

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4922

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IN THE SENATE OF THE UNITED STATES

OCTOBER 6 (legislative day, SEPTEMBER 12), 1994

Received

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## AN ACT

To amend title 18, United States Code, to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **TITLE I—INTERCEPTION OF DIG-**  
4       **ITAL AND OTHER COMMU-**  
5       **NICATIONS**

6       **SEC. 101. SHORT TITLE.**

7       This title may be cited as the “Communications As-

8       sistance for Law Enforcement Act”.

1 **SEC. 102. DEFINITIONS.**

2 For purposes of this title:

3 (1) The terms defined in section 2510 of title  
4 18, United States Code, have, respectively, the  
5 meanings stated in that section.

6 (2) The term “call-identifying information”  
7 means dialing or signaling information that identi-  
8 fies the origin, direction, destination, or termination  
9 of each communication generated or received by a  
10 subscriber by means of any equipment, facility, or  
11 service of a telecommunications carrier.

12 (3) The term “Commission” means the Federal  
13 Communications Commission.

14 (4) The term “electronic messaging services”  
15 means software-based services that enable the shar-  
16 ing of data, images, sound, writing, or other infor-  
17 mation among computing devices controlled by the  
18 senders or recipients of the messages.

19 (5) The term “government” means the govern-  
20 ment of the United States and any agency or instru-  
21 mentality thereof, the District of Columbia, any  
22 commonwealth, territory, or possession of the United  
23 States, and any State or political subdivision thereof  
24 authorized by law to conduct electronic surveillance.

25 (6) The term “information services”—

1 (A) means the offering of a capability for  
2 generating, acquiring, storing, transforming,  
3 processing, retrieving, utilizing, or making  
4 available information via telecommunications;  
5 and

6 (B) includes—

7 (i) a service that permits a customer  
8 to retrieve stored information from, or file  
9 information for storage in, information  
10 storage facilities;

11 (ii) electronic publishing; and

12 (iii) electronic messaging services; but

13 (C) does not include any capability for a  
14 telecommunications carrier's internal manage-  
15 ment, control, or operation of its telecommuni-  
16 cations network.

17 (7) The term “telecommunications support  
18 services” means a product, software, or service used  
19 by a telecommunications carrier for the internal sig-  
20 naling or switching functions of its telecommuni-  
21 cations network.

22 (8) The term “telecommunications carrier”—

23 (A) means a person or entity engaged in  
24 the transmission or switching of wire or elec-

1 tronic communications as a common carrier for  
2 hire; and

3 (B) includes—

4 (i) a person or entity engaged in pro-  
5 viding commercial mobile service (as de-  
6 fined in section 332(d) of the Communica-  
7 tions Act of 1934 (47 U.S.C. 332(d))); or

8 (ii) a person or entity engaged in pro-  
9 viding wire or electronic communication  
10 switching or transmission service to the ex-  
11 tent that the Commission finds that such  
12 service is a replacement for a substantial  
13 portion of the local telephone exchange  
14 service and that it is in the public interest  
15 to deem such a person or entity to be a  
16 telecommunications carrier for purposes of  
17 this title; but

18 (C) does not include—

19 (i) persons or entities insofar as they  
20 are engaged in providing information serv-  
21 ices; and

22 (ii) any class or category of tele-  
23 communications carriers that the Commis-  
24 sion exempts by rule after consultation  
25 with the Attorney General.

1 **SEC. 103. ASSISTANCE CAPABILITY REQUIREMENTS.**

2 (a) CAPABILITY REQUIREMENTS.—Except as pro-  
3 vided in subsections (b), (c), and (d) of this section and  
4 sections 108(a) and 109 (b) and (d), a telecommunications  
5 carrier shall ensure that its equipment, facilities, or serv-  
6 ices that provide a customer or subscriber with the ability  
7 to originate, terminate, or direct communications are ca-  
8 pable of—

9 (1) expeditiously isolating and enabling the gov-  
10 ernment, pursuant to a court order or other lawful  
11 authorization, to intercept, to the exclusion of any  
12 other communications, all wire and electronic com-  
13 munications carried by the carrier within a service  
14 area to or from equipment, facilities, or services of  
15 a subscriber of such carrier concurrently with their  
16 transmission to or from the subscriber's equipment,  
17 facility, or service, or at such later time as may be  
18 acceptable to the government;

19 (2) expeditiously isolating and enabling the gov-  
20 ernment, pursuant to a court order or other lawful  
21 authorization, to access call-identifying information  
22 that is reasonably available to the carrier—

23 (A) before, during, or immediately after  
24 the transmission of a wire or electronic commu-  
25 nication (or at such later time as may be ac-  
26 ceptable to the government); and

1 (B) in a manner that allows it to be associ-  
2 ated with the communication to which it per-  
3 tains,

4 except that, with regard to information acquired  
5 solely pursuant to the authority for pen registers  
6 and trap and trace devices (as defined in section  
7 3127 of title 18, United States Code), such call-  
8 identifying information shall not include any infor-  
9 mation that may disclose the physical location of the  
10 subscriber (except to the extent that the location  
11 may be determined from the telephone number);

12 (3) delivering intercepted communications and  
13 call-identifying information to the government, pur-  
14 suant to a court order or other lawful authorization,  
15 in a format such that they may be transmitted by  
16 means of equipment, facilities, or services procured  
17 by the government to a location other than the  
18 premises of the carrier; and

19 (4) facilitating authorized communications  
20 interceptions and access to call-identifying informa-  
21 tion unobtrusively and with a minimum of inter-  
22 ference with any subscriber's telecommunications  
23 service and in a manner that protects—

1 (A) the privacy and security of communica-  
2 tions and call-identifying information not au-  
3 thorized to be intercepted; and

4 (B) information regarding the govern-  
5 ment's interception of communications and ac-  
6 cess to call-identifying information.

7 (b) LIMITATIONS.—

8 (1) DESIGN OF FEATURES AND SYSTEMS CON-  
9 FIGURATIONS.—This title does not authorize any law  
10 enforcement agency or officer—

11 (A) to require any specific design of equip-  
12 ment, facilities, services, features, or system  
13 configurations to be adopted by any provider of  
14 a wire or electronic communication service, any  
15 manufacturer of telecommunications equipment,  
16 or any provider of telecommunications support  
17 services; or

18 (B) to prohibit the adoption of any equip-  
19 ment, facility, service, or feature by any pro-  
20 vider of a wire or electronic communication  
21 service, any manufacturer of telecommuni-  
22 cations equipment, or any provider of tele-  
23 communications support services.

24 (2) INFORMATION SERVICES; PRIVATE NET-  
25 WORKS AND INTERCONNECTION SERVICES AND FA-

1 CILITIES.—The requirements of subsection (a) do  
2 not apply to—

3 (A) information services; or

4 (B) equipment, facilities, or services that  
5 support the transport or switching of commu-  
6 nications for private networks or for the sole  
7 purpose of interconnecting telecommunications  
8 carriers.

9 (3) ENCRYPTION.—A telecommunications car-  
10 rier shall not be responsible for decrypting, or ensur-  
11 ing the government’s ability to decrypt, any commu-  
12 nication encrypted by a subscriber or customer, un-  
13 less the encryption was provided by the carrier and  
14 the carrier possesses the information necessary to  
15 decrypt the communication.

