

109TH CONGRESS
2D SESSION

H. R. 4678

To prohibit fraudulent access to telephone records.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2006

Ms. SCHAKOWSKY (for herself, Mr. HINCHEY, Ms. KILPATRICK of Michigan, and Mr. GUTIERREZ) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit fraudulent access to telephone records.

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 “Stop Attempted Fraud
5 Against Everyone’s Cell and Land Line (SAFE CALL)
6 Act”.

7 **SEC. 2. FRAUDULENT ACCESS TO CUSTOMER TELEPHONE**
8 **RECORDS.**

9 (a) CONDUCT PROHIBITED.—

10 (1) PROHIBITION ON OBTAINING CUSTOMER IN-
11 FORMATION BY FALSE PRETENSES.—It shall be un-

1 lawful for any person to obtain or attempt to obtain,
2 or cause to be disclosed or attempt to cause to be
3 disclosed to any person, customer proprietary net-
4 work information relating to any other person by—

5 (A) making a false, fictitious, or fraudulent
6 statement or representation to an officer, em-
7 ployee, or agent of a telecommunications car-
8 rier; or

9 (B) by providing any document or other in-
10 formation to a telecommunications carrier or an
11 officer, employee, or agent of a telecommuni-
12 cations carrier, knowing that the document or
13 other information is forged, counterfeit, lost, or
14 stolen, was fraudulently obtained, or contains a
15 false, fictitious, or fraudulent statement or rep-
16 resentation.

17 (2) PROHIBITION ON SOLICITATION OF A PER-
18 SON TO OBTAIN CUSTOMER INFORMATION UNDER
19 FALSE PRETENSES.—It shall be unlawful to request
20 a person to obtain customer proprietary network in-
21 formation of a telecommunications carrier, knowing
22 that the person will obtain, or attempt to obtain, the
23 information from the telecommunications carrier in
24 the manner described in subsection (a).

1 (3) PROHIBITION ON SALE OR OTHER DISCLO-
2 SURE OF CUSTOMER INFORMATION OBTAINED
3 UNDER FALSE PRETENSES.—It shall be unlawful for
4 any person to sell or otherwise disclose customer
5 proprietary network information relating to any
6 other person, knowing that such information was ob-
7 tained in the manner described in subsection (a).

8 **SEC. 3. ENFORCEMENT BY THE FEDERAL TRADE COMMIS-**
9 **SION.**

10 A violation of this Act shall be treated as an unfair
11 or deceptive act or practice in violation of section 5 of the
12 Federal Trade Commission Act (15 U.S.C. 45). All of the
13 functions and powers of the Federal Trade Commission
14 under that Act are available to the Commission to enforce
15 compliance by any person with this Act, irrespective of
16 whether that person is engaged in commerce or meets any
17 other jurisdictional tests in the Federal Trade Commission
18 Act.

19 **SEC. 4. DEFINITIONS.**

20 As used in this Act—

21 (2) the term “customer proprietary network in-
22 formation” has the meaning given such term in sec-
23 tion 222(h)(1) of the Communications Act of 1934
24 (47 U.S.C. 222(h)(1)); and

1 (3) the term “telecommunications carrier” has
2 the meaning given such term in section 3(44) of the
3 Communications Act of 1934 (47 U.S.C. 153(44)).

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