

111TH CONGRESS
2^D SESSION

S. 30

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Truth in Caller ID
3 Act of 2009”.

4 **SEC. 2. PROHIBITION REGARDING MANIPULATION OF**
5 **CALLER IDENTIFICATION INFORMATION.**

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

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

10 (2) by inserting after subsection (d) the fol-
11 lowing new subsection:

12 “(e) PROHIBITION ON PROVISION OF INACCURATE
13 CALLER IDENTIFICATION INFORMATION.—

14 “(1) IN GENERAL.—It shall be unlawful for any
15 person within the United States, in connection with
16 any telecommunications service or IP-enabled voice
17 service, to cause any caller identification service to
18 knowingly transmit misleading or inaccurate caller
19 identification information with the intent to defraud,
20 cause harm, or wrongfully obtain anything of value,
21 unless such transmission is exempted pursuant to
22 paragraph (3)(B).

23 “(2) PROTECTION FOR BLOCKING CALLER
24 IDENTIFICATION INFORMATION.—Nothing in this
25 subsection may be construed to prevent or restrict
26 any person from blocking the capability of any caller

1 identification service to transmit caller identification
2 information.

3 “(3) REGULATIONS.—

4 “(A) IN GENERAL.—Not later than 6
5 months after the date of enactment of the
6 Truth in Caller ID Act of 2009, the Commis-
7 sion shall prescribe regulations to implement
8 this subsection.

9 “(B) CONTENT OF REGULATIONS.—

10 “(i) IN GENERAL.—The regulations
11 required under subparagraph (A) shall in-
12 clude such exemptions from the prohibition
13 under paragraph (1) as the Commission
14 determines is appropriate.

15 “(ii) SPECIFIC EXEMPTION FOR LAW
16 ENFORCEMENT AGENCIES OR COURT OR-
17 DERS.—The regulations required under
18 subparagraph (A) shall exempt from the
19 prohibition under paragraph (1) trans-
20 missions in connection with—

21 “(I) any authorized activity of a
22 law enforcement agency; or

23 “(II) a court order that specifi-
24 cally authorizes the use of caller iden-
25 tification manipulation.

1 “(4) REPORT.—Not later than 6 months after
2 the enactment of the Truth in Caller ID Act of
3 2009, the Commission shall report to Congress
4 whether additional legislation is necessary to pro-
5 hibit the provision of inaccurate caller identification
6 information in technologies that are successor or re-
7 placement technologies to telecommunications service
8 or IP-enabled voice service.

9 “(5) PENALTIES.—

10 “(A) CIVIL FORFEITURE.—

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

1 not exceed a total of \$1,000,000 for any
2 single act or failure to act.

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

6 “(iii) PROCEDURE.—No forfeiture li-
7 ability shall be determined under clause (i)
8 against any person unless such person re-
9 ceives the notice required by section
10 503(b)(3) or section 503(b)(4).

11 “(iv) 2-YEAR STATUTE OF LIMITA-
12 TIONS.—No forfeiture penalty shall be de-
13 termined or imposed against any person
14 under clause (i) if the violation charged oc-
15 curred more than 2 years prior to the date
16 of issuance of the required notice or notice
17 or apparent liability.

18 “(B) CRIMINAL FINE.—Any person who
19 willfully and knowingly violates this subsection
20 shall upon conviction thereof be fined not more
21 than \$10,000 for each violation, or 3 times that
22 amount for each day of a continuing violation,
23 in lieu of the fine provided by section 501 for
24 such a violation. This subparagraph does not
25 supersede the provisions of section 501 relating

1 to imprisonment or the imposition of a penalty
2 of both fine and imprisonment.

3 “(6) ENFORCEMENT BY STATES.—

4 “(A) IN GENERAL.—The chief legal officer
5 of a State, or any other State officer authorized
6 by law to bring actions on behalf of the resi-
7 dents of a State, may bring a civil action, as
8 parens patriae, on behalf of the residents of
9 that State in an appropriate district court of
10 the United States to enforce this subsection or
11 to impose the civil penalties for violation of this
12 subsection, whenever the chief legal officer or
13 other State officer has reason to believe that
14 the interests of the residents of the State have
15 been or are being threatened or adversely af-
16 fected by a violation of this subsection or a reg-
17 ulation under this subsection.

18 “(B) NOTICE.—The chief legal officer or
19 other State officer shall serve written notice on
20 the Commission of any civil action under sub-
21 paragraph (A) prior to initiating such civil ac-
22 tion. The notice shall include a copy of the com-
23 plaint to be filed to initiate such civil action, ex-
24 cept that if it is not feasible for the State to
25 provide such prior notice, the State shall pro-

1 vide such notice immediately upon instituting
2 such civil action.

3 “(C) AUTHORITY TO INTERVENE.—Upon
4 receiving the notice required by subparagraph
5 (B), the Commission shall have the right—

6 “(i) to intervene in the action;

7 “(ii) upon so intervening, to be heard
8 on all matters arising therein; and

9 “(iii) to file petitions for appeal.

10 “(D) CONSTRUCTION.—For purposes of
11 bringing any civil action under subparagraph
12 (A), nothing in this paragraph shall prevent the
13 chief legal officer or other State officer from ex-
14 ercising the powers conferred on that officer by
15 the laws of such State to conduct investigations
16 or to administer oaths or affirmations or to
17 compel the attendance of witnesses or the pro-
18 duction of documentary and other evidence.

19 “(E) VENUE; SERVICE OR PROCESS.—

20 “(i) VENUE.—An action brought
21 under subparagraph (A) shall be brought
22 in a district court of the United States
23 that meets applicable requirements relating
24 to venue under section 1391 of title 28,
25 United States Code.

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

3 “(I) process may be served with-
4 out regard to the territorial limits of
5 the district or of the State in which
6 the action is instituted; and

7 “(II) a person who participated
8 in an alleged violation that is being
9 litigated in the civil action may be
10 joined in the civil action without re-
11 gard to the residence of the person.

12 “(7) EFFECT ON OTHER LAWS.—This sub-
13 section does not prohibit any lawfully authorized in-
14 vestigative, protective, or intelligence activity of a
15 law enforcement agency of the United States, a
16 State, or a political subdivision of a State, or of an
17 intelligence agency of the United States.

18 “(8) DEFINITIONS.—For purposes of this sub-
19 section:

20 “(A) CALLER IDENTIFICATION INFORMA-
21 TION.—The term ‘caller identification informa-
22 tion’ means information provided by a caller
23 identification service regarding the telephone
24 number of, or other information regarding the

1 origination of, a call made using a telecommuni-
2 cations service or IP-enabled voice service.

3 “(B) CALLER IDENTIFICATION SERVICE.—
4 The term ‘caller identification service’ means
5 any service or device designed to provide the
6 user of the service or device with the telephone
7 number of, or other information regarding the
8 origination of, a call made using a telecommuni-
9 cations service or IP-enabled voice service. Such
10 term includes automatic number identification
11 services.

12 “(C) IP-ENABLED VOICE SERVICE.—The
13 term ‘IP-enabled voice service’ has the meaning
14 given that term by section 9.3 of the Commis-
15 sion’s regulations (47 C.F.R. 9.3), as those reg-
16 ulations may be amended by the Commission
17 from time to time.

18 “(9) LIMITATION.—Notwithstanding any other
19 provision of this section, subsection (f) shall not

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

Passed the Senate February 23, 2010.

Attest:

Secretary.

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