

109TH CONGRESS
2^D SESSION

S. 2630

To amend the Communications Act of 1934 to prohibit manipulation of caller identification information.

IN THE SENATE OF THE UNITED STATES

APRIL 24, 2006

Mr. NELSON of Florida (for himself and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Communications Act of 1934 to prohibit manipulation of caller identification 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 “Truth in Caller ID
5 Act of 2006”.

6 **SEC. 2. PROHIBITION REGARDING MANIPULATION OF**
7 **CALLER IDENTIFICATION INFORMATION.**

8 Section 227 of the Communications Act of 1934 (47
9 U.S.C. 227) is amended—

1 (1) by redesignating subsections (e), (f), and
2 (g) as subsections (f), (g), and (h), respectively; and

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

5 “(e) PROHIBITION ON PROVISION OF INACCURATE
6 CALLER IDENTIFICATION INFORMATION.—

7 “(1) IN GENERAL.—It shall be unlawful for any
8 person within the United States, in connection with
9 any telecommunications service or IP-enabled voice
10 service, to cause any caller identification service to
11 transmit misleading or inaccurate caller identifica-
12 tion information, unless such transmission is ex-
13 empted pursuant to paragraph (3)(B).

14 “(2) PROTECTION FOR BLOCKING CALLER
15 IDENTIFICATION INFORMATION.—Nothing in this
16 subsection may be construed to prevent or restrict
17 any person from blocking the capability of any caller
18 identification service to transmit caller identification
19 information.

20 “(3) REGULATIONS.—

21 “(A) IN GENERAL.—Not later than 6
22 months after the enactment of this subsection,
23 the Commission shall prescribe regulations to
24 implement this subsection.

25 “(B) CONTENT OF REGULATIONS.—

1 “(i) IN GENERAL.—The regulations
2 required under subparagraph (A) shall in-
3 clude such exemptions from the prohibition
4 under paragraph (1) as the Commission
5 determines appropriate.

6 “(ii) SPECIFIC EXEMPTION FOR LAW
7 ENFORCEMENT AGENCIES OR COURT OR-
8 DERS.—The regulations required under
9 subparagraph (A) shall exempt from the
10 prohibition under paragraph (1) trans-
11 missions in connection with—

12 “(I) any authorized activity of a
13 law enforcement agency; or

14 “(II) a court order that specifi-
15 cally authorizes the use of caller iden-
16 tification manipulation.

17 “(4) REPORT.—Not later than 6 months after
18 the enactment of this subsection, the Commission
19 shall report to Congress whether additional legisla-
20 tion is necessary to prohibit the provision of inac-
21 curate caller identification information in tech-
22 nologies that are successor or replacement tech-
23 nologies to telecommunications service or IP-enabled
24 voice service.

25 “(5) PENALTIES.—

1 “(A) CIVIL FORFEITURE.—

2 “(i) IN GENERAL.—Any person that is
3 determined by the Commission, in accord-
4 ance with paragraphs (3) and (4) of sec-
5 tion 503(b), to have violated this sub-
6 section shall be liable to the United States
7 for a forfeiture penalty. A forfeiture pen-
8 alty under this paragraph shall be in addi-
9 tion to any other penalty provided for by
10 this Act. The amount of the forfeiture pen-
11 alty determined under this paragraph shall
12 not exceed \$10,000 for each violation, or 3
13 times that amount for each day of a con-
14 tinuing violation, except that the amount
15 assessed for any continuing violation shall
16 not exceed a total of \$1,000,000 for any
17 single act or failure to act.

18 “(ii) RECOVERY.—Any forfeiture pen-
19 alty determined under clause (i) shall be
20 recoverable pursuant to section 504(a).

21 “(iii) PROCEDURE.—No forfeiture li-
22 ability shall be determined under clause (i)
23 against any person unless such person re-
24 ceives the notice required by section
25 503(b)(3) or section 503(b)(4).

1 “(iv) 2-YEAR STATUTE OF LIMITA-
2 TIONS.—No forfeiture penalty shall be de-
3 termined or imposed against any person
4 under clause (i) if the violation charged oc-
5 curred more than 2 years prior to the date
6 of issuance of the required notice or notice
7 or apparent liability.

8 “(B) CRIMINAL FINE.—Any person who
9 willfully and knowingly violates this subsection
10 shall upon conviction thereof be fined not more
11 than \$10,000 for each violation, or 3 times that
12 amount for each day of a continuing violation,
13 in lieu of the fine provided by section 501 for
14 such a violation. This subparagraph does not
15 supersede the provisions of section 501 relating
16 to imprisonment or the imposition of a penalty
17 of both fine and imprisonment.

