fiscally responsible, where at the same time caring about other things that are important to the American people: investing in our future through education, protecting our seniors by making sure that they have health care and Social Security.

One final point. While we have accomplished a lot, there is still much to accomplish. Fiscal responsibility is not accomplished in one day. You cannot do it once and forget about it. It is a continual task. In the months and years ahead we must remain committed to that fiscal responsibility. I am proud that my party has made that commitment.

WIRELESS PRIVACY ENHANCEMENT ACT OF 1998

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 377 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 377

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2369) to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the committee on Commerce now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. CALVERT). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate.

Mr. Speaker, yesterday the Committee on Rules met and granted an open rule to H.R. 2369 which provides 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Commerce. The rule also waives points of order against consideration of the bill for failure to comply with the 3-day availability of committee reports.

House Resolution 377 also makes the Committee on Commerce amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment and provides that it shall be considered as read.

The rule allows for priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Votes may be postponed during consideration of the bill, and voting time may be reduced to 5 minutes if the postponed vote follows a 15-minute vote. Finally, the rule provides one motion to reconsider, with or without instructions.

The right to privacy is one of the most sacred rights our Founding Fathers fought and died to establish. Since the early days of our Nation, subsequent generations have defended this right. Today advanced technology provides the latest threat to each individual's privacy.

I was shocked to hear during testimony before the Committee on Rules yesterday that the FBI actually had to stop using cellular phones during the investigation of the TWA Flight 800 disaster because they were being intercepted by members of the press corps. We have to put a stop to that sort of thing.

It is not the high-tech geniuses that we have to worry about. Off-the-shelf scanners are easily modified to turn them into electronic stalking devices. Simply clip the correct wire and someone can listen in in your private conversations. An entire industry which produces these intrusive devices has sprung up.

H.R. 2369 is a bipartisan bill which will clearly permit the modification of scanners. It requires the FCC to develop regulations which extend existing protections to new services, including personal communications services, protected paging, and specialized mobile services. H.R. 2369 clearly states that intercepting wireless communications is illegal.

Finally, the bill requires that the FCC must investigate violations under this law. H.R. 2369 is a bipartisan bill which moved quickly through the Committee on Commerce and should be supported by the entire House. I urge all my colleagues to support this open rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 377 is an open rule allowing for full and free debate on a bill that seeks to enhance privacy for all commercial users of cellular technology, both analog and digital. H.R. 2369 takes into account the development of new technologies in digital cellular and digital personal communications services, the generations beyond analog wireless communication.

The bill also prohibits the manufacture or modification of off-the-shelf radio scanners which would be capable of intercepting digital cellular telephone communications. It is already illegal to manufacture or import such equipment capable of intercepting analog cellular communication; this legislation advances Federal law to deal with advances in technology since the law was enacted.

Mr. Speaker, this legislation requires the Federal Communications Commission to step up its enforcement of existing laws, as well as the new prohibitions which will be imposed by this proposal. This legislation makes a significant change in current law by providing that the act of scanning cellular communications is in and of itself illegal. Thus, the manufacture or the possession of the equipment capable of scanning these private conversations, as well as the actual scanning of private cellular communications, will be illegal.

Mr. Speaker, with enhanced enforcement on the part of the FCC, perhaps some of the predatory practices which threaten the privacy of the millions of cellular conversations that take place each and every day can be stopped.

Mr. Speaker, this bill was unanimously reported from the Committee on Commerce, and is one of importance in today's world of rapidly changing technological development. I urge support of this open rule and support of the bill.

Mr. GOSS. Mr. Speaker, I thank the gentlelady from North Carolina for yielding me time and I rise in strong support of this open rule.

I commend my friend from Louisiana, Chairman TAUZIN, for his leadership on this issue. He's right—we need to tighten current laws on wireless privacy. It's important to ensure that our constituents are afforded privacy protections when they are using their cell phones or other wireless devices. But we should remember that under current law it is already illegal to tap into wireless conversaiton—both Congress and the FCC have spoken on this matter.

It is abundantly clear that telecommunications technology is exceeding our regulatory protective efforts. As Chairman TAUZIN testified in Rules Committee yesterday, with the clip of a wire an off-the-shelf scanner can become a stalking device. Even FBI agents have testified that they no longer use their cellular phones for fear of being tapped.

