

106TH CONGRESS
2D SESSION

S. 2029

To amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2000

Mr. FRIST (for himself, Mr. ROBB, Ms. COLLINS, Mr. HELMS, Mr. LEAHY, Mr. REED, Mr. SESSIONS, Mr. ABRAHAM, Mr. DURBIN, Mrs. MURRAY, and Mr. HOLLINGS) 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 telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, 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 “Know Your Caller Act
5 of 2000”.

1 **SEC. 2. PROHIBITION ON INTERFERENCE WITH CALLER**
2 **IDENTIFICATION SERVICES.**

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

5 (1) by redesignating subsections (e) and (f) as
6 subsections (f) and (g), respectively; and

7 (2) by inserting after subsection (d) the fol-
8 lowing new subsection:

9 “(e) **PROHIBITION ON INTERFERENCE WITH CALLER**
10 **IDENTIFICATION SERVICES.—**

11 “(1) **IN GENERAL.—**It shall be unlawful for any
12 person or entity within the United States, in making
13 any telephone solicitation, to interfere with or cir-
14 cumvent the ability of a caller identification service
15 to access or provide to the recipient of the call the
16 information about the call (as required under the
17 regulations issued under paragraph (2)) that such
18 service is capable of providing.

19 “(2) **REGULATIONS.—**Not later than 6 months
20 after the date of the enactment of the Know Your
21 Caller Act of 2000, the Commission shall prescribe
22 regulations to implement this subsection which
23 shall—

24 “(A) require any person or entity making
25 a telephone solicitation to make such sollicita-
26 tion in a manner such that a recipient of such

1 solicitation having a caller identification service
2 capable of providing such information will be
3 provided by such service with—

4 “(i) the name of the person or entity
5 on whose behalf such solicitation is being
6 made; and

7 “(ii) a valid and working telephone
8 number at which the caller or the person
9 or entity on whose behalf such solicitation
10 was made may be reached during regular
11 business hours for the purpose of request-
12 ing that the recipient of such solicitation
13 be placed on the do-not-call list required
14 under section 64.1200 of the Commission’s
15 regulations (47 CFR 64.1200) to be main-
16 tained by the person making such solicita-
17 tion; and

18 “(B) provide that any person or entity who
19 receives a request from a person to be placed on
20 such do-not-call list may not use such person’s
21 name and telephone number for any other tele-
22 marketing, mail marketing, or other marketing
23 purpose (including transfer or sale to any other
24 entity for marketing use) other than enforce-
25 ment of such list.

1 “(2) PRIVATE RIGHT OF ACTION.—A person or
2 entity may, if otherwise permitted by the laws or
3 rules of court of a State, bring in an appropriate
4 court of that State—

5 “(A) an action based on a violation of this
6 subsection or the regulations prescribed under
7 this subsection to enjoin such violation;

8 “(B) an action to recover for actual mone-
9 tary loss from such a violation, or to receive
10 \$5,000 in damages for each such violation,
11 whichever is greater; or

12 “(C) both such actions.

13 If the court finds that the defendant willfully or
14 knowingly violated this subsection or the regulations
15 prescribed under this subsection, the court may, in
16 its discretion, increase the amount of the award to
17 an amount equal to not more than 3 times the
18 amount available under subparagraph (B).

19 “(3) DEFINITIONS.—For purposes of this sub-
20 section:

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

1 “(B) TELEPHONE CALL.—The term ‘tele-
2 phone call’ means any telephone call or other
3 transmission which is made to or received at a
4 telephone number of any type of telephone serv-
5 ice. Such term includes calls made by an auto-
6 matic telephone dialing system, an integrated
7 services digital network, and a commercial mo-
8 bile radio source.”.

9 **SEC. 3. EFFECT ON STATE LAW AND STATE ACTIONS.**

10 (a) EFFECT ON STATE LAW.—Subsection (f)(1) of
11 section 227 of the Communications Act of 1934 (47
12 U.S.C. 227), as redesignated by section 2 of this Act, is
13 further amended—

14 (1) in subparagraph (C), by striking “or” at
15 the end;

16 (2) in subparagraph (D), by striking the period
17 and inserting “; or”; and

18 (3) by adding at the end the following new sub-
19 paragraph:

20 “(E) interfering with or circumventing
21 caller identification services.”.

22 (b) ACTIONS BY STATES.—The first sentence of sub-
23 section (g)(1) of such section 227, as so redesignated, is
24 further amended by inserting after “this section,” the fol-
25 lowing: “or has engaged or is engaging in a pattern or

1 practice of interfering with or circumventing caller identi-
2 fication services of residents of that State in violation of
3 subsection (e) or the regulations prescribed under such
4 subsection,”.*ERR08*

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