

105TH CONGRESS
2^D SESSION

S. 1618

AN ACT

To amend the Communications Act of 1934 to improve the protection of consumers against “slamming” by telecommunications carriers, 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 “Anti-slamming Amend-
5 ments Act”.

TITLE I—SLAMMING**SEC. 101. IMPROVED PROTECTION FOR CONSUMERS.**

(a) VERIFICATION OF AUTHORIZATION.—Subsection (a) of section 258 of the Communications Act of 1934 (47 U.S.C. 258) is amended to read as follows:

“(a) PROHIBITION.—

“(1) IN GENERAL.—No telecommunications carrier or reseller of telecommunications services shall submit or execute a change in a subscriber’s selection of a provider of telephone exchange service or telephone toll service except in accordance with this section and such verification procedures as the Commission shall prescribe.

“(2) VERIFICATION.—

“(A) IN GENERAL.—In order to verify a subscriber’s selection of a telephone exchange service or telephone toll service provider under this section, the telecommunications carrier or reseller shall, at a minimum, require the subscriber—

“(i) to affirm that the subscriber is authorized to select the provider of that service for the telephone number in question;

1 “(ii) to acknowledge the type of serv-
2 ice to be changed as a result of the selec-
3 tion;

4 “(iii) to affirm the subscriber’s intent
5 to select the provider as the provider of
6 that service;

7 “(iv) to acknowledge that the selection
8 of the provider will result in a change in
9 providers of that service; and

10 “(v) to provide such other information
11 as the Commission considers appropriate
12 for the protection of the subscriber.

13 “(B) ADDITIONAL REQUIREMENTS.—The
14 procedures prescribed by the Commission to
15 verify a subscriber’s selection of a provider
16 shall—

17 “(i) preclude the use of negative op-
18 tion marketing;

19 “(ii) provide for a complete copy of
20 verification of a change in telephone ex-
21 change service or telephone toll service pro-
22 vider in oral, written, or electronic form;

23 “(iii) require the retention of such
24 verification in such manner and form and

1 for such time as the Commission considers
2 appropriate;

3 “(iv) mandate that verification occur
4 in the same language as that in which the
5 change was solicited; and

6 “(v) provide for verification to be
7 made available to a subscriber on request.

8 “(3) ACTION BY UNAFFILIATED RESELLER NOT
9 IMPUTED TO CARRIER.—No telecommunications car-
10 rier may be found to be in violation of this section
11 solely on the basis of a violation of this section by
12 an unaffiliated reseller of that carrier’s services or
13 facilities.

14 “(4) FREEZE OPTION PROTECTED.—The Com-
15 mission may not take action under this section to
16 limit or inhibit a subscriber’s ability to require that
17 any change in the subscriber’s choice of a provider
18 of interexchange service not be effected unless the
19 change is expressly and directly communicated by
20 the subscriber to the subscriber’s existing telephone
21 exchange service provider.

22 “(5) APPLICATION TO WIRELESS.—This section
23 does not apply to a provider of commercial mobile
24 service.”.

1 (b) LIABILITY FOR CHARGES.—Subsection (b) of
2 such section is amended—

3 (1) by striking “(b) LIABILITY FOR
4 CHARGES.—Any telecommunications carrier” and
5 inserting the following:

6 “(b) LIABILITY FOR CHARGES.—

7 “(1) IN GENERAL.—Any telecommunications
8 carrier or reseller of telecommunications services”;

9 (2) by designating the second sentence as para-
10 graph (3) and inserting at the beginning of such
11 paragraph, as so designated, the following:

12 “(3) CONSTRUCTION OF REMEDIES.—”; and

13 (3) by inserting after paragraph (1), as des-
14 ignated by paragraph (1) of this subsection, the fol-
15 lowing:

16 “(2) SUBSCRIBER PAYMENT OPTION.—

17 “(A) IN GENERAL.—A subscriber whose
18 telephone exchange service or telephone toll
19 service is changed in violation of the provisions
20 of this section, or the procedures prescribed
21 under subsection (a), may elect to pay the car-
22 rier or reseller previously selected by the sub-
23 scriber for any such service received after the
24 change in full satisfaction of amounts due from

1 the subscriber to the carrier or reseller provid-
2 ing such service after the change.

3 “(B) PAYMENT RATE.—Payment for serv-
4 ice under subparagraph (A) shall be at the rate
5 for such service charged by the carrier or re-
6 seller previously selected by the subscriber con-
7 cerned.”.

8 (c) RESOLUTION OF COMPLAINTS.—Section 258 of
9 the Communications Act of 1934 (47 U.S.C. 258) is
10 amended by adding at the end thereof the following:

11 “(c) NOTICE TO SUBSCRIBER.—Whenever there is a
12 change in a subscriber’s selection of a provider of tele-
13 phone exchange service or telephone toll service, the tele-
14 communications carrier or reseller selected shall notify the
15 subscriber in a specific and unambiguous writing, not
16 more than 15 days after the change is processed by the
17 telecommunications carrier or the reseller—

18 “(1) of the subscriber’s new carrier or reseller;

19 and

20 “(2) that the subscriber may request informa-
21 tion regarding the date on which the change was
22 agreed to and the name of the individual who au-
23 thorized the change.

24 “(d) RESOLUTION OF COMPLAINTS.—

25 “(1) PROMPT RESOLUTION.—

1 “(A) IN GENERAL.—The Commission shall
2 prescribe a period of time for a telecommuni-
3 cations carrier or reseller to resolve a complaint
4 by a subscriber concerning an unauthorized
5 change in the subscriber’s selection of a pro-
6 vider of telephone exchange service or telephone
7 toll service not in excess of 120 days after the
8 telecommunications carrier or reseller receives
9 notice from the subscriber of the complaint. A
10 subscriber may at any time pursue such a com-
11 plaint with the Commission, in a State or local
12 administrative or judicial body, or elsewhere.

13 “(B) UNRESOLVED COMPLAINTS.—If a
14 telecommunications carrier or reseller fails to
15 resolve a complaint within the time period pre-
16 scribed by the Commission, then, within 10
17 days after the end of that period, the tele-
18 communications carrier or reseller shall—

19 “(i) notify the subscriber in writing of
20 the subscriber’s right to file a complaint
21 with the Commission and of the subscrib-
22 er’s rights and remedies under this section;

23 “(ii) inform the subscriber in writing
24 of the procedures prescribed by the Com-
25 mission for filing such a complaint; and

1 “(iii) provide the subscriber a copy of
2 any evidence in the carrier’s or reseller’s
3 possession showing that the change in the
4 subscriber’s provider of telephone exchange
5 service or telephone toll service was sub-
6 mitted or executed in accordance with the
7 verification procedures prescribed under
8 subsection (a).