18 “(6) ENFORCEMENT BY STATES.—

19 “(A) IN GENERAL.—The chief legal officer
20 of a State, or any other State officer authorized
21 by law to bring actions on behalf of the resi-
22 dents of a State, may bring a civil action, as
23 *parens patriae*, on behalf of the residents of
24 that State in an appropriate district court of
25 the United States to enforce this subsection or

1 to impose the civil penalties for violation of this
2 subsection, whenever the chief legal officer or
3 other State officer has reason to believe that
4 the interests of the residents of the State have
5 been or are being threatened or adversely af-
6 fected by a violation of this subsection or a reg-
7 ulation under this subsection.

8 “(B) NOTICE.—The chief legal officer or
9 other State officer shall serve written notice on
10 the Commission of any civil action under sub-
11 paragraph (A) prior to initiating such civil ac-
12 tion. The notice shall include a copy of the com-
13 plaint to be filed to initiate such civil action, ex-
14 cept that if it is not feasible for the State to
15 provide such prior notice, the State shall pro-
16 vide such notice immediately upon instituting
17 such civil action.

18 “(C) AUTHORITY TO INTERVENE.—Upon
19 receiving the notice required by subparagraph
20 (B), the Commission may intervene in such civil
21 action and upon intervening—

22 “(i) be heard on all matters arising in
23 such civil action; and

24 “(ii) file petitions for appeal of a deci-
25 sion in such civil action.

1 “(D) CONSTRUCTION.—For purposes of
2 bringing any civil action under subparagraph
3 (A), nothing in this paragraph shall prevent the
4 chief legal officer or other State officer from ex-
5 ercising the powers conferred on that officer by
6 the laws of such State to conduct investigations
7 or to administer oaths or affirmations or to
8 compel the attendance of witnesses or the pro-
9 duction of documentary and other evidence.

10 “(E) VENUE; SERVICE OR PROCESS.—

11 “(i) VENUE.—An action brought
12 under subparagraph (A) shall be brought
13 in a district court of the United States
14 that meets applicable requirements relating
15 to venue under section 1391 of title 28,
16 United States Code.

17 “(ii) SERVICE OF PROCESS.—In an
18 action brought under subparagraph (A)—

19 “(I) process may be served with-
20 out regard to the territorial limits of
21 the district or of the State in which
22 the action is instituted; and

23 “(II) a person who participated
24 in an alleged violation that is being
25 litigated in the civil action may be

1 joined in the civil action without re-
2 gard to the residence of the person.

3 “(F) LIMITATION ON STATE ACTION
4 WHILE FEDERAL ACTION IS PENDING.—If the
5 Commission has instituted an enforcement ac-
6 tion or proceeding for violation of this sub-
7 section, the chief legal officer or other State of-
8 ficer of the State in which the violation oc-
9 curred may not bring an action under this sec-
10 tion during the pendency of the proceeding
11 against any person with respect to whom the
12 Commission has instituted the proceeding.

13 “(7) DEFINITIONS.—For purposes of this sub-
14 section:

15 “(A) CALLER IDENTIFICATION INFORMA-
16 TION.—The term ‘caller identification informa-
17 tion’ means information provided by a caller
18 identification service regarding the telephone
19 number of, or other information regarding the
20 origination of, a call made using a telecommuni-
21 cations service or IP-enabled voice service.

22 “(B) CALLER IDENTIFICATION SERVICE.—
23 The term ‘caller identification service’ means
24 any service or device designed to provide the
25 user of the service or device with the telephone

1 number of, or other information regarding the
2 origination of, a call made using a telecommuni-
3 cations service or IP-enabled voice service. Such
4 term includes automatic number identification
5 services.

6 “(C) IP-ENABLED VOICE SERVICE.—The
7 term ‘IP-enabled voice service’ means the provi-
8 sion of real-time 2-way voice communications
9 offered to the public, or such classes of users as
10 to be effectively available to the public, trans-
11 mitted through customer premises equipment
12 using TCP/IP protocol, or a successor protocol,
13 for a fee (whether part of a bundle of services
14 or separately) with interconnection capability
15 such that the service can originate traffic to, or
16 terminate traffic from, the public switched tele-
17 phone network.

18 “(8) LIMITATION.—Notwithstanding any other
19 provision of this section, subsection (f) shall not
20 apply to this subsection or to the regulations under
21 this subsection.”

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