

106TH CONGRESS
2D SESSION

H. R. 4742

To amend the Communications Act of 1934 to require the Federal Communications Commission to establish minimum standards regarding the quality of wireless telephone service and to monitor complaints regarding such service.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2000

Mr. WEINER (for himself and Mr. PASCRELL) introduced the following bill;
which was referred to the Committee on Commerce

A BILL

To amend the Communications Act of 1934 to require the Federal Communications Commission to establish minimum standards regarding the quality of wireless telephone service and to monitor complaints regarding such service.

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 “Cell Phone Consumer
5 Protection Act of 2000”.

1 **SEC. 2. ESTABLISHMENT OF STANDARDS REGARDING OF**
2 **QUALITY OF COMMERCIAL MOBILE SERVICE**
3 **AND MONITORING OF COMPLAINTS REGARD-**
4 **ING SUCH SERVICE.**

5 Section 332(c) of the Communications Act of 1934
6 (47 U.S.C. 332) is amended by adding at the end the fol-
7 lowing new paragraph:

8 “(9) QUALITY OF COMMERCIAL MOBILE SERV-
9 ICES.—

10 “(A) IN GENERAL.—The Commission
11 shall, by regulation, establish such requirements
12 as the Commission considers appropriate to en-
13 sure that providers of commercial mobile serv-
14 ices meet minimum standards regarding the
15 quality and performance of such service, which
16 shall include standards regarding connection,
17 reception, and billing practices.

18 “(B) COMPLAINT SYSTEM.—

19 “(i) ESTABLISHMENT.—The Commis-
20 sion shall establish and administer a sys-
21 tem that makes available a procedure for
22 any subscriber of a commercial mobile
23 service to register a complaint regarding
24 the quality or performance of the service.

25 “(ii) TOLL-FREE NUMBER.—Such sys-
26 tem shall include establishment of a toll-

1 free number applicable to commercial mo-
2 bile services for reporting a complaint. The
3 Commission and any agency or entity to
4 which the Commission has delegated au-
5 thority under section 251(e) shall des-
6 ignate ‘#FCC’ as such number and shall
7 provide appropriate transition periods for
8 areas in which such number is otherwise in
9 use as of the date of the enactment of the
10 Cell Phone Consumer Protection Act of
11 2000.

12 “(iii) RECORDS.—The Commission
13 shall maintain a record of each complaint
14 made under the system established pursu-
15 ant to this subparagraph.

16 “(iv) NOTICE.—The Commission shall
17 require each provider of commercial mobile
18 service (or the billing agent for such pro-
19 vider) to include, in each subscriber’s bill
20 for such service, a statement informing the
21 subscriber that a complaint regarding the
22 quality or performance of the service may
23 be registered with the Commission and
24 providing the toll-free number under clause
25 (ii) and an address for mailing a com-

1 plaint. The Commission shall take such
2 other actions as may be appropriate to
3 publicize the availability of the complaint
4 system to subscribers of commercial mobile
5 services.

6 “(C) REPORTING OF COMPLAINTS TO CON-
7 GRESS.—Not less often than once every 6
8 months, the Commission shall submit a report
9 to the Congress regarding complaints received
10 under the complaint system required under sub-
11 paragraph (B), which shall—

12 “(i) indicate the number of complaints
13 received, during the period for which the
14 report is made, regarding each provider of
15 a commercial mobile service for which a
16 complaint is made; and

17 “(ii) indicate the types of complaints
18 received during such period, including com-
19 plaints regarding dead spots, dropped calls,
20 network busy signals, and improper billing
21 practices, and the number of each type of
22 complaint received during such period.

23 Upon submission to the Congress of each report
24 under this subparagraph, the Commission shall
25 make such report publicly available by providing

1 access to the report through a World Wide Web
2 site of the Commission.

3 “(D) EFFECT ON CONSUMER PROTECTION
4 LAWS.—This paragraph may not be construed
5 as relieving any provider of a commercial mobile
6 service from the obligation to comply with any
7 Federal, State, or local statute or regulation re-
8 lating to consumer protection or unfair trade.

9 “(E) STATE AUTHORITY.—This paragraph
10 may not be construed as precluding any State
11 from enacting and enforcing additional and
12 complementary oversight and regulatory sys-
13 tems or procedures, or both, so long as such
14 systems and procedures do not significantly im-
15 pede the enforcement of this paragraph or other
16 Federal statutes.

17 “(F) EXEMPTION FROM FORFEITURE PRO-
18 VISIONS.—Notwithstanding any provision of
19 title V, failure to comply with the requirements
20 established under subparagraph (A) shall not be
21 subject to any penalty or forfeiture under such
22 title.”.

23 **SEC. 3. EFFECTIVE DATE AND REGULATIONS.**

24 (a) EFFECTIVE DATE.—The amendment made by
25 section 2 shall take effect upon the expiration of the 6-

1 month period beginning on the date of the enactment of
2 this Act.

3 (b) REGULATIONS.—The Commission shall prescribe
4 such regulations as may be necessary to carry out the
5 amendment made by section 2. Such regulations shall be
6 issued not later than, and shall take effect upon, the effec-
7 tive date under subsection (a).

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