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Cellular Telecommunications Industry Association

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
1919 M Street, NW Room 222
Washington DC 20554

Re: Ex Parte Presentation
CC Docket # 97-213 (CALEA)

Dear Ms. Salas:

On Monday, July 27, 1998, the Cellular Telecommunications Industry Association ("CTIA"), represented by Randall Coleman, Vice President for Regulatory Policy and Law hand delivered a copy of the attached letter and Senate colloquy to Ari Fitzgerald, Legal Advisor, Chairman Kennard's Office, regarding the October 25, 1998 CALEA compliance date and the January 1, 1995 CALEA "grandfather" date.

Pursuant to Section 1.1206 of the Commission's Rules, an original and one copy of this letter and its attachment are being filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

Cleveland Lawrence III

Cleveland Lawrence III

CTIA
Building The Wireless Future
Cellular Telecommunications Industry Association

Randall S. Coleman
Vice President for
Regulatory Policy and Law

July 27, 1998

Mr. Ari Fitzgerald
Legal Advisor
Office of the Chairman
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: Communications Assistance for Law Enforcement Act (CALEA), CC Docket No. 97-213

Dear Mr. Fitzgerald:

The attached printout reports a recent colloquy between Senators Gregg and McConnell on the matter of CALEA. Specifically the senators agree to work together to extend the October 25, 1998 CALEA compliance date, as well as the January 1, 1995, CALEA grandfather date. As you know, the Commission will soon rule on requests seeking an industry-wide extension of the compliance date, while it decides which features should be included within the final CALEA capabilities standard.

CTIA respectfully urges the Commission to state in its order on the compliance date that logic dictates a deferral of both compliance and grandfather dates, but that the authority to extend the grandfather date rests solely with Congress.

Please contact me if you have any questions.

Sincerely,

Randall S. Coleman

Attachment

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DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999 (Senate - July 23, 1998)

g>Hollings for their help with this amendment.

Mr. McCONNELL. Mr. President, will the distinguished manager of the bill, Senator **Gregg**, yield for a colloquy?

Mr. GREGG. I am happy to yield to the Senator from Kentucky for a colloguy.

Mr. McCONNELL. Mr. President, the Communications Assistance for Law Enforcement Act of 1994 (CALEA) was intended to preserve the ability of law enforcement agencies to conduct court-approved wiretaps on new digital networks. Implementation of this important legislation is currently two-and-one-half years behind schedule because industry and law enforcement have not been able to reach agreement on technical standards required under CALEA. In March of this year, the Department of Justice, the FBI, industry, and privacy groups all agreed that the Federal Communications Commission (FCC) should resolve the technical capability standards dispute as envisioned under CALEA. The latest information I have from the FCC is that the Commission does not expect to issue a final electronic surveillance capability standard until late this year.

Does the Senator from New Hampshire agree that the FCC should make this decision?

Mr. GREGG. I believe that the FCC should move expeditiously to resolve this matter.

Mr. McCONNELL. After the statutory compliance date--October 25, 1998--telecommunications carriers could be subject to fines of up to $10,000 per day for failure to deploy equipment to meet CALEA compliance standards that currently do not exist and will not exist until the FCC sets the standard. According to industry sources, telecommunications equipment manufacturers will need approximately two years after the FCC sets a final standard to develop technology to meet the new standard.

CALEA authorized the Attorney General to reimburse the industry up to $500 million for the costs directly associated with modifying equipment that was installed or deployed before January 1, 1995 (the statutory `grandfather date'). Since January 1, 1995, a significant portion of all wireline switches, a majority of cellular switches, and virtually all personal communications services devices have been installed.

Mr. President, I am concerned that if the FCC sets a new CALEA technical capability standard and there is no change to the January 1, 1995 statutory grandfather date, industry may be required to retrofit that equipment at their own expense at a cost that could exceed hundreds of millions of dollars.

I do not think that the American people want to pay what could be considered an electronic surveillance tax running into the hundreds of millions of dollars. I know that the people in my state of Kentucky do not. I recognize that this is a complicated controversial issue, but I believe that Congress must act this year to adjust both the statutory compliance and grandfather dates contained in CALEA to allow the statute to work and avoid the prospect of an electronic surveillance tax on consumers.

I would like to work with the Chairman and the distinguished Ranking Member of the Subcommittee, Mr. **Hollings** of South Carolina, to see if together, we can find a way to address this problem this year.

Mr. GREGG. I would be happy to work with the distinguished Senator and Senator **Hollings**, the ranking member of the Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies on this issue.

Mr. McCONNELL. I thank the Chairman, and I yield the floor.

REPEAL OF SECTION 110 IN CJS APPROPRIATIONS BILL

Mrs. MURRAY. Mr. President, I rise in strong support of the Commerce, State, Justice Appropriations measure. As a member of the Appropriations Committee, I can speak to the importance of this legislation and I commend Senator **Gregg** and Senator **Hollings** for putting this bipartisan product together.

I could speak to many important provisions in this bill for my constituents. From fisheries to the cops on the street to export assistance, this bill is important to Washington state. But there is one provision in the bill that I wish to give special attention to today. And that's the language to repeal Section 110 of the 1996 Illegal Immigration Act.

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