

Union Calendar No. 274

109TH CONGRESS
2^D SESSION

H. R. 5126

[Report No. 109–489]

To amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2006

Mr. BARTON of Texas (for himself, Mr. ENGEL, Mr. SIMMONS, and Mr. REICHERT) introduced the following bill; which was referred to the Committee on Energy and Commerce

JUNE 6, 2006

Additional sponsors: Mrs. SCHMIDT, Mr. TOWNS, Mr. CASE, Mr. DAVIS of Kentucky, Mr. MATHESON, Mr. BASS, Mr. DICKS, Mrs. BONO, Mr. BOUCHER, Mr. UPTON, Mr. BILIRAKIS, Mr. PICKERING, Mr. GILLMOR, Mr. SHIMKUS, Mr. FERGUSON, Mrs. MYRICK, Mr. FOSSELLA, Mr. BUYER, Mr. BURGESS, Mrs. CUBIN, and Mr. MURPHY

JUNE 6, 2006

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Communications Act of 1934 to prohibit manipulation of caller identification information, 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 “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—

- 10 (1) by redesignating subsections (e), (f), and
 11 (g) as subsections (f), (g), and (h), respectively; and
 12 (2) by inserting after subsection (d) the fol-
 13 lowing new subsection:

14 “(e) PROHIBITION ON PROVISION OF INACCURATE
 15 CALLER IDENTIFICATION INFORMATION.—

16 “(1) IN GENERAL.—It shall be unlawful for any
 17 person within the United States, in connection with
 18 any telecommunications service or VOIP service, to
 19 cause any caller identification service to transmit
 20 misleading or inaccurate caller identification infor-
 21 mation, unless such transmission is exempted pursu-
 22 ant to paragraph (3)(B).

23 “(2) PROTECTION FOR BLOCKING CALLER
 24 IDENTIFICATION INFORMATION.—Nothing in this
 25 subsection may be construed to prevent or restrict

1 any person from blocking the capability of any caller
2 identification service to transmit caller identification
3 information.

4 “(3) REGULATIONS.—

5 “(A) IN GENERAL.—Not later than 6
6 months after the enactment of this subsection,
7 the Commission shall prescribe regulations to
8 implement this subsection.

9 “(B) EXEMPTION.—The regulations under
10 this paragraph shall exempt from the prohibi-
11 tion under paragraph (1) transmissions in con-
12 nection with authorized activities of law en-
13 forcement agencies.

14 “(4) DEFINITIONS.—For purposes of this sub-
15 section:

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

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

1 user of the service or device with the telephone
2 number of, or other information regarding the
3 origination of, a call made using a telecommuni-
4 cations service or VOIP service. Such term in-
5 cludes automatic number identification services.

6 “(C) VOIP SERVICE.—The term ‘VOIP
7 service’ means a service that—

8 “(i) provides real-time 2-way voice
9 communications transmitted through cus-
10 tomer premises equipment using TCP/IP
11 protocol, or a successor protocol (including
12 when the voice communication is converted
13 to or from TCP/IP protocol by the VOIP
14 service provider and transmitted to the
15 subscriber without use of circuit switch-
16 ing); for a fee;

17 “(ii) is offered to the public; or such
18 classes of users as to be effectively avail-
19 able to the public (whether part of a bun-
20 dle of services or separately); and

21 “(iii) has the capability to originate
22 traffic to, and terminate traffic from, the
23 public switched telephone network.

24 “(5) LIMITATION.—Notwithstanding any other
25 provision of this section, subsection (f) shall not

1 apply to this subsection or to the regulations under
 2 this subsection.”.

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Truth in Caller ID Act*
 5 *of 2006”.*

6 **SEC. 2. PROHIBITION REGARDING MANIPULATION OF CALL-**
 7 **ER IDENTIFICATION INFORMATION.**

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

10 *(1) by redesignating subsections (e), (f), and (g)*
 11 *as subsections (f), (g), and (h), respectively; and*

12 *(2) by inserting after subsection (d) the following*
 13 *new subsection:*

14 *“(e) PROHIBITION ON PROVISION OF DECEPTIVE*
 15 *CALLER IDENTIFICATION INFORMATION.—*

16 *“(1) IN GENERAL.—It shall be unlawful for any*
 17 *person within the United States, in connection with*
 18 *any telecommunications service or VOIP service, to*
 19 *cause any caller identification service to transmit*
 20 *misleading or inaccurate caller identification infor-*
 21 *mation, with the intent to defraud or cause harm.*

22 *“(2) PROTECTION FOR BLOCKING CALLER IDEN-*
 23 *TIFICATION INFORMATION.—Nothing in this sub-*
 24 *section may be construed to prevent or restrict any*
 25 *person from blocking the capability of any caller*

1 *identification service to transmit caller identification*
2 *information.*

3 “(3) *REGULATIONS.*—*Not later than 6 months*
4 *after the enactment of this subsection, the Commission*
5 *shall prescribe regulations to implement this sub-*
6 *section.*

7 “(4) *DEFINITIONS.*—*For purposes of this sub-*
8 *section:*

9 “(A) *CALLER IDENTIFICATION INFORMA-*
10 *TION.*—*The term ‘caller identification informa-*
11 *tion’ means information provided to an end user*
12 *by a caller identification service regarding the*
13 *telephone number of, or other information re-*
14 *garding the origination of, a call made using a*
15 *telecommunications service or VOIP service.*

16 “(B) *CALLER IDENTIFICATION SERVICE.*—
17 *The term ‘caller identification service’ means*
18 *any service or device designed to provide the user*
19 *of the service or device with the telephone number*
20 *of, or other information regarding the origina-*
21 *tion of, a call made using a telecommunications*
22 *service or VOIP service. Such term includes*
23 *automatic number identification services.*

24 “(C) *VOIP SERVICE.*—*The term ‘VOIP*
25 *service’ means a service that—*

1 “(i) provides real-time voice commu-
2 nications transmitted through end user
3 equipment using TCP/IP protocol, or a suc-
4 cessor protocol, for a fee or without a fee;

5 “(ii) is offered to the public, or such
6 classes of users as to be effectively available
7 to the public (whether part of a bundle of
8 services or separately); and

9 “(iii) has the capability to originate
10 traffic to, and terminate traffic from, the
11 public switched telephone network.

12 “(5) SAVINGS PROVISION.—Nothing in this Act
13 may be construed to affect or alter the application of
14 the Commission’s regulations regarding the require-
15 ments for transmission of caller identification infor-
16 mation for telemarketing calls, issued pursuant to the
17 Telephone Consumer Protection Act of 1991 (Public
18 Law 102-243) and the amendments made by such
19 Act.”.

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