16 (c) EMERGENCY OR EXIGENT CIRCUMSTANCES.—In  
17 emergency or exigent circumstances (including those de-  
18 scribed in sections 2518 (7) or (11)(b) and 3125 of title  
19 18, United States Code, and section 1805(e) of title 50  
20 of such Code), a carrier at its discretion may comply with  
21 subsection (a)(3) by allowing monitoring at its premises  
22 if that is the only means of accomplishing the interception  
23 or access.

24 (d) MOBILE SERVICE ASSISTANCE REQUIRE-  
25 MENTS.—A telecommunications carrier that is a provider



1 of commercial mobile service (as defined in section 332(d)  
2 of the Communications Act of 1934) offering a feature  
3 or service that allows subscribers to redirect, hand off, or  
4 assign their wire or electronic communications to another  
5 service area or another service provider or to utilize facili-  
6 ties in another service area or of another service provider  
7 shall ensure that, when the carrier that had been providing  
8 assistance for the interception of wire or electronic com-  
9 munications or access to call-identifying information pur-  
10 suant to a court order or lawful authorization no longer  
11 has access to the content of such communications or call-  
12 identifying information within the service area in which  
13 interception has been occurring as a result of the subscrib-  
14 er's use of such a feature or service, information is made  
15 available to the government (before, during, or imme-  
16 diately after the transfer of such communications) identi-  
17 fying the provider of wire or electronic communication  
18 service that has acquired access to the communications.

19 **SEC. 104. NOTICES OF CAPACITY REQUIREMENTS.**

20 (a) NOTICES OF MAXIMUM AND ACTUAL CAPACITY  
21 REQUIREMENTS.—

22 (1) IN GENERAL.—Not later than 1 year after  
23 the date of enactment of this title, after consulting  
24 with State and local law enforcement agencies, tele-  
25 communications carriers, providers of telecommuni-

1 cations support services, and manufacturers of tele-  
2 communications equipment, and after notice and  
3 comment, the Attorney General shall publish in the  
4 Federal Register and provide to appropriate tele-  
5 communications industry associations and standard-  
6 setting organizations—

7 (A) notice of the actual number of commu-  
8 nication interceptions, pen registers, and trap  
9 and trace devices, representing a portion of the  
10 maximum capacity set forth under subpara-  
11 graph (B), that the Attorney General estimates  
12 that government agencies authorized to conduct  
13 electronic surveillance may conduct and use si-  
14 multaneously by the date that is 4 years after  
15 the date of enactment of this title; and

16 (B) notice of the maximum capacity re-  
17 quired to accommodate all of the communica-  
18 tion interceptions, pen registers, and trap and  
19 trace devices that the Attorney General esti-  
20 mates that government agencies authorized to  
21 conduct electronic surveillance may conduct and  
22 use simultaneously after the date that is 4  
23 years after the date of enactment of this title.

24 (2) BASIS OF NOTICES.—The notices issued  
25 under paragraph (1)—

1 (A) may be based upon the type of equip-  
2 ment, type of service, number of subscribers,  
3 type or size of carrier, nature of service area,  
4 of any other measure; and

5 (B) shall identify, to the maximum extent  
6 practicable, the capacity required at specific ge-  
7 ographic locations.

8 (b) COMPLIANCE WITH CAPACITY NOTICES.—

9 (1) INITIAL CAPACITY.—Within 3 years after  
10 the publication by the Attorney General of a notice  
11 of capacity requirements or within 4 years after the  
12 date of enactment of this title, whichever is longer,  
13 a telecommunications carrier shall, subject to sub-  
14 section (e), ensure that its systems are capable of—

15 (A) accommodating simultaneously the  
16 number of interceptions, pen registers, and trap  
17 and trace devices set forth in the notice under  
18 subsection (a)(1)(A); and

19 (B) expanding to the maximum capacity  
20 set forth in the notice under subsection  
21 (a)(1)(B).

22 (2) EXPANSION TO MAXIMUM CAPACITY.—After  
23 the date described in paragraph (1), a telecommuni-  
24 cations carrier shall, subject to subsection (e), en-  
25 sure that it can accommodate expeditiously any in-

1       crease in the actual number of communication inter-  
2       ceptions, pen registers, and trap and trace devices  
3       that authorized agencies may seek to conduct and  
4       use, up to the maximum capacity requirement set  
5       forth in the notice under subsection (a)(1)(B).

6       (c) NOTICES OF INCREASED MAXIMUM CAPACITY  
7       REQUIREMENTS.—

8           (1) NOTICE.—The Attorney General shall peri-  
9       odically publish in the Federal Register, after notice  
10      and comment, notice of any necessary increases in  
11      the maximum capacity requirement set forth in the  
12      notice under subsection (a)(1)(B).

13          (2) COMPLIANCE.—Within 3 years after notice  
14      of increased maximum capacity requirements is pub-  
15      lished under paragraph (1), or within such longer  
16      time period as the Attorney General may specify, a  
17      telecommunications carrier shall, subject to sub-  
18      section (e), ensure that its systems are capable of  
19      expanding to the increased maximum capacity set  
20      forth in the notice.

21      (d) CARRIER STATEMENT.—Within 180 days after  
22      the publication by the Attorney General of a notice of ca-  
23      pacity requirements pursuant to subsection (a) or (c), a  
24      telecommunications carrier shall submit to the Attorney  
25      General a statement identifying any of its systems or serv-

1 ices that do not have the capacity to accommodate simul-  
2 taneously the number of interceptions, pen registers, and  
3 trap and trace devices set forth in the notice under such  
4 subsection.

5 (e) REIMBURSEMENT REQUIRED FOR COMPLI-  
6 ANCE.—The Attorney General shall review the statements  
7 submitted under subsection (d) and may, subject to the  
8 availability of appropriations, agree to reimburse a tele-  
9 communications carrier for costs directly associated with  
10 modifications to attain such capacity requirement that are  
11 determined to be reasonable in accordance with section  
12 109(e). Until the Attorney General agrees to reimburse  
13 such carrier for such modification, such carrier shall be  
14 considered to be in compliance with the capacity notices  
15 under subsection (a) or (c).

16 **SEC. 105. SYSTEMS SECURITY AND INTEGRITY.**

17 A telecommunications carrier shall ensure that any  
18 interception of communications or access to call-identify-  
19 ing information effected within its switching premises can  
20 be activated only in accordance with a court order or other  
21 lawful authorization and with the affirmative intervention  
22 of an individual officer or employee of the carrier acting  
23 in accordance with regulations prescribed by the Commis-  
24 sion.

1 **SEC. 106. COOPERATION OF EQUIPMENT MANUFACTURERS**  
2 **AND PROVIDERS OF TELECOMMUNICATIONS**  
3 **SUPPORT SERVICES.**

4 (a) CONSULTATION.—A telecommunications carrier  
5 shall consult, as necessary, in a timely fashion with manu-  
6 facturers of its telecommunications transmission and  
7 switching equipment and its providers of telecommuni-  
8 cations support services for the purpose of ensuring that  
9 current and planned equipment, facilities, and services  
10 comply with the capability requirements of section 103  
11 and the capacity requirements identified by the Attorney  
12 General under section 104.

