

105TH CONGRESS
1ST SESSION

S. 1051

To amend the Communications Act of 1934 to enhance protections against unauthorized changes of telephone service subscribers from one telecommunications carrier to another, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 22, 1997

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Communications Act of 1934 to enhance protections against unauthorized changes of telephone service subscribers from one telecommunications carrier to another, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Interstate Slamming
5 Prevention Act of 1997”.

1 **SEC. 2. ENHANCEMENT OF PROTECTIONS.**

2 (a) **LIABILITY FOR ADDITIONAL CHARGES.**—Sub-
3 section (b) of section 258 of the Communications Act of
4 1934 (47 U.S.C. 258) is amended—

5 (1) by striking “(b) **LIABILITY FOR**
6 **CHARGES.**—Any telecommunications carrier” in the
7 first sentence and inserting the following:

8 “(b) **LIABILITY FOR CHARGES.**—

9 “(1) **CHARGES COLLECTED AFTER VIOLA-**
10 **TION.**—Any telecommunications carrier”; and

11 (2) by striking the second sentence and insert-
12 ing the following:

13 “(2) **FEES FOR CHANGING BACK.**—Any tele-
14 communications carrier described in paragraph (1)
15 shall also be liable to the carrier previously selected
16 by the subscriber concerned for any fees associated
17 with changing the subscriber back to the carrier pre-
18 viously selected, in accordance with such procedures
19 as the Commission may prescribe.

20 “(3) **RELATION TO OTHER AUTHORITY.**—The
21 remedies provided by this subsection are in addition
22 to any other remedies available by law.”.

23 (b) **ADDITIONAL PENALTIES.**—Such section 258 is
24 further amended by adding at the end the following:

25 “(c) **ADDITIONAL PENALTIES.**—Any telecommuni-
26 cations carrier that violates the verification procedures de-

1 scribed in subsection (a) shall be subject to such additional
 2 fines and penalties, including a forfeiture penalty under
 3 section 503(b)(1)(B) of this Act, as the Commission shall
 4 prescribe.”.

5 (c) ADDITIONAL PROTECTIONS.—Such section 258 is
 6 further amended by adding at the end the following:

7 “(d) ADDITIONAL PROTECTIONS.—In order to pro-
 8 vide subscribers with additional protections against
 9 changes in providers of telephone exchange service or tele-
 10 phone toll service in violation of the verification procedures
 11 described in subsection (a), the Commission may prescribe
 12 the following:

13 “(1) A requirement that telecommunications
 14 carriers establish toll-free telephone numbers in
 15 order to permit subscribers to register complaints re-
 16 garding the execution of such changes in service, in-
 17 cluding the requirement that calls to such numbers
 18 be answered in not more than two minutes.

19 “(2) A requirement that telecommunications
 20 carriers provide the Commission such information
 21 relating to the complaints made to such carriers re-
 22 garding such changes in service as the Commission
 23 considers appropriate.”.

24 (d) DEADLINE FOR RULEMAKING.—The Federal
 25 Communications Commission shall prescribe the regula-

1 tions required by section 258 of the Communications Act
 2 of 1934, as amended by this section, not later than April
 3 30, 1998.

4 (e) REPORTS TO CONGRESS.—

5 (1) INITIAL REPORT.—Not later than October
 6 31, 1998, the Commission shall submit to Congress
 7 a report on unauthorized changes of subscribers' se-
 8 lections of providers of telephone exchange service or
 9 telephone toll service. The report shall include the
 10 following:

11 (A) A list of the ten telecommunications
 12 carriers that, during the one-year period ending
 13 on the date of the report, were subject to the
 14 highest number of complaints of having exe-
 15 cuted unauthorized changes of subscribers from
 16 their selected providers of telephone exchange
 17 service or telephone toll service when compared
 18 with the total number of subscribers served by
 19 such carriers.

20 (B) The telecommunications carriers, if
 21 any, assessed fines or penalties under section
 22 258(c) of the Communications Act of 1934, as
 23 added by subsection (c) of this section, during
 24 that period, including the amount of each fine
 25 or penalty, and whether the fine or penalty was

1 assessed as a result of a court judgment or an
2 order of the Commission or was secured pursu-
3 ant to a consent decree.

4 (C) Whether or not subscribers should be
5 authorized to bring a private cause of action
6 against telecommunications carriers that change
7 subscriber selections of providers of telephone
8 exchange service or telephone toll service in vio-
9 lation of the procedures prescribed under sec-
10 tion 258(a) of the Communications Act of 1934
11 and, if so, the advisability of establishing mini-
12 mum statutory penalties for violations ad-
13 dressed by such causes of action.

14 (D) Whether or not the fines and penalties
15 imposed by the Commission under section
16 258(c) of the Communications Act of 1934, as
17 so added, are sufficient to deter telecommuni-
18 cations carriers from changing subscriber selec-
19 tions of providers of telephone exchange service
20 or telephone toll service in violation of such pro-
21 cedures.

22 (2) UPDATE.—Not later than one year after the
23 date on which the Commission submits the report
24 required by paragraph (1), and each year thereafter,
25 the Commission shall submit to Congress an update

1 of the previous report under this subsection which
2 sets forth the information specified in subparagraphs
3 (A) and (B) of that paragraph for one-year period
4 preceding the date of the report concerned.

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