

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 83

To require customer consent to the provision of wireless call location information.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Mr. FRELINGHUYSEN introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To require customer consent to the provision of wireless call location information.

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 “Wireless Privacy Pro-  
5       tection Act of 2005”.

1 **SEC. 2. AUTHORITY TO PROVIDE CALL LOCATION INFOR-**  
2 **MATION CONCERNING WIRELESS CUS-**  
3 **TOMERS.**

4 (a) INFORMED CONSENT TO PROVISION OF LOCA-  
5 TION INFORMATION.—Section 222 of the Communications  
6 Act of 1934 (47 U.S.C. 222) is amended—

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

9 (2) by inserting before such subsection the fol-  
10 lowing new subsection:

11 “(h) AUTHORITY TO USE WIRELESS LOCATION AND  
12 CRASH INFORMATION.—A customer shall not be consid-  
13 ered to have granted express prior authorization for pur-  
14 poses of subsection (f) unless—

15 “(1) the carrier has provided the customer in  
16 writing a clear, conspicuous, and complete disclosure  
17 of the carrier’s practices with respect to the collec-  
18 tion and use of location information, transaction in-  
19 formation, and automatic crash identification infor-  
20 mation, before any such information is disclosed or  
21 used, and such disclosure includes a description of—

22 “(A) the specific types of information that  
23 is collected by the carrier;

24 “(B) how the carrier uses such informa-  
25 tion; and

1           “(C) what information may be shared or  
2           sold to other companies and third parties;

3           “(2) the customer has agreed in writing to the  
4           collection and use of such information, or has agreed  
5           in writing to such collection and use subject to cer-  
6           tain limitations; and

7           “(3) the carrier has established and maintains  
8           reasonable procedures to protect the confidentiality,  
9           security, and integrity of the information the carrier  
10          collects and maintains in accordance with such cus-  
11          tomer consents.”.

12          (b) REGULATIONS REQUIRED.—The Federal Com-  
13          munications Commission shall prescribe regulations to im-  
14          plement the amendments made by subsection (a) within  
15          6 months after the date of enactment of this Act.

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