9 “(2) RESOLUTION BY COMMISSION.—

10 “(A) DETERMINATION OF VIOLATION.—

11 The Commission shall provide a simplified proc-
12 ess for resolving complaints under paragraph
13 (1)(B). The simplified procedure shall preclude
14 the use of interrogatories, depositions, discov-
15 ery, or other procedural techniques that might
16 unduly increase the expense, formality, and
17 time involved in the process. The Commission
18 shall determine whether there has been a viola-
19 tion of subsection (a) and shall issue a decision
20 or ruling at the earliest date practicable, but in
21 no event later than 150 days after the date on
22 which it received the complaint.

23 “(B) DETERMINATION OF DAMAGES AND

24 PENALTIES.—If the Commission determines
25 that there has been a violation of subsection

1 (a), it shall issue a decision or ruling determin-
2 ing the amount of the damages and penalties at
3 the earliest practicable date, but in no event
4 later than 90 days after the date on which it
5 issued its decision or ruling under subpara-
6 graph (A).

7 “(3) DAMAGES AWARDED BY COMMISSION.—If
8 a violation of subsection (a) is found by the Commis-
9 sion, the Commission may award damages equal to
10 the greater of \$500 or the amount of actual dam-
11 ages for each violation. The Commission may, in its
12 discretion, increase the amount of the award to an
13 amount equal to not more than 3 times the amount
14 available under the preceding sentence.

15 “(e) DISQUALIFICATION AND REINSTATEMENT.—

16 “(1) DISQUALIFICATION FROM CERTAIN ACTIVI-
17 TIES BASED ON CONVICTION.—

18 “(A) DISQUALIFICATION OF PERSONS.—

19 Subject to subparagraph (C), any person con-
20 victed under section 2328 of title 18, United
21 States Code, in addition to any fines or impris-
22 onment under that section, may not carry out
23 any activities covered by section 214.

24 “(B) DISQUALIFICATION OF COMPANIES.—

25 Subject to subparagraph (C), any company sub-

1 stantially controlled by a person convicted
2 under section 2328 of title 18, United States
3 Code, in addition to any fines or imprisonment
4 under that section, may not carry out any ac-
5 tivities covered by section 214.

6 “(C) REINSTATEMENT.—

7 “(i) IN GENERAL.—The Commission
8 may terminate the application of subpara-
9 graph (A) to a person, or subparagraph
10 (B) to a company, if the Commission de-
11 termines that the termination would be in
12 the public interest.

13 “(ii) EFFECTIVE DATE.—The termi-
14 nation of the applicability of subparagraph
15 (A) to a person, or subparagraph (B) to a
16 company, under clause (i) may not take ef-
17 fect earlier than 5 years after the date on
18 which the applicable subparagraph applied
19 to the person or company concerned.

20 “(2) CERTIFICATION REQUIREMENT.—Any per-
21 son described in subparagraph (A) of paragraph (1),
22 or company described in subparagraph (B) of that
23 paragraph, not reinstated under subparagraph (C)
24 of that paragraph shall include with any application
25 to the Commission under section 214 a certification

1 that the person or company, as the case may be, is
2 described in paragraph (1)(A) or (B), as the case
3 may be.

4 “(f) CIVIL PENALTIES.—

5 “(1) IN GENERAL.—Unless the Commission de-
6 termines that there are mitigating circumstances,
7 violation of subsection (a) is punishable by a forfeit-
8 ure of not less than \$40,000 for the first offense,
9 and not less than \$150,000 for each subsequent of-
10 fense.

11 “(2) FAILURE TO NOTIFY TREATED AS VIOLA-
12 TION OF SUBSECTION (a).—If a telecommunications
13 carrier or reseller fails to comply with the require-
14 ments of subsection (d)(1)(B), then that failure shall
15 be treated as a violation of subsection (a).

16 “(g) RECOVERY OF FORFEITURES.—The Commis-
17 sion may take such action as may be necessary—

18 “(1) to collect any forfeitures it imposes under
19 this section; and

20 “(2) on behalf of any subscriber, to collect any
21 damages awarded the subscriber under this section.

22 “(h) CHANGE INCLUDES INITIAL SELECTION.—For
23 purposes of this section, the initiation of service to a sub-
24 scriber by a telecommunications carrier or a reseller shall
25 be treated as a change in a subscriber’s selection of a pro-

1 vider of telephone exchange service or telephone toll serv-
 2 ice.”.

3 (d) CRIMINAL PENALTY.—

4 (1) IN GENERAL.—Chapter 113A of title 18,
 5 United States Code, is amended by adding at the
 6 end thereof the following:

7 **“§ 2328. Slamming**

8 “Any person who submits or executes a change in a
 9 provider of telephone exchange service or telephone toll
 10 service not authorized by the subscriber in willful violation
 11 of the provisions of section 258 of the Communications
 12 Act of 1934 (47 U.S.C. 258), or the procedures prescribed
 13 under section 258(a) of that Act—

14 “(A) shall be fined in accordance with this
 15 title, imprisoned not more than 1 year, or both;
 16 but

17 “(B) if previously convicted under this
 18 paragraph at the time of a subsequent offense,
 19 shall be fined in accordance with this title, im-
 20 prisoned not more than 5 years, or both, for
 21 such subsequent offense.”.

22 (2) CONFORMING AMENDMENT.—The chapter
 23 analysis for chapter 113A of title 18, United States
 24 Code, is amended by adding at the end thereof the
 25 following:

“2328. Slamming”.

1 (e) STATE RIGHT-OF-ACTION.—Section 258 of the
2 Communications Act of 1934 (47 U.S.C. 258), as amend-
3 ed by subsection (c), is amended by adding at the end
4 thereof the following:

5 “(i) ACTIONS BY STATES.—

6 “(1) IN GENERAL.—The attorney general of a
7 State, or an official or agency designated by a
8 State—

9 “(A) may bring an action on behalf of its
10 residents to recover damages on their behalf
11 under subsection (d)(3);

12 “(B) may bring a criminal action to en-
13 force this section under section 2328 of title 18,
14 United States Code; and

15 “(C) may bring an action for the assess-
16 ment of civil penalties under subsection (f),
17 and for purposes of such an action, subsections
18 (d)(3) and (f)(1) shall be applied by substituting
19 ‘the court’ for ‘the Commission’.