13 (b) COOPERATION.—Subject to sections 104(e),  
14 108(a), and 109 (b) and (d), a manufacturer of tele-  
15 communications transmission or switching equipment and  
16 a provider of telecommunications support services shall,  
17 on a reasonably timely basis and at a reasonable charge,  
18 make available to the telecommunications carriers using  
19 its equipment, facilities, or services such features or modi-  
20 fications as are necessary to permit such carriers to com-  
21 ply with the capability requirements of section 103 and  
22 the capacity requirements identified by the Attorney Gen-  
23 eral under section 104.

24 **SEC. 107. TECHNICAL REQUIREMENTS AND STANDARDS;**  
25 **EXTENSION OF COMPLIANCE DATE.**

26 (a) SAFE HARBOR.—

1           (1) CONSULTATION.—To ensure the efficient  
2           and industry-wide implementation of the assistance  
3           capability requirements under section 103, the At-  
4           torney General, in coordination with other Federal,  
5           State, and local law enforcement agencies, shall con-  
6           sult with appropriate associations and standard-set-  
7           ting organizations of the telecommunications indus-  
8           try, with representatives of users of telecommuni-  
9           cations equipment, facilities, and services, and with  
10          State utility commissions.

11          (2) COMPLIANCE UNDER ACCEPTED STAND-  
12          ARDS.—A telecommunications carrier shall be found  
13          to be in compliance with the assistance capability re-  
14          quirements under section 103, and a manufacturer  
15          of telecommunications transmission or switching  
16          equipment or a provider of telecommunications sup-  
17          port services shall be found to be in compliance with  
18          section 106, if the carrier, manufacturer, or support  
19          service provider is in compliance with publicly avail-  
20          able technical requirements or standards adopted by  
21          an industry association or standard-setting organiza-  
22          tion, or by the Commission under subsection (b), to  
23          meet the requirements of section 103.

24          (3) ABSENCE OF STANDARDS.—The absence of  
25          technical requirements or standards for implement-

1       ing the assistance capability requirements of section  
2       103 shall not—

3               (A) preclude a telecommunications carrier,  
4               manufacturer, or telecommunications support  
5               services provider from deploying a technology or  
6               service; or

7               (B) relieve a carrier, manufacturer, or tele-  
8               communications support services provider of the  
9               obligations imposed by section 103 or 106, as  
10              applicable.

11       (b) COMMISSION AUTHORITY.—If industry associa-  
12       tions or standard-setting organizations fail to issue tech-  
13       nical requirements or standards or if a government agency  
14       or any other person believes that such requirements or  
15       standards are deficient, the agency or person may petition  
16       the Commission to establish, by rule, technical require-  
17       ments or standards that—

18              (1) meet the assistance capability requirements  
19              of section 103 by cost-effective methods;

20              (2) protect the privacy and security of commu-  
21              nications not authorized to be intercepted;

22              (3) minimize the cost of such compliance on  
23              residential ratepayers;



1           (4) serve the policy of the United States to en-  
2       courage the provision of new technologies and serv-  
3       ices to the public; and

4           (5) provide a reasonable time and conditions for  
5       compliance with and the transition to any new  
6       standard, including defining the obligations of tele-  
7       communications carriers under section 103 during  
8       any transition period.

9       (c) EXTENSION OF COMPLIANCE DATE FOR EQUIP-  
10     MENT, FACILITIES, AND SERVICES.—

11           (1) PETITION.—A telecommunications carrier  
12       proposing to install or deploy, or having installed or  
13       deployed, any equipment, facility, or service prior to  
14       the effective date of section 103 may petition the  
15       Commission for 1 or more extensions of the deadline  
16       for complying with the assistance capability require-  
17       ments under section 103.

18           (2) GROUNDS FOR EXTENSION.—The Commis-  
19       sion may, after consultation with the Attorney Gen-  
20       eral, grant an extension under this subsection, if the  
21       Commission determines that compliance with the as-  
22       sistance capability requirements under section 103 is  
23       not reasonably achievable through application of  
24       technology available within the compliance period.

1           (3) LENGTH OF EXTENSION.—An extension  
2           under this subsection shall extend for no longer than  
3           the earlier of—

4                   (A) the date determined by the Commis-  
5                   sion as necessary for the carrier to comply with  
6                   the assistance capability requirements under  
7                   section 103; or

8                   (B) the date that is 2 years after the date  
9                   on which the extension is granted.

10          (4) APPLICABILITY OF EXTENSION.—An exten-  
11          sion under this subsection shall apply to only that  
12          part of the carrier’s business on which the new  
13          equipment, facility, or service is used.

14   **SEC. 108. ENFORCEMENT ORDERS.**

15          (a) GROUNDS FOR ISSUANCE.—A court shall issue an  
16          order enforcing this title under section 2522 of title 18,  
17          United States Code, only if the court finds that—

18                   (1) alternative technologies or capabilities or  
19                   the facilities of another carrier are not reasonably  
20                   available to law enforcement for implementing the  
21                   interception of communications or access to call-  
22                   identifying information; and

23                   (2) compliance with the requirements of this  
24                   title is reasonably achievable through the application  
25                   of available technology to the equipment, facility, or

1 service at issue or would have been reasonably  
2 achievable if timely action had been taken.

3 (b) TIME FOR COMPLIANCE.—Upon issuing an order  
4 enforcing this title, the court shall specify a reasonable  
5 time and conditions for complying with its order, consider-  
6 ing the good faith efforts to comply in a timely manner,  
7 any effect on the carrier's, manufacturer's, or service pro-  
8 vider's ability to continue to do business, the degree of  
9 culpability or delay in undertaking efforts to comply, and  
10 such other matters as justice may require.

11 (c) LIMITATIONS.—An order enforcing this title may  
12 not—

13 (1) require a telecommunications carrier to  
14 meet the government's demand for interception of  
15 communications and acquisition of call-identifying  
16 information to any extent in excess of the capacity  
17 for which the Attorney General has agreed to reim-  
18 burse such carrier;

19 (2) require any telecommunications carrier to  
20 comply with assistance capability requirement of sec-  
21 tion 103 if the Commission has determined (pursu-  
22 ant to section 109(b)(1)) that compliance is not rea-  
23 sonably achievable, unless the Attorney General has  
24 agreed (pursuant to section 109(b)(2)) to pay the  
25 costs described in section 109(b)(2)(A); or

1           (3) require a telecommunications carrier to  
2       modify, for the purpose of complying with the assist-  
3       ance capability requirements of section 103, any  
4       equipment, facility, or service deployed on or before  
5       January 1, 1995, unless—

6           (A) the Attorney General has agreed to  
7       pay the telecommunications carrier for all rea-  
8       sonable costs directly associated with modifica-  
9       tions necessary to bring the equipment, facility,  
10      or service into compliance with those require-  
11      ments; or

12          (B) the equipment, facility, or service has  
13      been replaced or significantly upgraded or oth-  
14      erwise undergoes major modification.

