

109TH CONGRESS
2^D SESSION

H. R. 4662

To prohibit the obtaining of customer information from telecommunications carriers by false pretenses, and the sale or disclosure of such records obtained by false pretenses.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2006

Mrs. BLACKBURN (for herself, Mr. INSLEE, Mr. DICKS, Mr. HIGGINS, Mr. WEINER, Mrs. DRAKE, Mr. ROSS, Mr. WILSON of South Carolina, Mr. REICHERT, Mrs. MUSGRAVE, Ms. HARRIS, Ms. MATSUI, Mr. GILLMOR, Mr. GENE GREEN of Texas, Mr. POMBO, Mr. DEFazio, Mr. KLINE, Ms. CARSON, and Mr. DAVIS of Florida) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit the obtaining of customer information from telecommunications carriers by false pretenses, and the sale or disclosure of such records obtained by false pretenses.

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 “Consumer Telephone
5 Records Protection Act of 2006”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) telephone records can be of great use to
2 criminals because the information contained in call
3 logs listed in such records include a wealth of per-
4 sonal information;

5 (2) many call logs reveal the names of many
6 users' doctors, public and private relationships, busi-
7 ness associates, and more;

8 (3) although other personal information, such
9 as social security numbers may appear in public doc-
10 uments, which can be accessed by data brokers, the
11 only warehouse of telephone records is located at the
12 telephone companies themselves; and

13 (4) telephone records may be accessed without
14 authorization of the customer by—

15 (A) an employee of the telephone company
16 selling the data;

17 (B) “pretexting”, whereby a data broker or
18 other person pretends to be the owner of the
19 phone and convinces the telephone company’s
20 employees to release the data to them; or

21 (C) unauthorized access of accounts via the
22 Internet; and

23 (5) because telephone companies encourage cus-
24 tomers to manage their accounts online, many set up
25 the online capability in advance. Many customers

1 never access their Internet accounts, however. If
2 someone seeking the information activates the ac-
3 count before the customer, he or she can gain unfet-
4 tered access to the telephone records and call logs of
5 that customer.

6 **SEC. 3. PRIVACY PROTECTION FOR CUSTOMER INFORMA-**
7 **TION OF TELECOMMUNICATIONS CARRIERS.**

8 (a) PROHIBITION ON OBTAINING CUSTOMER INFOR-
9 MATION BY FALSE PRETENSES.—It shall be unlawful for
10 any person to obtain or attempt to obtain, or cause to
11 be disclosed or attempt to cause to be disclosed to any
12 person, customer proprietary network information relating
13 to any other person by—

14 (1) making a false, fictitious, or fraudulent
15 statement or representation to an officer, employee,
16 or agent of a telecommunications carrier; or

17 (2) by providing, through any means including
18 the Internet, any document or other information to
19 a telecommunications carrier or an officer, employee,
20 or agent of a telecommunications carrier, knowing
21 that the document or other information is forged,
22 counterfeit, lost, or stolen, was obtained fraudulently
23 or without the customer's consent, or contains a
24 false, fictitious, or fraudulent statement or represen-
25 tation.

1 (b) PROHIBITION ON SOLICITATION OF A PERSON TO
2 OBTAIN CUSTOMER INFORMATION UNDER FALSE PRE-
3 TENSES.—It shall be unlawful to request a person to ob-
4 tain customer proprietary network information of a tele-
5 communications carrier, knowing that the person will ob-
6 tain, or attempt to obtain, the information from the tele-
7 communications carrier in the manner described in sub-
8 section (a).

9 (c) PROHIBITION ON SALE OR OTHER DISCLOSURE
10 OF CUSTOMER INFORMATION OBTAINED UNDER FALSE
11 PRETENSES.—It shall be unlawful for any person to sell
12 customer proprietary network information relating to any
13 other person, knowing that such information was obtained
14 in the manner described in subsection (a).

15 (d) NONAPPLICABILITY TO LAW ENFORCEMENT
16 AGENCIES.—No provision of this section shall be con-
17 strued so as to prevent any action by a law enforcement
18 agency, or any officer, employee, or agent of such agency,
19 to obtain customer proprietary network information of a
20 telecommunications carrier in connection with the per-
21 formance of official duties of the agency.

22 **SEC. 4. TELECOMMUNICATIONS CARRIER NOTIFICATION**
23 **REQUIREMENT.**

24 Section 222 of the Communications Act of 1934 (47
25 U.S.C. 222) is amended—

1 (1) by redesignating subsection (h) as sub-
2 section (i); and

3 (2) by inserting after subsection (g) the fol-
4 lowing new subsection:

5 “(h) NOTICE OF VIOLATIONS.—The Commission
6 shall by regulation require each telecommunications car-
7 rier to notify the customer of any incidents in which such
8 telecommunications carrier becomes or is made aware in
9 which customer proprietary network information relating
10 to such customer is disclosed to someone other than the
11 customer in violation of this section or section 3 of the
12 Consumer Telephone Records Protection Act of 2006.”.

13 **SEC. 5. ENFORCEMENT BY THE FEDERAL TRADE COMMIS-**
14 **SION.**

15 A violation of section 3 shall be treated as an unfair
16 or deceptive act or practice in violation of section 5 of the
17 Federal Trade Commission Act (15 U.S.C. 45). All of the
18 functions and powers of the Federal Trade Commission
19 under that Act are available to the Commission to enforce
20 compliance by any person with such section, irrespective
21 of whether that person is engaged in commerce or meets
22 any other jurisdictional tests in the Federal Trade Com-
23 mission Act, including the power to enforce the provisions
24 of such section in the same manner as if the violation had

1 been a violation of a Federal Trade Commission trade reg-
2 ulation rule.

3 **SEC. 6. CRIMINAL PENALTY.**

4 (a) IN GENERAL.—Whoever knowingly and inten-
5 tionally violates section 3 shall be fined in accordance with
6 title 18, United States Code, or imprisoned for not more
7 than 5 years, or both.

8 (b) ENHANCED PENALTIES FOR AGGRAVATED
9 CASES.—Whoever violates section 3 while violating an-
10 other law of the United States or as part of a pattern
11 of any illegal activity involving more than \$100,000, or
12 more than 50 customers of a telecommunications carrier,
13 in a 12-month period shall be fined twice the amount pro-
14 vided in section 3571 of title 18, or imprisoned for not
15 more than 10 years, or both.

16 **SEC. 7. DEFINITIONS.**

17 As used in this Act, the following definitions apply:

18 (1) CUSTOMER PROPRIETARY NETWORK INFOR-
19 MATION.—The term “customer proprietary network
20 information” has the meaning given such term in
21 section 222(h)(1) of the Communications Act of
22 1934 (47 U.S.C. 222(h)(1)).

23 (2) TELECOMMUNICATIONS CARRIER.—The
24 term “telecommunications carrier” has the meaning

1 given such term in section 3(44) of the Communica-
2 tions Act of 1934 (47 U.S.C. 153(44)).

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