20 “(2) EXCLUSIVE JURISDICTION OF FEDERAL
21 COURTS.—The district courts of the United States,
22 the United States courts of any territory, and the
23 District Court of the United States for the District
24 of Columbia shall have exclusive jurisdiction over all
25 actions brought under this section. When a State

1 brings an action under this section, the court in
2 which the action is brought has pendant jurisdiction
3 of any claim brought under the law of that State.
4 Upon proper application, such courts shall also have
5 jurisdiction to issue writs of mandamus, or orders
6 affording like relief, commanding the defendant to
7 comply with the provisions of this section or regula-
8 tions prescribed under this section, including the re-
9 quirement that the defendant take such action as is
10 necessary to remove the danger of such violation.
11 Upon a proper showing, a permanent or temporary
12 injunction or restraining order shall be granted with-
13 out bond.

14 “(3) RIGHTS OF COMMISSION.—The State shall
15 serve prior written notice of any such civil action
16 upon the Commission and provide the Commission
17 with a copy of its complaint, except in any case
18 where such prior notice is not feasible, in which case
19 the State shall serve such notice immediately upon
20 instituting such action. The Commission shall have
21 the right—

22 “(A) to intervene in the action;

23 “(B) upon so intervening, to be heard on
24 all matters arising therein; and

25 “(C) to file petitions for appeal.

1 “(4) VENUE; SERVICE OF PROCESS.—Any civil
2 action brought under this subsection in a district
3 court of the United States may be brought in the
4 district wherein the subscriber or defendant is found
5 or is an inhabitant or transacts business or wherein
6 the violation occurred or is occurring, and process in
7 such cases may be served in any district in which
8 the defendant is an inhabitant or where the defend-
9 ant may be found.

10 “(5) INVESTIGATORY POWERS.—For purposes
11 of bringing any civil action under this subsection,
12 nothing in this section shall prevent the attorney
13 general of a State, or an official or agency des-
14 ignated by a State, from exercising the powers con-
15 ferred on the attorney general or such official by the
16 laws of such State to conduct investigations or to
17 administer oaths or affirmations or to compel the at-
18 tendance of witnesses or the production of documen-
19 tary and other evidence.

20 “(j) STATE LAW NOT PREEMPTED.—

21 “(1) IN GENERAL.—Nothing in this section or
22 in the regulations prescribed under this section shall
23 preempt any State law that imposes more restrictive
24 requirements, regulations, damages, costs, or pen-
25 alties on changes in a subscriber’s service or selec-

1 tion of a provider of telephone exchange service or
2 telephone toll services than are imposed under this
3 section.

4 “(2) EFFECT ON STATE COURT PROCEED-
5 INGS.—Nothing contained in this section shall be
6 construed to prohibit an authorized State official
7 from proceeding in State court on the basis of an al-
8 leged violation of any general civil or criminal stat-
9 ute of such State or any specific civil or criminal
10 statute of such State not preempted by this section.

11 “(3) LIMITATIONS.—Whenever a complaint is
12 pending before the Commission involving a violation
13 of regulations prescribed under this section, no State
14 may, during the pendency of such complaint, insti-
15 tute a civil action against any defendant party to the
16 complaint for any violation affecting the same sub-
17 scriber alleged in the complaint.

18 “(k) REPORTS ON COMPLAINTS.—

19 “(1) REPORTS REQUIRED.—Each telecommuni-
20 cations carrier or reseller shall submit to the Com-
21 mission, quarterly, a report on the number of com-
22 plaints of unauthorized changes in providers of tele-
23 phone exchange service or telephone toll service that
24 are submitted to the carrier or reseller by its sub-
25 scribers. Each report shall specify each provider of

1 service complained of and the number of complaints
2 relating to such provider.

3 “(2) LIMITATION ON SCOPE.—The Commission
4 may not require any information in a report under
5 paragraph (1) other than the information specified
6 in the second sentence of that paragraph.

7 “(3) UTILIZATION.—The Commission shall use
8 the information submitted in reports under para-
9 graph (1) to identify telecommunications carriers or
10 resellers that engage in patterns and practices of un-
11 authorized changes in providers of telephone ex-
12 change service or telephone toll service.

13 “(1) DEFINITIONS.—For purposes of this section:

14 “(1) ATTORNEY GENERAL.—The term ‘attorney
15 general’ means the chief legal officer of a State.

16 “(2) SUBSCRIBER.—The term ‘subscriber’
17 means the person named on the billing statement or
18 account, or any other person authorized to make
19 changes in the providers of telephone exchange serv-
20 ice or telephone toll service.”.

21 (f) REPORT ON CARRIERS EXECUTING UNAUTHOR-
22 IZED CHANGES OF TELEPHONE SERVICE.—

23 (1) REPORT.—Not later than October 31,
24 1998, the Federal Communications Commission
25 shall submit to Congress a report on unauthorized

1 changes of subscribers' selections of providers of
2 telephone exchange service or telephone toll service.

3 (2) ELEMENTS.—The report shall include the
4 following:

5 (A) A list of the 10 telecommunications
6 carriers or resellers that, during the 1-year pe-
7 riod ending on the date of the report, were sub-
8 ject to the highest number of complaints of hav-
9 ing executed unauthorized changes of subscrib-
10 ers from their selected providers of telephone
11 exchange service or telephone toll service when
12 compared with the total number of subscribers
13 served by such carriers or resellers.

14 (B) The telecommunications carriers or re-
15 sellers, if any, assessed forfeitures under section
16 258(f) of the Communications Act of 1934 (as
17 added by subsection (d)), during that period,
18 including the amount of each such forfeiture
19 and whether the forfeiture was assessed as a re-
20 sult of a court judgment or an order of the
21 Commission or was secured pursuant to a con-
22 sent decree.

23 **SEC. 102. ADDITIONAL ENFORCEMENT AUTHORITY.**

24 Section 504 of the Communications Act of 1934 (47
25 U.S.C. 504) is amended by adding at the end thereof the

1 following: “Notwithstanding the preceding sentence, the
2 failure of a person to pay a forfeiture imposed for violation
3 of section 258(a) may be used as a basis for revoking,
4 denying, or limiting that person’s operating authority
5 under section 214 or 312.”.

