

Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Manufacture of Halon Blends, Intentional Release of Halon, Technician Training and Disposal of Halon and Halon-Containing Equipment (RIN: 2060-AH44) received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7735. A communication from the President of the United States, transmitting a report on Chemical and Biological Weapons Defense, pursuant to Condition 11(F) of the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997; (H. Doc. No. 105-224); to the Committee on International Relations and ordered to be printed.

7736. A letter from the Executive Director, Federal Labor Relations Authority, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7737. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Retirement and Insurance—Exemption From Continuity Of Coverage Requirements For Certain Decennial Census Employees With Dual Appointments (RIN: 3206-AI12) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7738. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Retirement and Insurance Benefits When An Annuitant Is Missing (RIN: 3206-AH75) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7739. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Supplemental Regulations for Administration of Midway Atoll National Wildlife Refuge (RIN: 1018-AE19) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7740. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Abandoned Mine Land Reclamation Fund Reauthorization Implementation (RIN: 1029-AB93) received February 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7741. A letter from the Acting Assistant Secretary, Employment and Training, Department of Labor, transmitting the Department's final rule—Procedures for H-2B Temporary Labor Certification in Non-agricultural Occupations [Title 20 CFR Parts 652, 655 and 656.40, 8 CFR 214.2(h), 408 FR 2587, GAL No. 1-95] received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7742. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASW-19 Sailplanes [Docket No. 97-CE-101-AD; Amendment 39-10357; AD 98-04-46] (RIN: 2120-AA64) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7743. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA-Groupe AEROSPATIALE Models TB9, TB10, and TB200 Airplanes [Docket No. 95-CE-70-AD; Amendment 39-10358; AD 98-04-47] (RIN: 2120-AA64) received March 3, 1998, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7744. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG-500M Gliders [Docket No. 97-CE-131-AD; Amendment 39-10342; AD 98-04-30] (RIN: 2120-AA64) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7745. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and F.28 Mark 0100 Series Airplanes [Docket No. 97-NM-274-AD; Amendment 39-10361; AD 98-04-50] (RIN: 2120-AA64) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7746. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of VOR Federal Airway V-204; Yakima, WA [Airspace Docket No. 97-ANM-22] (RIN: 2120-AA66) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7747. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4164, PW4168, and PW4168A Series Turbofan Engines [Docket No. 97-ANE-44-AD; Amendment 39-10326; AD 98-04-14] (RIN: 2120-AA64) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7748. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA-366G1 Helicopters [Docket No. 97-SW-09-AD; Amendment 39-10363; AD 98-05-01] (RIN: 2120-AA64) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7749. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Model 750 Airplanes [Docket No. 98-NM-38-AD; Amendment 39-10364; AD 98-05-02] (RIN: 2120-AA64) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7750. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100) Series Airplanes [Docket No. 96-NM-108-AD; Amendment 39-10356; AD 98-04-45] (RIN: 2120-AA64) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7751. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR72 Series Airplanes [Docket No. 97-NM-280-AD; Amendment 39-10354; AD 98-04-43] (RIN: 2120-AA64) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7752. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hull Examination Alternatives for Passenger Vessels [USCG-1998-3569] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7753. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operations Regulations; Tacoma Harbor, WA

[CGD13-98-001] (RIN: 2115-AE47) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7754. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Withdrawal from Federal Regulations of the Applicability to Alaska's Waters of Arsenic Human Health Criteria [FRL 5971-9] received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7755. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Update of Ports Subject to the Harbor Maintenance Fee [T.D. 97-45] (RIN: 1515-AA57) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7756. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Compensation for Certain Undiagnosed Illnesses (RIN: 2900-AI77) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7757. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Treatment of Research-Related Injuries to Human Subjects (RIN: 2900-AH68) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7758. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Change from dollar approximate separate transactions method of accounting/change (DASTM) to the profit and loss method of accounting/change from the profit and loss method to DASTM [TD 8765] (RIN: 1545-A124; 1545-AS68) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7759. A letter from the Chief Counsel, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 98-15] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7760. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Addition of Midland International Airport to List of Designated Landing Locations for Private Aircraft [T.D. 97-35] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7761. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Establishment of Port of Entry at Spirit of St. Louis Airport [T. D. 97-7] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶14.4 PROVIDING FOR THE

CONSIDERATION OF H.R. 2369

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (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 recommend with or without instructions.

When said resolution was considered. After debate,

On motion of Mrs. MYRICK, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶14.5 WIRELESS PRIVACY ENHANCEMENT

The SPEAKER pro tempore, Mrs. MYRICK, pursuant to House Resolution 377 and rule XXIII, declared the House resolved 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.

The SPEAKER pro tempore, Mrs. MYRICK, by unanimous consent, designated Mr. CALVERT as Chairman of the Committee of the Whole; and after some time spent therein,

After some further time, The SPEAKER pro tempore, Mr. BOEHNER, assumed the Chair.

When Mr. CALVERT, Chairman, pursuant to House Resolution 377, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

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

SEC. 2. COMMERCE IN ELECTRONIC EAVES-DROPPING 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."

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. BOEHNER, announced that the yeas had it.

Mr. TAUZIN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 414
Nays 1

¶14.6 [Roll No. 38] YEAS—414

Abercrombie	Berry	Buyer
Ackerman	Bilbray	Callahan
Aderholt	Bilirakis	Calvert
Allen	Bishop	Camp
Andrews	Blagojevich	Campbell
Archer	Bliley	Canady
Armey	Blumenauer	Cannon
Bachus	Blunt	Cardin
Baesler	Boehlert	Carson
Baker	Boehner	Castle
Baldacci	Bonilla	Chabot
Ballenger	Bonior	Chambliss
Barcia	Borski	Chenoweth
Barr	Boswell	Christensen
Barrett (NE)	Boucher	Clay
Barrett (WI)	Boyd	Clayton
Bartlett	Brady	Clement
Barton	Brown (CA)	Clyburn
Bass	Brown (FL)	Coble
Bateman	Brown (OH)	Coburn
Becerra	Bryant	Collins
Bentsen	Bunning	Combest
Bereuter	Burr	Condit
Berman	Burton	Conyers