H.R. 2369 makes some good improvements and toughens the penalties in certain cases—this is progress. But we need to recognize that no law will guarantee our privacy without rigorous enforcement of the law. As the cellular industry grows so will this problem—today's scanner crisis will be something far different tomorrow. What we can and must do is insist that the folks we charge with administering and enforcing these laws do so. I am hopeful that his commonsense legislation will send a strong message that we are serious about publishing those individuals who perpetrate these assaults on personal privacy.

I urge a "yes" vote on the rule as well as the underlying bill.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. MYRICK). Pursuant to House Resolution 377 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2369.

□ 1041

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2369) to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes, with Mr. CALVERT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Massachusetts (Mr. MARKEY) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I begin, let me take a moment to thank the subcommittee chairman, the gentleman from Louisiana (Mr. TAUZIN) for his outstanding effort on this important matter, and the ranking member of the subcommittee, the gentleman from Massachusetts (Mr. MARKEY). They have done fine work on this issue, and deserve the appreciation of the House. It is only because of their efforts that we are able to present this bipartisan package of amendments to the current wireless privacy law contained in H.R. 2369.

The House should know that while the Committee on Commerce learned about the problems of wireless privacy laws as a result of a phone call between the leaders of the House that was intercepted by a Florida couple, wireless privacy is not a partisan issue. The Clinton White House has to routinely remind its employees not to use cellular or pager communications for sensitive material because of eavesdropping. I believe all Members of this House would like their cellular calls to remain private.

In my own case, I had my cellular number pirated by somebody with a device, and ended up getting bills for calls from Baltimore and Annapolis when the House was in session.

H.R. 2369 is an effort to clarify that not all wireless communications are in the public domain. The airwaves are a public good, but the public is not free to intercept all wireless communications that just happen to pass through the air nearby. Congress made a decision long ago to protect private wireless conversations, and reaffirmed it in 1992. Private wireless conversations deserve privacy protections from unwanted listeners. Public communications, where there is no expectation of privacy, do not.

H.R. 2369 places new restrictions on scanner manufacturers to protect the development of the new wireless communications. The bill extends prohibitions on scanners capable of intercepting cellular frequency to other wireless technologies such as personal communications services and protected paging and specialized mobile radio services. Thus, we are making the determination that scanners should not be capable of intercepting these new communication services. This is the right policy to make.

Let me make it clear, though, that H.R. 2369 does not outlaw scanners nor restrict the manufacturers of scanners that enable scanning public communications.

□ 1045

This body recognizes that people use scanners for legitimate purposes. Our Nation's public safety community uses scanners to monitor emergency calls, coordinate appropriate responses, and provide assistance to our citizens in need. Congress has always had a strong appreciation for the members of the public safety community. We want to make sure that the public safety officials that put their lives on the line every day for our constituents are not threatened by undue scanner prohibitions. Scanners are not necessarily an evil.

However, it is also clear that some people use scanners for harmful, inappropriate activities. At the hearing on this issue, we learned that the news media is one of the largest violators of the law, often interfering with criminal or sensitive investigations of the police or enforcement agencies for their own gain.

To address this problem, H.R. 2369 tightens the prohibitions on intercepting wireless communications. These changes will expand the range of fines for violators and will make interception alone illegal. The changes will also force the Federal Communications Commission to investigate and enforce penalties for violators of these communications statutes.

Together, the new scanner restrictions and the heightened privacy standards will increase consumer security and privacy. Nothing can guarantee complete privacy for wireless communications. We must try to increase the privacy afforded users step-by-step.

H.R. 2369 does take the next positive step, and I ask all Members to support H.R. 2369. It is a balanced bill that will go a long way to help wireless communication users without threatening the legitimate use of scanners.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to begin by complimenting the gentleman from Louisiana (Mr. TAUZIN), chairman of the subcommittee, for the exemplary work which he has done on this legislation. It is very important legislation and it is legislation that really does help to fill a vacuum which has been created because of the advent of the digital era.

Mr. Chairman, I also thank the gentleman from Virginia (Mr. BLILEY), chairman of the full committee, for his work in making sure that this legislation is moved quickly, constructed properly, and that the American public get this protection as quickly as possible.

I also express my thanks on our side to the gentleman from Michigan (Mr. DINGELL) and all the Members who have been very much concerned about this legislation, who as well deserve credit for how quickly we have moved it out here.