15 **SEC. 109. PAYMENT OF COSTS OF TELECOMMUNICATIONS**  
16 **CARRIERS TO COMPLY WITH CAPABILITY RE-**  
17 **QUIREMENTS.**

18       (a) EQUIPMENT, FACILITIES, AND SERVICES DE-  
19 PLOYED ON OR BEFORE JANUARY 1, 1995.—The Attor-  
20 ney General may, subject to the availability of appropria-  
21 tions, agree to pay telecommunications carriers for all rea-  
22 sonable costs directly associated with the modifications  
23 performed by carriers in connection with equipment, facili-  
24 ties, and services installed or deployed on or before Janu-

1 ary 1, 1995, to establish the capabilities necessary to com-  
2 ply with section 103.

3 (b) EQUIPMENT, FACILITIES, AND SERVICES DE-  
4 PLOYED AFTER JANUARY 1, 1995.—

5 (1) DETERMINATIONS OF REASONABLY ACHIEV-  
6 ABLE.—The Commission, on petition from a tele-  
7 communications carrier or any other interested per-  
8 son, and after notice to the Attorney General, shall  
9 determine whether compliance with the assistance  
10 capability requirements of section 103 is reasonably  
11 achievable with respect to any equipment, facility, or  
12 service installed or deployed after January 1, 1995.  
13 The Commission shall make such determination  
14 within 1 year after the date such petition is filed. In  
15 making such determination, the Commission shall  
16 determine whether compliance would impose signifi-  
17 cant difficulty or expense on the carrier or on the  
18 users of the carrier's systems and shall consider the  
19 following factors:

20 (A) The effect on public safety and na-  
21 tional security.

22 (B) The effect on rates for basic residen-  
23 tial telephone service.

1           (C) The need to protect the privacy and  
2 security of communications not authorized to be  
3 intercepted.

4           (D) The need to achieve the capability as-  
5 sistance requirements of section 103 by cost-ef-  
6 fective methods.

7           (E) The effect on the nature and cost of  
8 the equipment, facility, or service at issue.

9           (F) The effect on the operation of the  
10 equipment, facility, or service at issue.

11           (G) The policy of the United States to en-  
12 courage the provision of new technologies and  
13 services to the public.

14           (H) The financial resources of the tele-  
15 communications carrier.

16           (I) The effect on competition in the provi-  
17 sion of telecommunications services.

18           (J) The extent to which the design and de-  
19 velopment of the equipment, facility, or service  
20 was initiated before January 1, 1995.

21           (K) Such other factors as the Commission  
22 determines are appropriate.

23           (2) COMPENSATION.—If compliance with the  
24 assistance capability requirements of section 103 is  
25 not reasonably achievable with respect to equipment,

1 facilities, or services deployed after January 1,  
2 1995—

3 (A) the Attorney General, on application of  
4 a telecommunications carrier, may agree, sub-  
5 ject to the availability of appropriations, to pay  
6 the telecommunications carrier for the addi-  
7 tional reasonable costs of making compliance  
8 with such assistance capability requirements  
9 reasonably achievable; and

10 (B) if the Attorney General does not agree  
11 to pay such costs, the telecommunications car-  
12 rier shall be deemed to be in compliance with  
13 such capability requirements.

14 (c) ALLOCATION OF FUNDS FOR PAYMENT.—The At-  
15 torney General shall allocate funds appropriated to carry  
16 out this title in accordance with law enforcement priorities  
17 determined by the Attorney General.

18 (d) FAILURE TO MAKE PAYMENT WITH RESPECT  
19 TO EQUIPMENT, FACILITIES, AND SERVICES DEPLOYED  
20 ON OR BEFORE JANUARY 1, 1995.—If a carrier has re-  
21 quested payment in accordance with procedures promul-  
22 gated pursuant to subsection (e), and the Attorney Gen-  
23 eral has not agreed to pay the telecommunications carrier  
24 for all reasonable costs directly associated with modifica-  
25 tions necessary to bring any equipment, facility, or service

1 deployed on or before January 1, 1995, into compliance  
2 with the assistance capability requirements of section 103,  
3 such equipment, facility, or service shall be considered to  
4 be in compliance with the assistance capability require-  
5 ments of section 103 until the equipment, facility, or serv-  
6 ice is replaced or significantly upgraded or otherwise un-  
7 dergoes major modification.

8 (e) COST CONTROL REGULATIONS.—

9 (1) IN GENERAL.—The Attorney General shall,  
10 after notice and comment, establish regulations nec-  
11 essary to effectuate timely and cost-efficient pay-  
12 ment to telecommunications carriers under this title,  
13 under chapters 119 and 121 of title 18, United  
14 States Code, and under the Foreign Intelligence  
15 Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

16 (2) CONTENTS OF REGULATIONS.—The Attor-  
17 ney General, after consultation with the Commission,  
18 shall prescribe regulations for purposes of determin-  
19 ing reasonable costs under this title. Such regula-  
20 tions shall seek to minimize the cost to the Federal  
21 Government and shall—

22 (A) permit recovery from the Federal Gov-  
23 ernment of—

24 (i) the direct costs of developing the  
25 modifications described in subsection (a),



1 of providing the capabilities requested  
2 under subsection (b)(2), or of providing  
3 the capacities requested under section  
4 104(e), but only to the extent that such  
5 costs have not been recovered from any  
6 other governmental or nongovernmental  
7 entity;

8 (ii) the costs of training personnel in  
9 the use of such capabilities or capacities;  
10 and

11 (iii) the direct costs of deploying or  
12 installing such capabilities or capacities;

13 (B) in the case of any modification that  
14 may be used for any purpose other than law-  
15 fully authorized electronic surveillance by a law  
16 enforcement agency of a government, permit re-  
17 covery of only the incremental cost of making  
18 the modification suitable for such law enforce-  
19 ment purposes; and

20 (C) maintain the confidentiality of trade  
21 secrets.

22 (3) SUBMISSION OF CLAIMS.—Such regulations  
23 shall require any telecommunications carrier that the  
24 Attorney General has agreed to pay for modifica-  
25 tions pursuant to this section and that has installed

1 or deployed such modification to submit to the At-  
2 torney General a claim for payment that contains or  
3 is accompanied by such information as the Attorney  
4 General may require.

5 **SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated to carry out  
7 this title a total of \$500,000,000 for fiscal years 1995,  
8 1996, 1997, and 1998. Such sums are authorized to re-  
9 main available until expended.

10 **SEC. 111. EFFECTIVE DATE.**

11 (a) IN GENERAL.—Except as provided in subsection  
12 (b), this title shall take effect on the date of enactment  
13 of this Act.

14 (b) ASSISTANCE CAPABILITY AND SYSTEMS SECU-  
15 RITY AND INTEGRITY REQUIREMENTS.—Sections 103 and  
16 105 of this title shall take effect on the date that is 4  
17 years after the date of enactment of this Act.

18 **SEC. 112. REPORTS.**

19 (a) REPORTS BY THE ATTORNEY GENERAL.—

20 (1) IN GENERAL.—On or before November 30,  
21 1995, and on or before November 30 of each year  
22 thereafter, the Attorney General shall submit to  
23 Congress and make available to the public a report  
24 on the amounts paid during the preceding fiscal year

1 to telecommunications carriers under sections 104(e)  
2 and 109.