6 **SEC. 103. OBLIGATIONS OF BILLING AGENTS.**

7 (a) IN GENERAL.—Part I of title II of the Commu-
8 nications Act of 1934 (47 U.S.C. 201 et seq.) is amended
9 by adding at the end thereof the following:

10 **“SEC. 231. OBLIGATIONS OF TELEPHONE BILLING AGENTS.**

11 “(a) IN GENERAL.—A billing agent, including a tele-
12 communications carrier or reseller, who issues a bill for
13 telephone exchange service or telephone toll service to a
14 subscriber shall—

15 “(1) state on the bill—

16 “(A) the name and toll-free telephone
17 number of any telecommunications carrier or
18 reseller for the subscriber’s telephone exchange
19 service and telephone toll service;

20 “(B) the identity of the presubscribed car-
21 rier or reseller; and

22 “(C) the charges associated with each car-
23 rier’s or reseller’s provision of telecommuni-
24 cations service during the billing period;

1 “(2) for services other than those described in
2 paragraph (1), state on a separate page—

3 “(A) the name of any company whose
4 charges are reflected on the subscriber’s bill;

5 “(B) the services for which the subscriber
6 is being charged by that company;

7 “(C) the charges associated with that com-
8 pany’s provision of service during the billing pe-
9 riod;

10 “(D) the toll-free telephone number that
11 the subscriber may call to dispute that compa-
12 ny’s charges; and

13 “(E) that disputes about that company’s
14 charges will not result in disruption of tele-
15 phone exchange service or telephone toll service;
16 and

17 “(3) show the mailing address of any tele-
18 communications carrier or reseller or other company
19 whose charges are reflected on the bill.

20 “(b) KNOWING INCLUSION OF UNAUTHORIZED OR
21 IMPROPER CHARGES PROHIBITED.—A billing agent may
22 not submit charges for telecommunications services or
23 other services to a subscriber if the billing agent knows,
24 or should know, that the subscriber did not authorize the
25 charges or that the charges are otherwise improper.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) applies to bills to subscribers for tele-
3 communications services sent to subscribers more than 60
4 days after the date of enactment of this Act.

5 **SEC. 104. FCC JURISDICTION OVER BILLING SERVICE PRO-**
6 **VIDERS.**

7 Part III of title II of the Communications Act of
8 1934 (47 U.S.C. 271 et seq.) is amended by adding at
9 the end thereof the following:

10 **“SEC. 277. JURISDICTION OVER BILLING SERVICE PROVID-**
11 **ERS.**

12 “The Commission has jurisdiction to assess and re-
13 cover any penalty imposed under title V of this Act against
14 an entity not a telecommunications carrier or reseller to
15 the extent that entity provides billing services for the pro-
16 vision of telecommunications services, or for services other
17 than telecommunications services that appear on a sub-
18 scriber’s telephone bill for telecommunications services,
19 but the Commission may assess and recover such penalties
20 only if that entity knowingly or willfully violates the provi-
21 sions of this Act or any rule or order of the Commission.”.

22 **SEC. 105. REPORT; STUDY.**

23 (a) IN GENERAL.—The Federal Communications
24 Commission shall issue a report within 180 days after the
25 date of enactment of this Act on the telemarketing and

1 other solicitation practices used by telecommunications
2 carriers or resellers or their agents or employees for the
3 purpose of changing the telephone exchange service or
4 telephone toll service provider of a subscriber.

5 (b) SPECIFIC ISSUES.—As part of the report required
6 under subsection (a), the Commission shall include find-
7 ings on—

8 (1) the extent to which imposing penalties on
9 telemarketers would deter unauthorized changes in a
10 subscriber’s selection of a provider of telephone ex-
11 change service or telephone toll service;

12 (2) the need for rules requiring third-party ver-
13 ification of changes in a subscriber’s selection of
14 such a provider and independent third party admin-
15 istration of presubscribed interexchange carrier
16 changes; and

17 (3) whether wireless carriers should continue to
18 be exempt from the requirements imposed by section
19 258 of the Communications Act of 1934 (47 U.S.C.
20 258).

21 (c) RULEMAKING.—If the Commission determines
22 that particular telemarketing or other solicitation prac-
23 tices are being used with the intention to mislead, deceive,
24 or confuse subscribers and that they are likely to mislead,
25 deceive, or confuse subscribers, then the Commission shall

1 initiate a rulemaking to prohibit the use of such practices
 2 within 120 days after the completion of its report.

3 **SEC. 106. DISCLOSURE OF CERTAIN RECORDS FOR INVES-**
 4 **TIGATIONS OF TELEMARKETING FRAUD.**

5 Section 2703(c)(1)(B) of title 18, United States
 6 Code, is amended by—

- 7 (1) striking “or” at the end of clause (ii);
 8 (2) striking the period at the end of clause (iii)
 9 and inserting “; or”; and
 10 (3) adding at the end the following:

11 “(iv) submits a formal written request rel-
 12 evant to a law enforcement investigation con-
 13 cerning telemarketing fraud for the name, ad-
 14 dress, and place of business of a subscriber or
 15 customer of such provider, which subscriber or
 16 customer is engaged in telemarketing (as such
 17 term is in section 2325 of this title).”.

18 **TITLE II—SWITCHLESS**
 19 **RESELLERS**

20 **SEC. 201. REQUIREMENT FOR SURETY BONDS FROM TELE-**
 21 **COMMUNICATIONS CARRIERS OPERATING AS**
 22 **SWITCHLESS RESELLERS.**

23 Part I of title II of the Communications Act of 1934
 24 (47 U.S.C. 201 et seq.), as amended by section 103 of
 25 this Act, is amended by adding at the end the following:

1 **“SEC. 232. SURETY BONDS FROM TELECOMMUNICATIONS**
2 **CARRIERS OPERATING AS SWITCHLESS RE-**
3 **SELLERS.**

4 “(a) **REQUIREMENT.**—Under such regulations as the
5 Commission shall prescribe, any telecommunications car-
6 rier operating or seeking to operate as a switchless reseller
7 shall furnish to the Commission a surety bond in a form
8 and an amount determined by the Commission to be satis-
9 factory for purposes of this section.

10 “(b) **SURETY.**—A surety bond furnished pursuant to
11 this section shall be issued by a surety corporation that
12 meets the requirements of section 9304 of title 31, United
13 States Code.