In 1992, back in an era long gone by now when I was chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, I passed a piece of legislation which was signed into law by President Bush, outlawing radio scanners which were capable of listening in on cellular phone conversations because it was and it is illegal to eavesdrop on cellular phone conversations. The legislative intent at that time was to ensure that people could not manufacture, import, sell, or use scanners that allowed people to eavesdrop on people's cellular phone conversations.

The bill that we are dealing with today is quite straightforward. It is simply an extension of that previous policy, but catching up with the rapid change in technology. The central

point of the bill to simply extend the prohibition on the manufacturing of scanners to include not only cellular frequencies but also the frequencies used by the next generation of wireless technology, so-called PCS technologies, which are really digital technologies, microcellular telephone systems.

Mr. Chairman, digital technology actually makes it more difficult for unethical people to eavesdrop on individuals' private conversations, but it is not in and of itself a fail-safe technological inoculation against privacy invasions. For that reason, I believe that this legislation is absolutely necessary today. We must pass it.

In addition, I think that we should discuss as well the whole question of encryption policy. That is what kind of sound encryption policy can we put on the books in order to give people the ability to protect themselves with the best privacy-enhancing tools possible.

Mr. Chairman, important ethical questions loom for us. In fact, as a society, this rapid technological change affects us all, no matter where we live, no matter which technology we now use. And although aspects of our evolving national telecommunications policy and networks represent a new frontier from a technological standpoint, we must always remember that the fundamental principles of right and wrong stay the same whether we are in the real world or we are in the virtual world. The same fundamental principles have to remain intact.

Finally, Mr. Chairman, I feel very strongly that we need to establish basic privacy principles for the telecommunications arena. Just because personal information can be collected, just because it can be gleaned off of the airwaves, off of the Internet, or can be cross-referenced by computers into sophisticated data lists for sale to others, does not mean that it has been technologically predetermined that privacy rights and societal values have to bend to that technology.

Last year I introduced legislation that would establish a Privacy Bill of Rights for the information age. And I hope that we can begin to have the kinds of discussion in this Congress, in this country, that would ensure that we have fully dealt with the implications of this technological revolution, that we have given the technologically savvy protections to people that they are going to need to protect their financial data, their health data, their personal information, and that they have real rights to in fact ensure that their privacy is not in danger.

Mr. Chairman, today's bill addresses an important segment of our communications networks: The PCS wireless marketplace. It will be important for us as a society to pass this law, to give that protection, and then to move on to the even broader debate of the implications of our ever-expanding network of networks, the Internet, satellite, other wireless technologies, cable systems and others, so there is a broad-based Privacy Bill of Rights that every American is entitled to regardless of the technology which they are using.

Mr. Chairman, I look forward to using today's debate and discussion as a foundation for a larger debate about privacy in this new era, in this cyberspace era into which we have all been dragged, willingly or unwillingly, with all of our private information put out there for observation by those of which we know little and, in fact, should be quite concerned.

So I would like to say, again, the gentleman from Louisiana has identified this issue. He has been able to build a consensus on our committee that has made it possible for us to move forward in a dramatic presentation in our committee. He made quite clear to all of the Members how critical it was for us to move, and as a result, we are out here on the floor. The gentleman from Louisiana deserves great credit for this important legislation that moved so quickly.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first of all thank the gentleman from Virginia (Mr. BLILEY), chairman of the full committee, for his comments and support and his active assistance in the passage of this legislation. His statement I think in a very personal way again describes how important it is for Americans not only to have an expectation of privacy, but to have those of us in policy positions to reinforce and protect that expectation of privacy.

I also want to commend the gentleman from Texas (Mr. SAM JOHNSON), our colleague who last week indeed pushed forward the anticloning legislation which is aimed to protect against the cloning of telephone numbers and the stealing of people's property through that process. As the Chairman alluded to, this bill and that bill go hand-in-hand and are part of an ongoing process to redefine in a technological age privacy rights in America.

Mr. Chairman, let me quickly turn to the gentleman from Massachusetts (Mr. MARKEY), my dear friend for whom my respect and admiration has always been bountiful, and which continues to grow as our relationship in Congress continues to widen and expand. Let me tell this House that very often we fail to say thank you to those who precede us in the work we do, and I want to say publicly ''thank you'' to the gentleman from Massachusetts, former chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, for the very excellent work he and his committee has done in the past to build a record of support for privacy rights and the law upon which we build today an extension of those rights.