3 (2) CONTENTS.—A report under paragraph (1)  
4 shall include—

5 (A) a detailed accounting of the amounts  
6 paid to each carrier and the equipment, facility,  
7 or service for which the amounts were paid; and

8 (B) projections of the amounts expected to  
9 be paid in the current fiscal year, the carriers  
10 to which payment is expected to be made, and  
11 the equipment, facilities, or services for which  
12 payment is expected to be made.

13 (b) REPORTS BY THE COMPTROLLER GENERAL.—

14 (1) PAYMENTS FOR MODIFICATIONS.—On or  
15 before April 1, 1996, and every 2 years thereafter,  
16 the Comptroller General of the United States, after  
17 consultation with the Attorney General and the tele-  
18 communications industry, shall submit to the Con-  
19 gress a report—

20 (A) describing the type of equipment, fa-  
21 cilities, and services that have been brought  
22 into compliance under this title; and

23 (B) reflecting its analysis of the reason-  
24 ableness and cost-effectiveness of the payments  
25 made by the Attorney General to telecommuni-

1           cations carriers for modifications necessary to  
2           ensure compliance with this title.

3           (2) COMPLIANCE COST ESTIMATES.—A report  
4           under paragraph (1) shall include the findings and  
5           conclusions of the Comptroller General on the costs  
6           to be incurred by telecommunications carriers to  
7           comply with the assistance capability requirements  
8           of section 103 after the effective date of such section  
9           103, including projections of the amounts expected  
10          to be incurred and a description of the equipment,  
11          facilities, or services for which they are expected to  
12          be incurred.

13           **TITLE II—AMENDMENTS TO**  
14           **TITLE 18, UNITED STATES CODE**

15           **SEC. 201. COURT ENFORCEMENT OF COMMUNICATIONS AS-**  
16           **SISTANCE FOR LAW ENFORCEMENT ACT.**

17           (a) COURT ORDERS UNDER CHAPTER 119.—Chapter  
18           119 of title 18, United States Code, is amended by insert-  
19           ing after section 2521 the following new section:

20           **“§ 2522. Enforcement of the Communications Assist-**  
21           **ance for Law Enforcement Act**

22           “(a) ENFORCEMENT BY COURT ISSUING SURVEIL-  
23           LANCE ORDER.—If a court authorizing an interception  
24           under this chapter, a State statute, or the Foreign Intel-  
25           ligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)

1 or authorizing use of a pen register or a trap and trace  
2 device under chapter 206 or a State statute finds that a  
3 telecommunications carrier has failed to comply with the  
4 requirements of the Communications Assistance for Law  
5 Enforcement Act, the court may, in accordance with sec-  
6 tion 108 of such Act, direct that the carrier comply forth-  
7 with and may direct that a provider of support services  
8 to the carrier or the manufacturer of the carrier's trans-  
9 mission or switching equipment furnish forthwith modi-  
10 fications necessary for the carrier to comply.

11       “(b) ENFORCEMENT UPON APPLICATION BY ATTOR-  
12 NEY GENERAL.—The Attorney General may, in a civil ac-  
13 tion in the appropriate United States district court, obtain  
14 an order, in accordance with section 108 of the Commu-  
15 nications Assistance for Law Enforcement Act, directing  
16 that a telecommunications carrier, a manufacturer of tele-  
17 communications transmission or switching equipment, or  
18 a provider of telecommunications support services comply  
19 with such Act.

20       “(c) CIVIL PENALTY.—

21               “(1) IN GENERAL.—A court issuing an order  
22 under this section against a telecommunications car-  
23 rier, a manufacturer of telecommunications trans-  
24 mission or switching equipment, or a provider of  
25 telecommunications support services may impose a

1 civil penalty of up to \$10,000 per day for each day  
2 in violation after the issuance of the order or after  
3 such future date as the court may specify.

4 “(2) CONSIDERATIONS.—In determining wheth-  
5 er to impose a civil penalty and in determining its  
6 amount, the court shall take into account—

7 “(A) the nature, circumstances, and extent  
8 of the violation;

9 “(B) the violator’s ability to pay, the viola-  
10 tor’s good faith efforts to comply in a timely  
11 manner, any effect on the violator’s ability to  
12 continue to do business, the degree of culpabil-  
13 ity, and the length of any delay in undertaking  
14 efforts to comply; and

15 “(C) such other matters as justice may re-  
16 quire.

17 “(d) DEFINITIONS.—As used in this section, the  
18 terms defined in section 102 of the Communications As-  
19 sistance for Law Enforcement Act have the meanings pro-  
20 vided, respectively, in such section.”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) Section 2518(4) of title 18, United States  
23 Code, is amended by adding at the end the following  
24 new sentence: “Pursuant to section 2522 of this  
25 chapter, an order may also be issued to enforce the

1 assistance capability and capacity requirements  
2 under the Communications Assistance for Law En-  
3 forcement Act.”.

4 (2) Section 3124 of such title is amended by  
5 adding at the end the following new subsection:

6 “(f) COMMUNICATIONS ASSISTANCE ENFORCEMENT  
7 ORDERS.—Pursuant to section 2522, an order may be is-  
8 sued to enforce the assistance capability and capacity re-  
9 quirements under the Communications Assistance for Law  
10 Enforcement Act.”.

11 (3) The table of sections at the beginning of  
12 chapter 119 of title 18, United States Code, is  
13 amended by inserting after the item pertaining to  
14 section 2521 the following new item:

“2522. Enforcement of the Communications Assistance for Law Enforcement  
Act.”.

15 **SEC. 202. CORDLESS TELEPHONES.**

16 (a) DEFINITIONS.—Section 2510 of title 18, United  
17 States Code, is amended—

18 (1) in paragraph (1), by striking “, but such  
19 term does not include” and all that follows through  
20 “base unit”; and

21 (2) in paragraph (12), by striking subpara-  
22 graph (A) and redesignating subparagraphs (B),  
23 (C), and (D) as subparagraphs (A), (B), and (C),  
24 respectively.

1 (b) PENALTY.—Section 2511 of title 18, United  
2 States Code, is amended—

3 (1) in subsection (4)(b)(i) by inserting “a  
4 cordless telephone communication that is transmit-  
5 ted between the cordless telephone handset and the  
6 base unit,” after “cellular telephone communica-  
7 tion,”; and

8 (2) in subsection (4)(b)(ii) by inserting “a  
9 cordless telephone communication that is transmit-  
10 ted between the cordless telephone handset and the  
11 base unit,” after “cellular telephone communica-  
12 tion,”.

13 **SEC. 203. RADIO-BASED DATA COMMUNICATIONS.**

14 Section 2510(16) of title 18, United States Code, is  
15 amended—

16 (1) by striking “or” at the end of subparagraph  
17 (D);

18 (2) by inserting “or” at the end of subpara-  
19 graph (E); and

20 (3) by inserting after subparagraph (E) the fol-  
21 lowing new subparagraph:

22 “(F) an electronic communication;”



1 **SEC. 204. PENALTIES FOR MONITORING RADIO COMMU-**  
 2 **NICATIONS THAT ARE TRANSMITTED USING**  
 3 **MODULATION TECHNIQUES WITH**  
 4 **NONPUBLIC PARAMETERS.**

5 Section 2511(4)(b) of title 18, United States Code,  
 6 is amended by striking “or encrypted, then” and inserting  
 7 “, encrypted, or transmitted using modulation techniques  
 8 the essential parameters of which have been withheld from  
 9 the public with the intention of preserving the privacy of  
 10 such communication, then”.

