

105TH CONGRESS
1ST SESSION

S. 1340

Entitled the “Telephone Consumer Fraud Protection Act of 1997”.

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 1997

Mr. DURBIN introduced the following bill; which was read twice and referred
to the Committee on the Judiciary

A BILL

Entitled the “Telephone Consumer Fraud Protection Act
of 1997”.

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 “Telephone Consumer
5 Fraud Protection Act of 1997”.

6 **SEC. 2. CRIMINAL PENALTIES.**

7 Title 18 of the United States Code is amended in the
8 appropriate place to provide the following:

9 (1) PERSONS.—Any person who submits to a
10 subscriber a request for a change in a provider of
11 telephone exchange service or telephone toll service

1 in willful violation of the procedures established in
 2 47 C.F.R. §§ 64.1100 or 64.1150:

3 (A) shall be fined not more than \$1,000,
 4 imprisoned not more than 30 days, or both, for
 5 the first offence; and

6 (B) shall be fined not more than \$10,000,
 7 imprisoned not more than 9 months, or both,
 8 for any subsequent offense.

9 (2) TELECOMMUNICATIONS CARRIERS.—Any
 10 telecommunications carrier who submits to a sub-
 11 scriber a request for a change in a provider of tele-
 12 phone exchange service or telephone toll service, or
 13 executes such a change, in willful violation of 47
 14 C.F.R. §§ 64.1100 or 64.1150:

15 (A) shall be fined not more than \$50,000
 16 for the first such conviction; and

17 (B) shall be fined not more than \$200,000
 18 for any subsequent conviction.

19 **SEC. 3. A STUDY BY THE ATTORNEY GENERAL.**

20 The Attorney General shall conduct a study and re-
 21 port to Congress on the fraudulent and criminal behavior
 22 of telecommunications carriers and their agents in the so-
 23 licitation, marketing, and assignment of wire services. The
 24 Attorney General's study shall examine the fraudulent
 25 methods by which a telecommunications consumer's local,

1 long distance, and other telecommunications services are
2 changed without her or his knowledge or consent. The At-
3 torney General's study shall also examine the negative im-
4 pact and costs that such fraudulent activity is having on
5 consumers and the marketplace.