The gentleman has indeed been a leader in defining privacy rights in America in a technological age, and I want to pledge to the gentleman and to all of his past efforts, a continuation of that debate and I hope the full fruition of his goals and objectives, because I share them in defining privacy rights, not only in telephone service but on the Internet, in the broadband area; the privacy rights that should be able to protect people in their health records and their financial records as they do electronic commerce, in their property rights, and as people conduct business over the broadband services of satellite and wireless communications systems.

In that regard, let me further elaborate on the very important need for this legislation today and again commend all of my colleagues for the unanimous vote we received in the Committee on Commerce to report this bill to the floor.

Mr. Chairman, 43 million Americans now communicate via wireless cellular and PCS telephone devices. That does not even count the many millions of Americans who use cordless phones in their homes, which are indeed wireless devices inside our homes: 43 million Americans, 80 percent of which use wireless communications based upon the old analog system, which is easily compromised by scanners designed to do that.

In our committee room we demonstrated how with a small piece of wire and a soldering iron we could take a legal scanning device and convert it into an illegal scanning device. We used information that was being promoted on the Internet to learn how to do it. On the Internet there were companies advertising that they would take a legal scanner and convert it so that it would be a device to listen in on one's neighbors and friends as they tried to conduct private conversations on the telephone.

Literally, the problem is growing and becoming worse. We are told by the law enforcement community that while 43 million Americans are trying to communicate privately on their telephones, 10 million other Americans now have the technological power to listen in. That ought to be untenable in our society.

Mr. Chairman, the right of privacy is intricately related to our freedoms and liberty in our society. Take away the right of privacy and we deny Americans intimately of their basic rights to be free. If we cannot be free in our communications, how restricted are we in our rights to participate as citizens in a free society with thought and free speech, highly regarded and, in fact, deeply protected in our Constitution?

So we embark today on an effort to further protect the right of people to have that freedom, that right of privacy in an age when compromising communications technologically is becoming all too easy and all too accessible to people in our society.

Mr. Chairman, let me say it again, as the gentleman from Massachusetts, my friend, has said it. The fact that I have

the power to do something does not give me the right to do it. The fact that I have the power to harm someone physically does not give me the legal right to do it. The fact that I have the power to walk over to my neighbor's mailbox and intercept his mail and read it does not give me the right to do so. And Federal law prohibits that activity.

In the same way, the fact that someone has the power, the capacity with a technological device to listen in on our conversations that we have an expectation of privacy about does not give that person, or anyone in our society, the right to listen in without a proper court order, because in fact a court has determined that that is permissible.

Absent that fact, we all have an expectation of privacy, and we in government ought to do everything we can to protect that expectation of privacy. That is what this bill is about. This bill is designed to say in this analog era, as we move into a digital era where encryption, that is devices that are going to try to protect privacy in conversations and Internet communications, as these encryption devices are invented and as other smart people try to find technologically how to break into those encryption systems, we have nevertheless to say in law that while someone might be able to do it, while someone might be smart enough to intercept my conversation in the digital area, they still do not have a right to do it.

Mr. Chairman, this bill says to intercept it is a crime. To take that conversation and give it to someone else is a crime. To publish it is a crime, as is currently the law. And it also says to the FCC that they do not have to wait for the Federal Justice Department to give them permission to enforce this law.

□ 1100

You have to go out and protect the 43 million Americans who have a right to that protection. In short, this bill advances the freedom of Americans. It advances privacy rights, but it is just the first step. As my friend from Massachusetts said, we have much more work to do. We have much more to do in defining people's privacy rights and indeed to protect those rights as we move into a much more complicated age of communications in our society and in the world.

I again want to thank my friend from Massachusetts for his incredible collegial effort to make this happen today and for building the base upon which this law is constructed to further improve the rights of Americans.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

We have witnessed in the last 50 years in our country the rapid evolution of the personal computer. Moreover we have seen in the last few years the explosive growth of that global network of such machines that is called the Internet. Interestingly, a French Jesuit priest named Teilhard de Chardin talked about this emerging worldwide web. He wrote, however, not about the sheer wonder of a linked network of machinery, but, rather, about the true intelligence of such a network, the human aspect of it. In a book called The Formation of the Noosphere, a half century ago, he wrote the following: No one can deny that a network, a world network, of economic and psychic affiliations is being woven at ever-increasing speed which envelops and constantly penetrates more deeply within each of us. With every day that passes, it becomes a little more possible for us to act or to think otherwise than collectively.