11 **SEC. 205. TECHNICAL CORRECTION.**

12 Section 2511(2)(a)(i) of title 18, United States Code,  
 13 is amended by striking “used in the transmission of a wire  
 14 communication” and inserting “used in the transmission  
 15 of a wire or electronic communication”.

16 **SEC. 206. FRAUDULENT ALTERATION OF COMMERCIAL MO-**  
 17 **BILE RADIO INSTRUMENTS.**

18 (a) OFFENSE.—Section 1029(a) of title 18, United  
 19 States Code, is amended—

20 (1) by striking “or” at the end of paragraph  
 21 (3); and

22 (2) by inserting after paragraph (4) the follow-  
 23 ing new paragraphs:

24 “(5) knowingly and with intent to defraud uses,  
 25 produces, traffics in, has control or custody of, or  
 26 possesses a telecommunications instrument that has

1       been modified or altered to obtain unauthorized use  
2       of telecommunications services; or

3               “(6) knowingly and with intent to defraud uses,  
4       produces, traffics in, has control or custody of, or  
5       possesses—

6                       “(A) a scanning receiver; or

7                       “(B) hardware or software used for alter-  
8       ing or modifying telecommunications instru-  
9       ments to obtain unauthorized access to tele-  
10       communications services,”.

11       (b) PENALTY.—Section 1029(c)(2) of title 18, United  
12       States Code, is amended by striking “(a)(1) or (a)(4)” and  
13       inserting “(a) (1), (4), (5), or (6)”.

14       (c) DEFINITIONS.—Section 1029(e) of title 18, Unit-  
15       ed States Code, is amended—

16               (1) in paragraph (1) by inserting “electronic se-  
17       rial number, mobile identification number, personal  
18       identification number, or other telecommunications  
19       service, equipment, or instrument identifier,” after  
20       “account number,”;

21               (2) by striking “and” at the end of paragraph  
22       (5);

23               (3) by striking the period at the end of para-  
24       graph (6) and inserting “; and”; and

1           (4) by adding at the end the following new  
2 paragraph:

3           “(7) the term ‘scanning receiver’ means a de-  
4 vice or apparatus that can be used to intercept a  
5 wire or electronic communication in violation of  
6 chapter 119.”.

7 **SEC. 207. TRANSACTIONAL DATA.**

8           (a) DISCLOSURE OF RECORDS.—Section 2703 of title  
9 18, United States Code, is amended—

10           (1) in subsection (c)(1)—

11           (A) in subparagraph (B)—

12           (i) by striking clause (i); and

13           (ii) by redesignating clauses (ii), (iii),  
14 and (iv) as clauses (i), (ii), and (iii), re-  
15 spectively; and

16           (B) by adding at the end the following new  
17 subparagraph:

18           “(C) A provider of electronic communication service  
19 or remote computing service shall disclose to a govern-  
20 mental entity the name, address, telephone toll billing  
21 records, telephone number or other subscriber number or  
22 identity, and length of service of a subscriber to or cus-  
23 tomer of such service and the types of services the sub-  
24 scriber or customer utilized, when the governmental entity  
25 uses an administrative subpoena authorized by a Federal

1 or State statute or a Federal or State grand jury or trial  
2 subpoena or any means available under subparagraph  
3 (B).”; and

4 (2) by amending the first sentence of subsection  
5 (d) to read as follows: “A court order for disclosure  
6 under subsection (b) or (c) may be issued by any  
7 court that is a court of competent jurisdiction de-  
8 scribed in section 3126(2)(A) and shall issue only if  
9 the governmental entity offers specific and  
10 articulable facts showing that there are reasonable  
11 grounds to believe that the contents of a wire or  
12 electronic communication, or the records or other in-  
13 formation sought, are relevant and material to an  
14 ongoing criminal investigation.”.

15 (b) PEN REGISTERS AND TRAP AND TRACE DE-  
16 VICES.—Section 3121 of title 18, United States Code, is  
17 amended—

18 (1) by redesignating subsection (c) as sub-  
19 section (d); and

20 (2) by inserting after subsection (b) the follow-  
21 ing new subsection:

22 “(c) LIMITATION.—A government agency authorized  
23 to install and use a pen register under this chapter or  
24 under State law shall use technology reasonably available  
25 to it that restricts the recording or decoding of electronic

1 or other impulses to the dialing and signaling information  
 2 utilized in call processing.”.

3 **SEC. 208. AUTHORIZATION FOR ACTING DEPUTY ATTOR-**  
 4 **NEYS GENERAL IN THE CRIMINAL DIVISION**  
 5 **TO APPROVE CERTAIN COURT APPLICA-**  
 6 **TIONS.**

7 Section 2516(1) of title 18, United States Code, is  
 8 amended by inserting “or acting Deputy Assistant Attor-  
 9 ney General” after “Deputy Assistant Attorney General”.

10 **TITLE III—AMENDMENTS TO**  
 11 **THE COMMUNICATIONS ACT**  
 12 **OF 1934**

13 **SEC. 301. COMPLIANCE COST RECOVERY.**

14 Title II of the Communications Act of 1934 is  
 15 amended by inserting after section 228 (47 U.S.C. 228)  
 16 the following new section:

17 **“SEC. 229. COMMUNICATIONS ASSISTANCE FOR LAW EN-**  
 18 **FORCEMENT ACT COMPLIANCE.**

19 “(a) IN GENERAL.—The Commission shall prescribe  
 20 such rules as are necessary to implement the requirements  
 21 of the Communications Assistance for Law Enforcement  
 22 Act.

23 “(b) SYSTEMS SECURITY AND INTEGRITY.—The  
 24 rules prescribed pursuant to subsection (a) shall include  
 25 rules to implement section 105 of the Communications As-

1 sistance for Law Enforcement Act that require common  
2 carriers—

3 “(1) to establish appropriate policies and proce-  
4 dures for the supervision and control of its officers  
5 and employees—

6 “(A) to require appropriate authorization  
7 to activate interception of communications or  
8 access to call-identifying information; and

9 “(B) to prevent any such interception or  
10 access without such authorization;

11 “(2) to maintain secure and accurate records of  
12 any interception or access with or without such au-  
13 thorization; and

14 “(3) to submit to the Commission the policies  
15 and procedures adopted to comply with the require-  
16 ments established under paragraphs (1) and (2).

17 “(c) COMMISSION REVIEW OF COMPLIANCE.—The  
18 Commission shall review the policies and procedures sub-  
19 mitted under subsection (b)(3) and shall order a common  
20 carrier to modify any such policy or procedure that the  
21 Commission determines does not comply with Commission  
22 regulations. The Commission shall conduct such investiga-  
23 tions as may be necessary to insure compliance by common  
24 carriers with the requirements of the regulations pre-  
25 scribed under this section.