14 “(c) **CLAIMS AGAINST BOND.**—A surety bond fur-
15 nished under this section shall be available to pay the fol-
16 lowing:

17 “(1) Any fine or penalty imposed against the
18 carrier concerned while operating as a switchless re-
19 seller as a result of a violation of the provisions of
20 section 258 (relating to unauthorized changes in
21 subscriber selections to telecommunications carriers).

22 “(2) Any penalty imposed against the carrier
23 under this section.

24 “(3) Any other fine or penalty, including a for-
25 feiture penalty, imposed against the carrier under
26 this Act.

1 “(d) RESIDENT AGENT.—A telecommunications car-
2 rier operating as a switchless reseller that is not domiciled
3 in the United States shall designate a resident agent in
4 the United States for receipt of service of judicial and ad-
5 ministrative process, including subpoenas.

6 “(e) PENALTIES.—

7 “(1) SUSPENSION.—The Commission may sus-
8 pend the right of any telecommunications carrier to
9 operate as a switchless reseller—

10 “(A) for failure to furnish or maintain the
11 surety bond required by subsection (a);

12 “(B) for failure to designate an agent as
13 required by subsection (d); or

14 “(C) for a violation of section 258 while
15 operating as a switchless reseller.

16 “(2) ADDITIONAL PENALTIES.—In addition to
17 suspension under paragraph (1), any telecommuni-
18 cations carrier operating as a switchless reseller that
19 fails to furnish or maintain a surety bond under this
20 section shall be subject to any forfeiture provided for
21 under sections 503 and 504.

22 “(f) BILLING SERVICES FOR UNBONDED
23 SWITCHLESS RESELLERS.—

24 “(1) PROHIBITION.—No common carrier or bill-
25 ing agent may provide billing services for any serv-

1 ices provided by a switchless reseller unless the
2 switchless reseller—

3 “(A) has furnished the bond required by
4 subsection (a); and

5 “(B) in the case of a switchless reseller not
6 domiciled in the United States, has designated
7 an agent under subsection (d).

8 “(2) PENALTY.—

9 “(A) PENALTY.—Any common carrier or
10 billing agent that knowingly and willfully pro-
11 vides billing services to a switchless reseller in
12 violation of paragraph (1) shall be liable to the
13 United States for a civil penalty not to exceed
14 \$50,000.

15 “(B) APPLICABILITY.—For purposes of
16 subparagraph (A), the provision of services to
17 any particular reseller in violation of paragraph
18 (1) shall constitute a separate violation of that
19 paragraph.

20 “(3) COMMISSION AUTHORITY TO ASSESS AND
21 COLLECT PENALTIES.—The Commission shall have
22 the authority to assess and collect any penalty pro-
23 vided for under this subsection upon a finding by the
24 Commission of a violation of paragraph (1).

25 “(g) RETURN OF BONDS.—

1 “(1) REVIEW.—

2 “(A) IN GENERAL.—The Commission may
3 from time to time review the activities of a tele-
4 communications carrier that has furnished a
5 surety bond under this section for purposes of
6 determining whether or not to retain the bond
7 under this section.

8 “(B) STANDARDS OF REVIEW.—The Com-
9 mission shall prescribe any standards applicable
10 to its review of activities under this paragraph.

11 “(C) FIRST REVIEW.—The Commission
12 may not first review the activities of a carrier
13 under subparagraph (A) before the date that is
14 3 years after the date on which the carrier fur-
15 nishes the bond concerned under this section.

16 “(2) RETURN.—The Commission may return a
17 surety bond as a result of a review under this sub-
18 section.

19 “(h) DEFINITIONS.—In this section:

20 “(1) BILLING AGENT.—The term ‘billing agent’
21 means any entity (other than a telecommunications
22 carrier) that provides billing services for services
23 provided by a telecommunications carrier, or other
24 services, if charges for such services appear on the
25 bill of a subscriber for telecommunications services.

1 “(2) SWITCHLESS RESELLER.—The term
2 ‘switchless reseller’ means a telecommunications car-
3 rier that resells the switched telecommunications
4 service of another telecommunications carrier with-
5 out the use of any switching facilities under its own
6 ownership or control.

7 “(i) DETARIFFING AUTHORITY NOT IMPAIRED.—
8 Nothing in this section is intended to prohibit the Com-
9 mission from adopting rules providing for the permissive
10 detariffing of long-distance telephone companies, if the
11 Commission determines that such permissive detariffing
12 would otherwise serve the public interest, convenience, and
13 necessity.”.

14 **TITLE III—SPAMMING**

15 **SEC. 301. REQUIREMENTS RELATING TO TRANSMISSIONS** 16 **OF UNSOLICITED COMMERCIAL ELECTRONIC** 17 **MAIL.**

18 (a) INFORMATION TO BE INCLUDED IN TRANS-
19 MISSIONS.—

20 (1) IN GENERAL.—A person who transmits an
21 unsolicited commercial electronic mail message shall
22 cause to appear in each such electronic mail message
23 the information specified in paragraph (2).

24 (2) COVERED INFORMATION.—The following in-
25 formation shall appear at the beginning of the body

1 of an unsolicited commercial electronic mail message
2 under paragraph (1):

3 (A) The name, physical address, electronic
4 mail address, and telephone number of the per-
5 son who initiates transmission of the message.

6 (B) The name, physical address, electronic
7 mail address, and telephone number of the per-
8 son who created the content of the message, if
9 different from the information under subpara-
10 graph (A).

11 (C) A statement that further transmissions
12 of unsolicited commercial electronic mail to the
13 recipient by the person who initiates trans-
14 mission of the message may be stopped at no
15 cost to the recipient by sending a reply to the
16 originating electronic mail address with the
17 word “remove” in the subject line.

18 (b) ROUTING INFORMATION.—All Internet routing
19 information contained within or accompanying an elec-
20 tronic mail message described in subsection (a) must be
21 accurate, valid according to the prevailing standards for
22 Internet protocols, and accurately reflect message routing.

23 (c) EFFECTIVE DATE.—The requirements in this sec-
24 tion shall take effect 30 days after the date of enactment
25 of this Act.