This philosophy foreshadowed what we would hear later from Marshall McLuhan, and McLuhan constantly made reference to that Jesuit priest, Teilhard de Chardin, when McLuhan coined the phrase ''global village.'' But that in many ways was just secular shorthand for Teilhard's philosophy.

As a student at Boston College in the 1960s, I was taught this philosophy in the same way that the chairman of the full committee, the gentleman from Virginia (Mr. BLILEY), who is Jesuit-educated, as the gentleman from Michigan (Mr. DINGELL), who is the ranking Democrat on this committee who is Jesuit-educated, was also exposed to this very same philosophy of the interconnectiveness of all of us, the convergence of humans into a single massive noosphere, using the word ''noos'' for the word meaning ''mind'' in Greek.

Although Teilhard articulated his vision using a religious lexicon, his concept of a web of human connectivity that would envelop the Earth and be propelled by human consciousness sounds remarkably similar to today's Net, and because we have the chance to animate technology with human values, it is vitally important for us to ensure that the technology does not define us, but that we define the technology with the human values that we want it to embody.

There is a certain Dickensian quality to all of these technologies. It is the best of wires, and it is the worst of wires simultaneously. This wondrous set of telecommunications skills and technologies that makes it possible to build this new world of electronic commerce, to make it possible for children and schools across the country to be able to communicate on it, also has the capacity to compromise our privacy, to insinuate itself into our daily lives in ways in which we never anticipated.

The legislation which we have before us today is a very important step towards protecting citizens, animating it with human values that reflects the best of what humanity believes this technology can provide for us. While limiting the negative consequences, the unintended consequences that so much is a part of the very same dual personality of these technologies.

Again, I want to congratulate the gentleman from Louisiana.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself 30 seconds. Having been educated at Harvard on the Bayou, Nicholls State College in Louisiana, I deeply respect that philosophical training my friend has had. I take it from that that the Irish Catholic community is in support of this bill, and so is the Cajun Catholic community.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. I was going to ask the gentleman if he could translate what the gentleman from Massachusetts (Mr. MARKEY) said.

Mr. Chairman, I thank the gentlemen. Between the two of them they have hit every segment of the American educational level. We appreciate that.

However, I have to admit I understand him better than I do you. He speaks English.

The cellular telephone industry is growing rapidly. As we know, there is currently about 56 million Americans that use cellular phones today. One of the things that Thomas Jefferson said early on was there are three things we ought to do in America. One is take care of our foreign affairs, two is deliver the mail, and three is protect this Nation and the general welfare. That is precisely what this bill does, protects our people, this great America, against intrusion by anyone.

I want to thank the gentleman from Louisiana (Mr. TAUZIN) for coming to the telecommunications corridor in Richardson, Texas, which is just north of Dallas. As my colleagues know, every company, just about, is represented there. I would invite the gentleman from Massachusetts (Mr. MARKEY) to accompany the gentleman next time.

I tell my colleagues, the advance of technology is such that something has to be done to protect the American people. If Members recall, last week, the gentleman from Louisiana (Mr. TAUZIN) has already discussed it, Congress outlawed equipment that allows criminals to steal telephone numbers and run up bills to unsuspecting users. Today we are protecting the right to private conversation over cellular phones. If I am talking to my accountant, my banker, my wife or my children, I want to have the security that no one is recording my call or putting it out on CNN.

This bill does that, and it protects private conversation between two people. That is what America is all about. The gentleman mentioned it, the freedoms that we enjoy, that our servicemen have fought so long and so many years over to protect. Now we are adding one more protection.

I thank the gentleman from Louisiana and the gentleman from Massachusetts (Mr. MARKEY) for their bill. I hope it will pass overwhelmingly.

Mr. MARKEY. Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER), chairman of the Republican caucus.

Mr. BOEHNER. Mr. Chairman, I want to congratulate both the chairman and the ranking member of the Committee on Commerce and the Subcommittee on Telecommunications for bringing this bill to the floor. As another Jesuit-educated Member of this institution, I take with great pride my colleagues in the institution who have had the honor of being so educated.

Mr. Chairman, as we approach this new millennium, we are in the midst of a communications revolution that we have all come to call the information age. Just look around this Capitol complex. Virtually every Member and staffer is making use of new technology to keep them in closer contact with the people that they represent.

It is not just here in the Capitol. Whether it is a cell phone attached to an ear, as we call home from the road, whether it is a pager that is buzzing on our hip to remind us of our next appointment or a vote here on the floor, or the laptop computers that we use, many at this very moment checking on their latest e-mail, more than 50 million Americans use some sort of mobile electronic communication service each and every day.

