

111TH CONGRESS
1ST SESSION

H. R. 1258

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2009

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

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 2009”.

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 DECEPTIVE
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 VOIP service, to
10 cause any caller identification service to transmit
11 misleading or inaccurate caller identification infor-
12 mation, with the intent to defraud or cause harm.

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

19 “(3) REGULATIONS.—

20 “(A) DEADLINE.—Not later than 6
21 months after the date of enactment of this sub-
22 section, the Commission shall prescribe regula-
23 tions to implement this subsection.

24 “(B) CONSIDERATION OF RELATED REGU-
25 LATIONS.—In conducting the proceeding to pre-

1 scribe the regulations required by subparagraph
2 (A) of this paragraph, the Commission shall ex-
3 amine whether the Commission’s regulations
4 under subsection (b)(2)(B) of this section
5 should be revised to require non-commercial
6 calls to residential telephone lines using an arti-
7 ficial or pre-recorded voice to deliver a message
8 to transmit caller identification information
9 that is not misleading or inaccurate.

10 “(4) EFFECT ON OTHER LAWS.—Nothing in
11 this subsection shall be construed to authorize or
12 prohibit any investigative, protective, or intelligence
13 activities performed in connection with official du-
14 ties, and in accordance with all applicable laws, by
15 a law enforcement agency of the United States, a
16 State, or a political subdivision of a State, or by an
17 intelligence agency of the United States.

18 “(5) SAVINGS PROVISION.—Except for para-
19 graph (3)(B), nothing in this subsection may be con-
20 strued to affect or alter the application of the Com-
21 mission’s regulations regarding the requirements for
22 transmission of caller identification information,
23 issued pursuant to the Telephone Consumer Protec-
24 tion Act of 1991 (Public Law 102–243) and the
25 amendments made by such Act.

1 “(6) DEFINITIONS.—For purposes of this sub-
2 section:

3 “(A) CALLER IDENTIFICATION INFORMA-
4 TION.—The term ‘caller identification informa-
5 tion’ means information provided to an end
6 user by a caller identification service regarding
7 the telephone number of, or other information
8 regarding the origination of, a call made using
9 a telecommunications service or VOIP service.

10 “(B) CALLER IDENTIFICATION SERVICE.—
11 The term ‘caller identification service’ means
12 any service or device designed to provide the
13 user of the service or device with the telephone
14 number of, or other information regarding the
15 origination of, a call made using a telecommuni-
16 cations service or VOIP service. Such term in-
17 cludes automatic number identification services.

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

20 “(i) provides real-time voice commu-
21 nications transmitted through end user
22 equipment using TCP/IP protocol, or a
23 successor protocol, for a fee or without a
24 fee;

1 “(ii) is offered to the public, or such
2 classes of users as to be effectively avail-
3 able to the public (whether part of a bun-
4 dle of services or separately); and

5 “(iii) has the capability to originate
6 traffic to, or terminate traffic from, the
7 public switched telephone network.”.

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