1 **SEC. 302. FEDERAL OVERSIGHT OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL.**
2

3 (a) TRANSMISSIONS.—

4 (1) IN GENERAL.—Upon notice from a person
5 of the person’s receipt of electronic mail in violation
6 of a provision of section 301 or 305, the Commission—
7

8 (A) may conduct an investigation to determine whether or not the electronic mail was
9 transmitted in violation of such provision; and
10

11 (B) if the Commission determines that the electronic mail was transmitted in violation of
12 such provision, may—
13

14 (i) impose upon the person initiating the transmission a civil fine in an amount
15 not to exceed \$15,000;
16

17 (ii) commence in a district court of the United States a civil action to recover
18 a civil penalty in an amount not to exceed \$15,000 against the person initiating the
19 transmission;
20

21 (iii) commence an action in a district court of the United States a civil action to
22 seek injunctive relief; or
23
24

1 (iv) proceed under any combination of
2 the authorities set forth in clauses (i), (ii),
3 and (iii).

4 (2) DEADLINE.—The Commission may not take
5 action under paragraph (1)(B) with respect to a
6 transmission of electronic mail more than 2 years
7 after the date of the transmission.

8 (b) ADMINISTRATION.—

9 (1) NOTICE BY ELECTRONIC MEANS.—The
10 Commission shall establish an Internet web site with
11 an electronic mail address for the receipt of notices
12 under subsection (a).

13 (2) INFORMATION ON ENFORCEMENT.—The
14 Commission shall make available through the Inter-
15 net web site established under paragraph (1) infor-
16 mation on the actions taken by the Commission
17 under subsection (a)(1)(B).

18 (3) ASSISTANCE OF OTHER FEDERAL AGEN-
19 CIES.—Other Federal agencies may assist the Com-
20 mission in carrying out its duties under this section.

21 **SEC. 303. ACTIONS BY STATES.**

22 (a) IN GENERAL.—Whenever the attorney general of
23 a State has reason to believe that the interests of the resi-
24 dents of the State have been or are being threatened or
25 adversely affected because any person is engaging in a pat-

1 tern or practice of the transmission of electronic mail in
 2 violation of a provision of section 301 or 305, the State,
 3 as *parens patriae*, may bring a civil action on behalf of
 4 its residents to enjoin such transmission, to enforce com-
 5 pliance with such provision, to obtain damages or other
 6 compensation on behalf of its residents, or to obtain such
 7 further and other relief as the court considers appropriate.

8 (b) NOTICE TO COMMISSION.—

9 (1) NOTICE.—The State shall serve prior writ-
 10 ten notice of any civil action under this section on
 11 the Commission and provide the Commission with a
 12 copy of its complaint, except that if it is not feasible
 13 for the State to provide such prior notice, the State
 14 shall serve written notice immediately on instituting
 15 such action.

16 (2) RIGHTS OF COMMISSION.—On receiving a
 17 notice with respect to a civil action under paragraph
 18 (1), the Commission shall have the right—

19 (A) to intervene in the action;

20 (B) upon so intervening, to be heard in all
 21 matters arising therein; and

22 (C) to file petitions for appeal.

23 (c) ACTIONS BY COMMISSION.—Whenever a civil ac-
 24 tion has been instituted by or on behalf of the Commission
 25 for violation of a provision of section 301 or 305, no State

1 may, during the pendency of such action, institute a civil
2 action under this section against any defendant named in
3 the complaint in such action for violation of any provision
4 as alleged in the complaint.

5 (d) CONSTRUCTION.—For purposes of bringing a civil
6 action under subsection (a), nothing in this section shall
7 prevent an attorney general from exercising the powers
8 conferred on the attorney general by the laws of the State
9 concerned to conduct investigations or to administer oaths
10 or affirmations or to compel the attendance of witnesses
11 or the production of documentary or other evidence.

12 (e) VENUE; SERVICE OF PROCESS.—Any civil action
13 brought under subsection (a) in a district court of the
14 United States may be brought in the district in which the
15 defendant is found, is an inhabitant, or transacts business
16 or wherever venue is proper under section 1391 of title
17 28, United States Code. Process in such an action may
18 be served in any district in which the defendant is an in-
19 habitant or in which the defendant may be found.

20 (f) ACTIONS BY OTHER STATE OFFICIALS.—Nothing
21 in this section may be construed to prohibit an authorized
22 State official from proceeding in State court on the basis
23 of an alleged violation of any civil or criminal statute of
24 the State concerned.

25 (g) DEFINITIONS.—In this section:

1 (1) ATTORNEY GENERAL.—The term “attorney
2 general” means the chief legal officer of a State.

3 (2) STATE.—The term “State” means any
4 State of the United States, the District of Columbia,
5 Puerto Rico, Guam, American Samoa, the United
6 States Virgin Islands, the Commonwealth of the
7 Northern Mariana Islands, the Republic of the Mar-
8 shall Islands, the Federated States of Micronesia,
9 the Republic of Palau, and any possession of the
10 United States.

11 **SEC. 304. INTERACTIVE COMPUTER SERVICE PROVIDERS.**

12 (a) EXEMPTION FOR CERTAIN TRANSMISSIONS.—

13 (1) EXEMPTION.—Section 301 or 305 shall not
14 apply to a transmission of electronic mail by an
15 interactive computer service provider unless—

16 (A) the provider initiates the transmission;

17 or

18 (B) the transmission is not made to its
19 own customers.

20 (2) CONSTRUCTION.—Nothing in this sub-
21 section may be construed to require an interactive
22 computer service provider to transmit or otherwise
23 deliver any electronic mail message.

24 (b) ACTIONS BY INTERACTIVE COMPUTER SERVICE
25 PROVIDERS.—

1 (1) IN GENERAL.—In addition to any other
2 remedies available under any other provision of law,
3 any interactive computer service provider adversely
4 affected by a violation of a provision of section 301
5 or 305 may, within 1 year after discovery of the vio-
6 lation, bring a civil action in a district court of the
7 United States against a person who violates such
8 provision. Such an action may be brought to enjoin
9 the violation, to enforce compliance with such provi-
10 sion, to obtain damages, or to obtain such further
11 and other relief as the court considers appropriate.

12 (2) DAMAGES.—

13 (A) IN GENERAL.—The amount of dam-
14 ages in an action under this subsection for a
15 violation specified in paragraph (1) may not ex-
16 ceed \$15,000 per violation.

17 (B) RELATIONSHIP TO OTHER DAM-
18 AGES.—Damages awarded for a violation under
19 this subsection are in addition to any other
20 damages awardable for the violation under any
21 other provision of law.