Mr. Chairman, Americans are using the new technology of the information age to keep pace with the unbelievable demands of daily life in America today. And our privacy laws that allow them to do so freely and securely must keep pace as well. We have come to expect that the things we do in our homes and the calls that we make on our telephones will not be the subject of arbitrary eavesdropping or illegal snooping. And it is the responsibility of this Congress to ensure that this time-honored expectation prevails in America during this age of the information age.

Current technology is outpacing the law, so we need to modernize Federal law in order to meet the people's expectation of privacy. There are technology pirates who cruise the information highway in search of other people's private thoughts and secrets. Some do it as voyeurs and profiteers. Others do it to destroy their enemies. The reason is unimportant. What is important, however, is that this Congress respond and do so quickly.

The Wireless Privacy Enhancement Act that we are considering today will update the law to address the challenges of new technology and further strengthen penalties for those who choose to illegally intercept and divulge private conversations.

We have a responsibility to periodically update these Federal laws to maintain public confidence in new technology. And gray areas in current law affecting such things as digital phones, fax machines, pagers and computers demand that we act now.

In my mind there is no better example that exists for the need for protection against this kind of snooping than the illegal taping and distribution of a phone call, a cellular phone call between myself and some of my House colleagues last year. I made this call in December of 1996 using my wife's cell phone in her car during our Christmas vacation. While I spoke to several of my House colleagues, little did I know that my words and my expressions were being recorded and would end up as part of a public relations campaign to try to destroy the Speaker of this very House. The incident should prompt each of us to pause and to consider the importance of this legislation and this particular issue.

What are the American people to expect from technology pirates who step into the breach for illegal or immoral purposes? Today I speak from personal experience about the outrage and sense of powerlessness one feels when they learn that their expectation of privacy has been destroyed. The stakes are high in the battle for the law to keep pace with this new technology. If we fail to protect the American people's sense of privacy, if we fail to keep the door open to the next wave, we are actually shutting the door to the next wave of technological advances. We have closed the door on a key component of a brighter, more secure American future, and I do not think that is what any of us want to do.

The people's thirst for new gadgets and conveniences is tied to their belief that new technologies provide a basic level of security and privacy. If we stand by and allow the lawless and the obsessed to tape and reveal private words and comments, do we honestly expect the American people to trust and rely on this new wave of technology?

Mr. Chairman, it is time to bring the privacy laws of this Nation into the 21st century. I urge all my colleagues today to support this legislation and to send a strong and unequivocal message to all of those who would deny the American people some expectation of privacy with their wireless devices.

Our message should be plain and simple: If you violate someone's privacy, you are not creating idle mischief, you are breaking the law, and you will be brought to justice.

Mr. MARKEY. Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I just want to come down here to the House to lend my support and approval for H.R. 2369, the Wireless Privacy Enhancement Act. For me and my congressional district and for the State of Florida, the key, important aspect of this bill is the change made to protect the needs of the amateur radio community and the needs of news organizations and others that rely on scanners to perform their duties.

As my colleagues know, my home State of Florida is slightly susceptible to natural disasters, and we are just now beginning to recover from the horrific tornado-driven storms from the past weekend. Without the aid of the amateur radio operators, Florida would suffer more during these disasters. The operators perform an invaluable service in helping coordinate disaster assistance.

Mr. Chairman, I applaud the countless individuals who dedicate their time and services in order to help their neighbors in times of emergencies. Therefore, I applaud the efforts of the gentleman from Louisiana (Mr. TAUZIN) and the ranking member, the gentleman from Massachusetts (Mr. MARKEY) for addressing their needs.

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I strongly believe that this legislation will strengthen privacy in personal communications by allowing for the prosecution of either interception or divulgence of cellular and other radio communications, both analog and digital. This is a good bill. I thank the gentleman from Louisiana (Mr. TAUZIN) for his effectiveness in this matter.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I wanted to take a minute to compliment the gentleman from Florida (Mr. STEARNS) and his efforts at our subcommittee level indeed to make sure that our bill did not interfere with the rights of the legal standing community, the amateur radio operators who do assist dramatically in times of natural disaster. My home State of Louisiana as he knows was visited by Andrew as his was just a few years ago. We have a desperate need for the services. The work he did in our subcommittee to ensure that we did not interfere with those legitimate uses of scanners is an important aspect of this bill that I am very glad the gentleman highlighted today on the floor.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume. I would like to again thank the gentleman from Louisiana (Mr. TAUZIN) for his excellent work on this legislation. It is going to, I think, be looked back at as a very important piece of legislation. As we move from 30 to 40 to 50 to 60 million Americans with cell phones and PCS phones, they will be grateful that this law is on the books.

