

of the bill for failure to comply with clause 2(1)(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

Cook	Hooley	Neumann
Cooksey	Horn	Ney
Costello	Hostettler	Northup
Cox	Hoyer	Norwood
Coyne	Hulshof	Nussle
Cramer	Hunter	Oberstar
Crane	Hutchinson	Obey
Crapo	Hyde	Olver
Cubin	Inglis	Ortiz
Cummings	Istook	Owens
Cunningham	Jackson (IL)	Oxley
Danner	Jefferson	Packard
Davis (FL)	Jenkins	Pallone
Davis (IL)	John	Pappas
Davis (VA)	Johnson (CT)	Parker
Deal	Johnson (WI)	Pascarell
DeFazio	Johnson, Sam	Pastor
DeGette	Jones	Paxon
DeLahunt	Kanjorski	Payne
DeLauro	Kaptur	Pease
DeLay	Kasich	Pelosi
Deutsch	Kelly	Peterson (MN)
Diaz-Balart	Kennedy (MA)	Peterson (PA)
Dickey	Kennedy (RI)	Petri
Dicks	Kennelly	Pickering
Dingell	Kildee	Pickett
Dixon	Kim	Pitts
Doggett	Kind (WI)	Pombo
Dooley	King (NY)	Pomeroy
Doyle	Kingston	Porter
Dreier	Klecza	Portman
Duncan	Klink	Price (NC)
Dunn	Klug	Pryce (OH)
Edwards	Knollenberg	Radanovich
Ehlers	Kolbe	Rahall
Ehrlich	Kucinich	Ramstad
Emerson	LaFalce	Rangel
Engel	LaHood	Redmond
English	Lampson	Regula
Ensign	Lantos	Reyes
Eshoo	Largent	Riggs
Etheridge	Latham	Riley
Evans	LaTourette	Rivers
Everett	Lazio	Roemer
Ewing	Leach	Rogan
Farr	Levin	Rogers
Fattah	Lewis (CA)	Rohrabacher
Fawell	Lewis (GA)	Rothman
Fazio	Lewis (KY)	Roukema
Filner	Linder	Roybal-Allard
Foley	Lipinski	Royce
Forbes	Livingston	Rush
Ford	LoBiondo	Ryun
Fossella	Lowe	Sabo
Fowler	Lucas	Salmon
Fox	Maloney (CT)	Sanchez
Frank (MA)	Maloney (NY)	Sanders
Franks (NJ)	Manton	Sandlin
Frelinghuysen	Manzullo	Sanford
Frost	Markey	Sawyer
Furse	Martinez	Saxton
Gallegly	Mascara	Scarborough
Ganske	Matsui	Schaefer, Dan
Gejdenson	McCarthy (MO)	Schaffer, Bob
Gekas	McCarthy (NY)	Schumer
Gephardt	McCollum	Scott
Gibbons	McCrery	Sensenbrenner
Gilchrist	McDade	Serrano
Gillmor	McDermott	Sessions
Gilman	McGovern	Shadegg
Goode	McHale	Shaw
Goodlatte	McHugh	Shays
Goodling	McInnis	Sherman
Gordon	McIntosh	Shuster
Goss	McIntyre	Sisisky
Graham	McKeon	Skaggs
Granger	McKinney	Skeen
Green	McNulty	Skelton
Greenwood	Meehan	Slaughter
Gutierrez	Meek (FL)	Smith (MI)
Gutknecht	Meeke (NY)	Smith (NJ)
Hall (OH)	Menendez	Smith (OR)
Hall (TX)	Metcalf	Smith (TX)
Hamilton	Mica	Smith, Adam
Hansen	Millender-	Smith, Linda
Hastert	McDonald	Snowbarger
Hastings (FL)	Miller (CA)	Snyder
Hastings (WA)	Miller (FL)	Solomon
Hayworth	Minge	Souder
Hefley	Mink	Spence
Hefner	Moakley	Spratt
Heger	Mollohan	Stabenow
Hill	Moran (KS)	Stark
Hilleary	Moran (VA)	Stearns
Hilliard	Morella	Stenholm
Hinchee	Murtha	Stokes
Hinojosa	Myrick	Strickland
Hobson	Nadler	Stump
Hoekstra	Neal	Stupak
Holden	Nethercutt	Sununu

Talent	Trafigant	Weller
Tanner	Turner	Wexler
Tauscher	Upton	Weygand
Tauzin	Velazquez	White
Taylor (MS)	Vento	Whitfield
Taylor (NC)	Visclosky	Wicker
Thomas	Walsh	Wise
Thompson	Wamp	Wolf
Thornberry	Waters	Woolsey
Thune	Watkins	Wynn
Thurman	Watt (NC)	Yates
Tiahrt	Watts (OK)	Young (AK)
Tierney	Waxman	Young (FL)
Torres	Weldon (FL)	
Towns	Weldon (PA)	

NAYS—1

Paul
NOT VOTING—15

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

So the bill was passed.

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

Ordered. That the Clerk request the concurrence of the Senate in said bill.

¶14.7 PROVIDING FOR THE CONSIDERATION OF H.R. 3130

Ms. PRYCE, by direction of the Committee on Rules, called up the following resolution (H. Res. 378):

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. 3130) to provide for an alternative penalty procedure for states that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, and to provide for a more flexible penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, and to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act of 1974 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 Ways and Means. 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 Ways and Means now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with section 303(a) of the Congressional Budget Act of 1974 are waived. No amendment shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Points of order against the amendment printed in the Congressional Record and numbered 2 pursuant to clause 6 of rule XXIII for failure to comply with clause 7 of rule XVI are waived. 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.

When said resolution was considered.

After debate,

On motion of Ms. PRYCE, 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.

¶14.8 CHILD SUPPORT PERFORMANCE

The SPEAKER pro tempore, Mr. CALVERT, pursuant to House Resolution 378 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. 3130) to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, and to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements.

The SPEAKER pro tempore, Mr. CALVERT, by unanimous consent, designated Mrs. EMERSON as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. CAMP assumed the Chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. GILMAN, assumed the Chair.

When Mrs. EMERSON, Chairman, pursuant to House Resolution 378, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Support Performance and Incentive Act of 1998".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—CHILD SUPPORT DATA PROCESSING REQUIREMENTS

- Sec. 101. Alternative penalty procedure.
- Sec. 102. Authority to waive single State-wide automated data processing and information retrieval system requirement.