1       “(d) PENALTIES.—For purposes of this Act, a viola-  
2       tion by an officer or employee of any policy or procedure  
3       adopted by a common carrier pursuant to subsection (b),  
4       or of a rule prescribed by the Commission pursuant to  
5       subsection (a), shall be considered to be a violation by the  
6       carrier of a rule prescribed by the Commission pursuant  
7       to this Act.

8       “(e) COST RECOVERY FOR COMMUNICATIONS AS-  
9       SISTANCE FOR LAW ENFORCEMENT ACT COMPLIANCE.—

10       “(1) PETITIONS AUTHORIZED.—A common car-  
11       rier may petition the Commission to adjust charges,  
12       practices, classifications, and regulations to recover  
13       costs expended for making modifications to equip-  
14       ment, facilities, or services pursuant to the require-  
15       ments of section 103 of the Communications Assist-  
16       ance for Law Enforcement Act.

17       “(2) COMMISSION AUTHORITY.—The Commis-  
18       sion may grant, with or without modification, a peti-  
19       tion under paragraph (1) if the Commission deter-  
20       mines that such costs are reasonable and that per-  
21       mitting recovery is consistent with the public inter-  
22       est. The Commission may, consistent with maintain-  
23       ing just and reasonable charges, practices, classifica-  
24       tions, and regulations in connection with the provi-  
25       sion of interstate or foreign communication by wire

1 or radio by a common carrier, allow carriers to ad-  
 2 just such charges, practices, classifications, and reg-  
 3 ulations in order to carry out the purposes of this  
 4 Act.

5 “(3) JOINT BOARD.—The Commission shall  
 6 convene a Federal-State joint board to recommend  
 7 appropriate changes to part 36 of the Commission’s  
 8 rules with respect to recovery of costs pursuant to  
 9 charges, practices, classifications, and regulations  
 10 under the jurisdiction of the Commission.”.

11 **SEC. 302. RECOVERY OF COST OF COMMISSION PROCEED-**  
 12 **INGS.**

13 The schedule of application fees in section 8(g) of the  
 14 Communications Act of 1934 (47 U.S.C. 158(g)) is  
 15 amended by inserting under item 1 of the matter pertain-  
 16 ing to common carrier services the following additional  
 17 subitem:

“d. Proceeding under section 109(b) of the Communications  
 Assistance for Law Enforcement Act ..... 5,000”.

18 **SEC. 303. CLERICAL AND TECHNICAL AMENDMENTS.**

19 (a) AMENDMENTS TO THE COMMUNICATIONS ACT OF  
 20 1934.—The Communications Act of 1934 is amended—

21 (1) in section 4(f)(3), by striking “overtime ex-  
 22 ceeds beyond” and inserting “overtime extends be-  
 23 yond”;



1 (2) in section 5, by redesignating subsection (f)  
2 as subsection (e);

3 (3) in section 8(d)(2), by striking “payment of  
4 a” and inserting “payment of an”;

5 (4) in the schedule contained in section 8(g), in  
6 item 7.f. under the heading “EQUIPMENT APPROVAL  
7 SERVICES/EXPERIMENTAL RADIO” by striking “Addi-  
8 tional Charge” and inserting “Additional Application  
9 Fee”;

10 (5) in section 9(f)(1), by inserting before the  
11 second sentence the following:

12 “(2) INSTALLMENT PAYMENTS.—”;

13 (6) in the schedule contained in section 9(g), in  
14 the item pertaining to interactive video data services  
15 under the private radio bureau, insert “95” after  
16 “47 C.F.R. Part”;

17 (7) in section 220(a)—

18 (A) by inserting “(1)” after “(a); and

19 (B) by adding at the end the following new  
20 paragraph:

21 “(2) The Commission shall, by rule, prescribe a uni-  
22 form system of accounts for use by telephone companies.  
23 Such uniform system shall require that each common car-  
24 rier shall maintain a system of accounting methods, proce-  
25 dures, and techniques (including accounts and supporting

1 records and memoranda) which shall ensure a proper allo-  
2 cation of all costs to and among telecommunications serv-  
3 ices, facilities, and products (and to and among classes  
4 of such services, facilities, and products) which are devel-  
5 oped, manufactured, or offered by such common carrier.”;

6 (8) in section 220(b), by striking “clasess” and  
7 inserting “classes”;

8 (9) in section 223(b)(3), by striking “defendant  
9 restrict access” and inserting “defendant restricted  
10 access”;

11 (10) in section 226(d), by striking paragraph  
12 (2) and redesignating paragraphs (3) and (4) as  
13 paragraphs (2) and (3), respectively;

14 (11) in section 227(b)(2)(C), by striking “para-  
15 graphs” and inserting “paragraph”;

16 (12) in section 227(e)(2), by striking “national  
17 database” and inserting “national database”;

18 (13) in section 228(c), by redesignating the sec-  
19 ond paragraph (2) and paragraphs (3) through (6)  
20 as paragraphs (3) through (7), respectively;

21 (14) in section 228(c)(6)(D), by striking “con-  
22 servation” and inserting “conversation”;

23 (15) in section 308(c), by striking “May 24,  
24 1921” and inserting “May 27, 1921”;

1           (16) in section 309(c)(2)(F), by striking “sec-  
2       tion 325(b)” and inserting “section 325(c)”;

3           (17) in section 309(i)(4)(A), by striking “Com-  
4       munications Technical Amendments Act of 1982”  
5       and inserting “Communications Amendments Act of  
6       1982”;

7           (18) in section 331, by amending the heading  
8       of such section to read as follows:

9       “VERY HIGH FREQUENCY STATIONS AND AM RADIO  
10                               STATIONS”;

11          (19) in section 358, by striking “(a)”;

12          (20) in part III of title III—

13               (A) by inserting before section 381 the fol-  
14       lowing heading:

15       “VESSELS TRANSPORTING MORE THAN SIX PASSENGERS  
16       FOR HIRE REQUIRED TO BE EQUIPPED WITH RADIO  
17       TELEPHONE”;

18               (B) by inserting before section 382 the fol-  
19       lowing heading:

20       “VESSELS EXCEPTED FROM RADIO TELEPHONE  
21                               REQUIREMENT”;

22               (C) by inserting before section 383 the fol-  
23       lowing heading:

24       “EXEMPTIONS BY COMMISSION”;

25               (D) by inserting before section 384 the fol-  
26       lowing heading:

1           “AUTHORITY OF COMMISSION; OPERATIONS,  
2       INSTALLATIONS, AND ADDITIONAL EQUIPMENT”;

3           (E) by inserting before section 385 the fol-  
4       lowing heading:

5           “INSPECTIONS”; and

6           (F) by inserting before section 386 the fol-  
7       lowing heading:

8           “FORFEITURES”;

9           (21) in section 410(c), by striking “, as referred  
10      to in sections 202(b) and 205(f) of the Interstate  
11      Commerce Act,”;

12          (22) in section 613(b)(2), by inserting a comma  
13      after “pole” and after “line”;

14          (23) in section 624(d)(2)(A), by inserting “of”  
15      after “viewing”;

16          (24) in section 634(h)(1), by striking “section  
17      602(6)(A)” and inserting “section 602(7)(A)”;

18          (25) in section 705(d)(6), by striking “sub-  
19      section (d)” and inserting “subsection (e)”;

20          (26) in section 705(e)(3)(A), by striking “para-  
21      graph (4) of subsection (d)” and inserting “para-  
22      graph (4) of this subsection”;

23          (27) in section 705, by redesignating sub-  
24      sections (f) and (g) (as added by Public Law 100–  
25      667) as subsections (g) and (h); and

1           (28) in section 705(h) (as so redesignated), by  
2       striking “subsection (f)” and inserting “subsection  
3       (g)”.