I want to thank the gentleman from Virginia (Mr. BLILEY), I want to thank the gentleman from Michigan (Mr. DINGELL), of course, on our side as well as all the others on our side. I would like to commend the staff: Whitney Fox; John Morabito; Tricia Paoletta, a Boston College graduate, I might add, Jesuit-trained; Mike O'Rielly, Andy Levin

and David Schooler for their work on the legislation as well; on my staff to Colin Crowell who has worked on these privacy-related issues for the last 6 or 7 years, becoming one of the Nation's real experts on the subject, all of them necessary in order to put this legislation together.

By the way, Colin is also a graduate of Boston College and Jesuit trained, as a result reflecting these larger values I think in the spiritual and practical sense that Teilhard would have wanted.

Mr. Chairman, I yield back the balance of my time with the hope that the Members will give unanimous support to this bill this morning.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume, indeed to close this debate and to again thank all the members of the committee who participated in this effort. As the gentleman from Massachusetts (Mr. MARKEY) has done before me, let me add my thanks to the staff. He has done them all the honor of naming them personally. Let me concur in that, in that commendation to each one of you. The work of the staff has always been marvelous in terms of support for making sure this language is properly crafted and properly completed.

I also wanted to add to that thanks to the staff of the gentleman from Michigan (Mr. DINGELL) and particularly to Andy Levin who has been an important part of this legislation and to the gentleman from Michigan personally for his assistance in working with us as a team as we usually do on the Subcommittee on Telecommunications to craft good legislation for our country.

In short, Mr. Chairman, this is but a first effort. Members will see us again on this floor, I hope very soon, talking about privacy rights on the Internet and privacy rights for Americans in their health care records, in their financial records, in their financial transactions as they literally explore these new technologies in learning to communicate in commerce with one another a great deal more than even we know today. In that regard as we come to this floor, our effort will continue to again define and redefine and enlarge the right of Americans to conduct their communications and their privacy transactions in a way that respects and enlarges upon that expectation of privacy.

Mr. QUINN. Mr. Chairman, although I was unable to attend today's debate, I would like to voice my full support for H.R. 2369, the Wireless Privacy Enhancement Act. I believe that privacy is a fundamental right of all American's. This bill secures privacy problems for all commercial cellular services, specialized radio devices and paging equipment. The bill requires the FCC to deny authorization to scanners that are equipped with decoders that could convert digital cellular, SMR's or PCS to analog voice, or convert paging to digital text. Please know that if I were able, I would have voted for the final passage of H.R. 2369.

Mr. TAUZIN. Mr. Chairman, with thanks to all who participated in this effort, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wireless Privacy Enhancement Act of 1998''.

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

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.

The CHAIRMAN. Are there any amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

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.''.

The CHAIRMAN. Are there any amendments to section 3?

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BOEHNER) having assumed the chair, Mr. CALVERT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2369) to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes, pursuant to House Resolution 377, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TAUZIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 414, nays 1, not voting 15, as follows:

[Roll No. 38]

YEAS—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—15

Doolittle
Gonzalez
Harman
Houghton
Jackson-Lee (TX)
Johnson, E. B.
Kilpatrick
Lofgren
Luther
Poshard
Quinn
Rodriguez
Ros-Lehtinen
Schiff
Shimkus

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Mr. KOLBE changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on rollcall No. 38, final passage of H.R. 2369, had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, I regret that due to unforeseen circumstances I was unable to vote on H.R. 2369 (Rollcall No. 38). If I had been present, I would have voted ''Aye''.

PERSONAL EXPLANATION

Ms. LOFGREN. Mr. Speaker, on rollcall vote No. 38, I was unavoidably detained at the White House. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on rollcall vote No. 38 I was unavoidably detained at the White House because of an important announcement for Houston. Houstonian Colonel Eileen Collins was named the first woman commander of the Space Shuttle. Had I been present, I would have voted ''yes.''

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2369, the bill just passed.

The SPEAKER pro tempore (Mr. CALVERT). Is there objection to the request of the gentleman from Louisiana?

There was no objection.