22 (C) COST AND FEES.—The court may, in
23 issuing any final order in any action brought
24 under paragraph (1), award costs of suit, rea-
25 sonable costs of obtaining service of process,

1 reasonable attorney fees, and expert witness
2 fees for the prevailing party.

3 (3) VENUE; SERVICE OF PROCESS.—Any civil
4 action brought under paragraph (1) in a district
5 court of the United States may be brought in the
6 district in which the defendant or in which the inter-
7 active computer service provider is located, is an in-
8 habitant, or transacts business or wherever venue is
9 proper under section 1391 of title 28, United States
10 Code. Process in such an action may be served in
11 any district in which the defendant is an inhabitant
12 or in which the defendant may be found.

13 (c) INTERACTIVE COMPUTER SERVICE PROVIDER
14 DEFINED.—In this section, the term “interactive com-
15 puter service provider” has the meaning given the term
16 “interactive computer service” in section 230(e)(2) of the
17 Communications Act of 1934 (47 U.S.C. 230(e)(2)).

18 **SEC. 305. RECEIPT OF TRANSMISSIONS BY PRIVATE PER-**
19 **SONS.**

20 (a) TERMINATION OF TRANSMISSIONS.—A person
21 who receives from any other person an electronic mail
22 message requesting the termination of further trans-
23 mission of commercial electronic mail shall cease the initi-
24 ation of further transmissions of such mail to the person
25 making the request.

1 (b) AFFIRMATIVE AUTHORIZATION OF TRANS-
2 MISSIONS.—

3 (1) IN GENERAL.—Subject to paragraph (2), a
4 person may authorize another person to initiate
5 transmissions of unsolicited commercial electronic
6 mail to the person.

7 (2) AVAILABILITY OF TERMINATION.—A person
8 initiating transmissions of electronic mail under
9 paragraph (1) shall include, with each transmission
10 of such mail to a person authorizing the trans-
11 mission under that paragraph, the information speci-
12 fied in section 301(a)(2)(C).

13 (c) CONSTRUCTIVE AUTHORIZATION OF TRANS-
14 MISSIONS.—

15 (1) IN GENERAL.—Subject to paragraphs (2)
16 and (3), a person who secures a good or service
17 from, or otherwise responds electronically to, an
18 offer in a transmission of unsolicited commercial
19 electronic mail shall be deemed to have authorized
20 the initiation of transmissions of unsolicited com-
21 mercial electronic mail from the person who initiated
22 the transmission.

23 (2) NO AUTHORIZATION FOR REQUESTS FOR
24 TERMINATION.—An electronic mail request to cease
25 the initiation of further transmissions of electronic

1 mail under subsection (a) shall not constitute au-
2 thorization for the initiation of further electronic
3 mail under this subsection.

4 (3) AVAILABILITY OF TERMINATION.—A person
5 initiating transmissions of electronic mail under
6 paragraph (1) shall include, with each transmission
7 of such mail to a person deemed to have authorized
8 the transmission under that paragraph, the informa-
9 tion specified in section 301(a)(2)(C).

10 (d) EFFECTIVE DATE OF TERMINATION REQUIRE-
11 MENTS.—Subsections (a), (b)(2), and (c)(3) shall take ef-
12 fect 30 days after the date of enactment of this Act.

13 **SEC. 306. DEFINITIONS.**

14 In this title:

15 (1) COMMERCIAL ELECTRONIC MAIL.—The
16 term “commercial electronic mail” means any elec-
17 tronic mail that—

18 (A) contains an advertisement for the sale
19 of a product or service;

20 (B) contains a solicitation for the use of a
21 telephone number, the use of which connects
22 the user to a person or service that advertises
23 the sale of or sells a product or service; or

24 (C) promotes the use of or contains a list
25 of one or more Internet sites that contain an

1 advertisement referred to in subparagraph (A)
2 or a solicitation referred to in subparagraph
3 (B).

4 (2) COMMISSION.—The term “Commission”
5 means the Federal Trade Commission.

6 (3) the term “initiate the transmission” in the
7 case of an electronic mail message means to origi-
8 nate the electronic mail message, and does not en-
9 compass any intervening interactive computer service
10 whose facilities may have been used to relay, handle,
11 or otherwise retransmit the electronic mail message,
12 unless the intervening interactive computer service
13 provider knowingly and intentionally retransmits any
14 electronic mail in violation of section 301 or 305.

15 **TITLE IV—MISCELLANEOUS** 16 **PROVISIONS**

17 **SEC. 401. ENFORCEMENT OF REGULATIONS REGARDING** 18 **CITIZENS BAND RADIO EQUIPMENT.**

19 Section 302 of the Communications Act of 1934 (47
20 U.S.C. 302) is amended by adding at the end the follow-
21 ing:

22 “(f)(1) Except as provided in paragraph (2), a State
23 or local government may enforce the following regulations
24 of the Commission under this section:

1 “(A) A regulation that prohibits a use of citi-
2 zens band radio equipment not authorized by the
3 Commission.

4 “(B) A regulation that prohibits the unauthor-
5 ized operation of citizens band radio equipment on
6 a frequency between 24 MHz and 35 MHz.

7 “(2) Possession of a station license issued by the
8 Commission pursuant to section 301 in any radio service
9 for the operation at issue shall preclude action by a State
10 or local government under this subsection.

11 “(3) The Commission shall provide technical guid-
12 ance to State and local governments regarding the detec-
13 tion and determination of violations of the regulations
14 specified in paragraph (1).

15 “(4)(A) In addition to any other remedy authorized
16 by law, a person affected by the decision of a State or
17 local government enforcing a regulation under paragraph
18 (1) may submit to the Commission an appeal of the deci-
19 sion on the grounds that the State or local government,
20 as the case may be, acted outside the authority provided
21 in this subsection.

22 “(B) A person shall submit an appeal on a decision
23 of a State or local government to the Commission under
24 this paragraph, if at all, not later than 30 days after the

1 date on which the decision by the State or local govern-
2 ment becomes final.

3 “(C) The Commission shall make a determination on
4 an appeal submitted under subparagraph (B) not later
5 than 180 days after its submittal.

6 “(D) If the Commission determines under subpara-
7 graph (C) that a State or local government has acted out-
8 side its authority in enforcing a regulation, the Commis-
9 sion shall reverse the decision enforcing the regulation.

10 “(5) The enforcement of a regulation by a State or
11 local government under paragraph (1) in a particular case
12 shall not preclude the Commission from enforcing the reg-
13 ulation in that case concurrently.