4       (b) AMENDMENTS TO THE COMMUNICATIONS SAT-  
5       ELLITE ACT OF 1962.—The Communications Satellite Act  
6       of 1962 is amended—

7           (1) in section 303(a)—

8               (A) by striking “section 27(d)” and insert-  
9               ing “section 327(d)”;

10              (B) by striking “sec. 29-911(d)” and in-  
11              serting “sec. 29-327(d)”;

12              (C) by striking “section 36” and inserting  
13              “section 336”; and

14              (D) by striking “sec. 29-916d” and insert-  
15              ing “section 29-336(d)”;

16           (2) in section 304(d), by striking “paragraphs  
17       (1), (2), (3), (4), and (5) of section 310(a)” and in-  
18       serting “subsection (a) and paragraphs (1) through  
19       (4) of subsection (b) of section 310”; and

20           (3) in section 304(e)—

21               (A) by striking “section 45(b)” and insert-  
22               ing “section 345(b)”;

23               (B) by striking “sec. 29-920(b)” and in-  
24               serting “sec. 29-345(b)”;

1           (4) in sections 502(b) and 503(a)(1), by strik-  
2       ing “the Communications Satellite Corporation” and  
3       inserting “the communications satellite corporation  
4       established pursuant to title III of this Act”.

5       (c) AMENDMENT TO THE CHILDREN’S TELEVISION  
6       ACT OF 1990.—Section 103(a) of the Children’s Tele-  
7       vision Act of 1990 (47 U.S.C. 303b(a)) is amended by  
8       striking “noncommetical” and inserting “noncommercial”.

9       (d) AMENDMENTS TO THE TELECOMMUNICATIONS  
10      AUTHORIZATION ACT OF 1992.—Section 205(1) of the  
11      Telecommunications Authorization Act of 1992 is amend-  
12      ed—

13           (1) by inserting an open parenthesis before  
14      “other than”; and

15           (2) by inserting a comma after “stations”).

16      (e) CONFORMING AMENDMENT.—Section 1253 of the  
17      Omnibus Budget Reconciliation Act of 1981 is repealed.

18      (f) STYLISTIC CONSISTENCY.—The Communications  
19      Act of 1934 and the Communications Satellite Act of 1962  
20      are amended so that the section designation and section  
21      heading of each section of such Acts shall be in the form  
22      and typeface of the section designation and heading of this  
23      section.

1 **SEC. 304. ELIMINATION OF EXPIRED AND OUTDATED PRO-**  
2 **VISIONS.**

3 (a) AMENDMENTS TO THE COMMUNICATIONS ACT OF  
4 1934.—The Communications Act of 1934 is amended—

5 (1) in section 7(b), by striking “or twelve  
6 months after the date of the enactment of this sec-  
7 tion, if later” both places it appears;

8 (2) in section 212, by striking “After sixty days  
9 from the enactment of this Act it shall” and insert-  
10 ing “It shall”;

11 (3) in section 213, by striking subsection (g)  
12 and redesignating subsection (h) as subsection (g);

13 (4) in section 214, by striking “section 221 or  
14 222” and inserting “section 221”;

15 (5) in section 220(b), by striking “, as soon as  
16 practicable,”;

17 (6) by striking section 222;

18 (7) in section 224(b)(2), by striking “Within  
19 180 days from the date of enactment of this section  
20 the Commission” and inserting “The Commission”;

21 (8) in 226(e), by striking “within 9 months  
22 after the date of enactment of this section,”;

23 (9) in section 309(i)(4)(A), by striking “The  
24 commission, not later than 180 days after the date  
25 of the enactment of the Communications Technical

1 Amendments Act of 1982, shall,” and inserting  
2 “The Commission shall,”;  
3 (10) by striking section 328;  
4 (11) in section 413, by striking “, within sixty  
5 days after the taking effect of this Act,”;  
6 (12) in section 624(d)(2)(B)—  
7 (A) by striking out “(A)”;  
8 (B) by inserting “of” after “restrict the  
9 viewing”; and  
10 (C) by striking subparagraph (B);  
11 (13) by striking sections 702 and 703;  
12 (14) in section 704—  
13 (A) by striking subsections (b) and (d);  
14 and  
15 (B) by redesignating subsection (c) as sub-  
16 section (b);  
17 (15) in section 705(g) (as redesignated by sec-  
18 tion 304(25)), by striking “within 6 months after  
19 the date of enactment of the Satellite Home Viewer  
20 Act of 1988, the Federal Communications Commis-  
21 sion” and inserting “The Commission”;  
22 (16) in section 710(f)—  
23 (A) by striking the first and second sen-  
24 tences; and



1 (B) in the third sentence, by striking  
2 “Thereafter, the Commission” and inserting  
3 “The Commission”;

4 (17) in section 712(a), by striking “, within  
5 120 days after the effective date of the Satellite  
6 Home Viewer Act of 1988,”; and

7 (18) by striking section 713.

8 (b) AMENDMENTS TO THE COMMUNICATIONS SAT-  
9 ELLITE ACT OF 1962.—The Communications Satellite Act  
10 of 1962 is amended—

11 (1) in section 201(a)(1), by striking “as expedi-  
12 tiously as possible,”;

13 (2) by striking sections 301 and 302 and insert-  
14 ing the following:

15 **“SEC. 301. CREATION OF CORPORATION.**

16 “There is authorized to be created a communications  
17 satellite corporation for profit which will not be an agency  
18 or establishment of the United States Government.

19 **“SEC. 302. APPLICABLE LAWS.**

20 “The corporation shall be subject to the provisions  
21 of this Act and, to the extent consistent with this Act,  
22 to the District of Columbia Business Corporation Act. The  
23 right to repeal, alter, or amend this Act at any time is  
24 expressly reserved.”;

1 (3) in section 304(a), by striking “at a price  
2 not in excess of \$100 for each share and”;

3 (4) in section 404—

4 (A) by striking subsections (a) and (c);  
5 and

6 (B) by redesignating subsection (b) as sec-  
7 tion 404;

8 (5) in section 503—

9 (A) by striking paragraph (2) of subsection  
10 (a); and

11 (B) by redesignating paragraph (3) of sub-  
12 section (a) as paragraph (2) of such subsection;

13 (C) by striking subsection (b);

14 (D) in subsection (g)—

15 (i) by striking “subsection (c)(3)” and  
16 inserting “subsection (b)(3)”; and

17 (ii) by striking the last sentence; and

18 (E) by redesignating subsections (c)  
19 through (h) as subsections (b) through (g), re-  
20 spectively;

21 (5) by striking sections 505, 506, and 507; and

22 (6) by redesignating section 508 as section 505.

Passed the House of Representatives October 5,  
1994.

Attest: DONNALD K. ANDERSON,  
*Clerk.*

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