14 “(6) Nothing in this subsection shall be construed to
15 diminish or otherwise affect the jurisdiction of the Com-
16 mission under this section over devices capable of interfer-
17 ing with radio communications.”.

18 **SEC. 402. MODIFICATION OF EXCEPTION TO PROHIBITION**

19 **ON INTERCEPTION OF COMMUNICATIONS.**

20 (a) MODIFICATION.—Section 2511(2)(d) of title 18,
21 United States Code, is amended by adding at the end the
22 following: “Notwithstanding the previous sentence, it shall
23 not be unlawful under this chapter for a person not acting
24 under the color of law to intercept a wire, oral, or elec-
25 tronic communication between a health insurance issuer

1 or health plan and a subscriber of such issuer or plan,
2 or between a health care provider and a patient, only if
3 all of the parties to the communication have given prior
4 express consent to such interception. For purposes of the
5 preceding sentence, the term ‘health insurance issuer’ has
6 the meaning given that term in section 733 of the Em-
7 ployee Retirement Income Security Act of 1974 (29
8 U.S.C. 1191b), the term ‘health plan’ means a group
9 health plan, as defined in such section of such Act, an
10 individual or self-insured health plan, the medicare pro-
11 gram under title XVIII of the Social Security Act (42
12 U.S.C. 1395 et seq.), the medicaid program under title
13 XIX of such Act (42 U.S.C. 1396 et seq.), the State chil-
14 dren’s health insurance program under title XXI of such
15 Act (42 U.S.C. 1397aa et seq.), and the Civilian Health
16 and Medical Program of the Uniformed Services under
17 chapter 55 of title 10, and the term ‘health care provider’
18 means a physician or other health care professional.”

19 (b) RECORDING AND MONITORING OF COMMUNICA-
20 TIONS WITH HEALTH INSURERS.—

21 (1) COMMUNICATION WITHOUT RECORDING OR
22 MONITORING.—Notwithstanding any other provision
23 of law, a health insurance issuer, health plan, or
24 health care provider that notifies any customer of its
25 intent to record or monitor any communication with

1 such customer shall provide the customer the option
2 to conduct the communication without being re-
3 corded or monitored by the health insurance issuer,
4 health plan, or health care provider.

5 (2) DEFINITIONS.—In this subsection:

6 (A) HEALTH CARE PROVIDER.—The term
7 “health care provider” means a physician or
8 other health care professional.

9 (B) HEALTH INSURANCE ISSUER.—The
10 term “health insurance issuer” has the meaning
11 given that term in section 733 of the Employee
12 Retirement Income Security Act of 1974 (29
13 U.S.C. 1191b).

14 (C) HEALTH PLAN.—The term “health
15 plan” means—

16 (i) a group health plan, as defined in
17 section 733 of the Employee Retirement
18 Income Security Act of 1974 (29 U.S.C.
19 1191b);

20 (ii) an individual or self-insured
21 health plan;

22 (iii) the medicare program under title
23 XVIII of the Social Security Act (42
24 U.S.C. 1395 et seq.);

1 (iv) the medicaid program under title
2 XIX of such Act (42 U.S.C. 1396 et seq.);

3 (v) the State children's health insur-
4 ance program under title XXI of such Act
5 (42 U.S.C. 1397aa et seq.); and

6 (vi) the Civilian Health and Medical
7 Program of the Uniformed Services under
8 chapter 55 of title 10, United States Code.

9 **SEC. 403. CONSUMER TRUTH IN BILLING DISCLOSURE ACT.**

10 (a) FINDINGS.—Congress makes the following find-
11 ings:

12 (1) Billing practices by telecommunications car-
13 riers may not reflect accurately the cost or basis of
14 the additional telecommunications services and bene-
15 fits that consumers receive as a result of the enact-
16 ment of the Telecommunications Act of 1996 (Public
17 Law 104–104) and other Federal regulatory actions
18 taken since the enactment of that Act.

19 (2) The Telecommunications Act of 1996 was
20 not intended to allow providers of telecommuni-
21 cations services to misrepresent to customers the
22 costs of providing services or the services provided.

23 (3) Certain providers of telecommunications
24 services have established new, specific charges on

1 customer bills commonly known as “line-item
2 charges”.

3 (4) Certain providers of telecommunications
4 services have described such charges as “Federal
5 Universal Service Fees” or similar fees.

6 (5) Such charges have generated significant
7 confusion among customers regarding the nature of
8 and scope of universal service and of the fees associ-
9 ated with universal service.

10 (6) The State of New York is considering ac-
11 tion to protect consumers by requiring telecommuni-
12 cations carriers to disclose fully in the bills of all
13 classes of customers the fee increases and fee reduc-
14 tions resulting from the enactment of the Tele-
15 communications Act of 1996 and other regulatory
16 actions taken since the enactment of that Act.

17 (7) The National Association of Regulatory
18 Utility Commissioners adopted a resolution in Feb-
19 ruary 1998 supporting action by the Federal Com-
20 munications Commission and the Federal Trade
21 Commission to protect consumers of telecommuni-
22 cations services by assuring accurate cost reporting
23 and billing practices by telecommunications carriers
24 nationwide.

1 (b) REQUIREMENTS.—Any telecommunications car-
2 rier that includes any change resulting from Federal regu-
3 latory action shall specify in such bill—

4 (1) the reduction in charges or fees for each
5 class of customers (including customers of residen-
6 tial basic service, customers of other residential serv-
7 ices, small business customers, and other business
8 customers) resulting from any regulatory action of
9 the Federal Communications Commission;

10 (2) total monthly charges, usage charges, per-
11 centage charges, and premiums for each class of
12 customers (including customers of residential basic
13 service, customers of other residential services, small
14 business customers, and other business customers);

15 (3) notify consumers one billing cycle in ad-
16 vance of any changes in existing charges or imposi-
17 tion of new charges; and

18 (4) disclose, upon subscription, total monthly
19 charges, usage charges, percentage charges, and pre-
20 miums for each class of customers (including resi-
21 dential basic service, customers of other residential

- 1 service, small business customers, and other business
- 2 customers).

Passed the Senate May 12, 1998.

Attest:

Secretary.

105TH CONGRESS
2^D SESSION

S. 1618

AN ACT

To amend the Communications Act of 1934 to improve the protection of consumers against “slamming” by telecommunications carriers, and for other purposes.