

tion to Recommit H.R. 5441)—“no”; rollcall 226 (On Passage of H.R. 5441)—“yea.”

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 457. An act to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide commercial purchase cards, and for other purposes.

S. 2013. An act to amend the Marine Mammal Protection Act of 1972 to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population.

#### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5441, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. KUHLMANN of New York). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4341

Mr. HALL. Mr. Speaker, I ask unanimous consent to remove as a cosponsor Representative Rick Boucher of Virginia from H.R. 4341.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### PERMISSION TO FILE SUPPLEMENTAL REPORT ON H.R. 5252, COMMUNICATIONS OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT OF 2006

Mr. UPTON. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be allowed to file a supplemental report on the bill (H.R. 5252) to promote the deployment of broadband networks and services.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the

vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

#### TRUTH IN CALLER ID ACT OF 2006

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5126) to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5126

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

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

##### SEC. 2. PROHIBITION REGARDING MANIPULATION OF CALLER IDENTIFICATION INFORMATION.

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

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

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

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

“(1) IN GENERAL.—It shall be unlawful for any person within the United States, in connection with any telecommunications service or VOIP service, to cause any caller identification service to transmit misleading or inaccurate caller identification information, with the intent to defraud or cause harm.

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

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

“(4) DEFINITIONS.—For purposes of this subsection:

“(A) CALLER IDENTIFICATION INFORMATION.—The term ‘caller identification information’ means information provided to an end user by a caller identification service regarding the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or VOIP service.

“(B) CALLER IDENTIFICATION SERVICE.—The term ‘caller identification service’ means any service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or VOIP service. Such term includes automatic number identification services.

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

“(i) provides real-time voice communications transmitted through end user equipment using TCP/IP protocol, or a successor protocol, for a fee or without a fee;

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

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

“(5) SAVINGS PROVISION.—Nothing in this Act may be construed to affect or alter the

application of the Commission’s regulations regarding the requirements for transmission of caller identification information for telemarketing calls, issued pursuant to the Telephone Consumer Protection Act of 1991 (Public Law 102-243) and the amendments made by such Act.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5126, the Truth in Caller ID Act of 2006, which was introduced by Chairman BARTON and my friend Mr. ENGEL from New York. I also am a proud cosponsor, original sponsor, of the bill which was the subject of a legislative hearing in the Telecommunications and Internet Subcommittee and favorably reported by the House Energy and Commerce Committee on May 24, 2006.

This legislation protects consumers by prohibiting the deceptive practice of manipulating, or spoofing, caller identification information. Caller ID spoofing occurs when a caller fakes his caller ID information, so that the numbers which appear on their caller ID screen is not the caller’s actual phone number. In many cases, such spoofers are actually transmitting someone else’s caller ID information instead of their own.

Apparently, some spoofers just do it to play a practical joke on their friends, but there have been reports of much more sinister uses of spoofing.

In some instances, spoofing is being used to trick people into thinking that the person on the other end of the phone is someone from a government agency or perhaps another trustworthy party. For example, in last month’s AARP bulletin, there is a consumer alert describing a prevalent scam whereby spoofers get the local courthouse’s phone number to pop up on peoples’ caller ID screens and then tell the recipients of the calls that they are judicial officials in order to get unsuspecting victims to divulge personal information, whether it be Social Security numbers or driver’s license numbers, who knows. Law enforcement officials are particularly concerned about senior citizens’ susceptibility to such scams.

Another reported case involved a SWAT team surrounding an apartment building after police received a call from a woman who said that she was

being held hostage in an apartment; and as it turned out, it was a false alarm. Caller ID was spoofed to make it look like it was coming from the apartment. Apparently, it was somebody's idea of a bad prank.

In other instances, criminals are stealing credit card numbers, getting the phone number of the actual card holders, and then using those credit cards to get unauthorized wire transfers. In such cases, the criminals spoof their caller ID information so that the number which pops up on the wire transfer company operator's screen is that of the actual card holder, and because such caller ID information matches the actual card holder's phone number on record with the credit card company, the wire transfer company uses it to authorize the wire transfer. Thus, spoofing enables the crime to be consummated.

And, of course, many of us are familiar with our own credit card companies which may ask us to call from our home phones to authenticate and activate those new cards. If our new cards are stolen out of the mail, then criminals may be able to spoof our home phone numbers and authenticate and activate our new cards from the convenience of their own homes, hotel rooms, or wherever else they might call from.

While such spoofing has been technically possible for some time, it used to require specific phone connections and expensive equipment. However, with the advent of VoIP, voice over Internet protocol, over the computer it has become easier for callers to transmit any caller ID information that the caller might choose. Moreover, there are online companies which offer spoofing services for just a couple of bucks for anyone with any phone.

Unfortunately, nefarious uses of spoofing appear to be proliferating, and there is no law, no law, that protects the American public from it. The Truth in Caller ID Act of 2006 would make spoofing illegal.

More specifically, this legislation adds a new subsection (e) to section 227 of the Communications Act of 1934. New subsection (e)(1) makes it unlawful for any person within the United States in connection with any telecommunications service or VoIP service to cause any caller identification service to transmit misleading or inaccurate caller identification information with the intent to defraud or cause harm.

The carefully crafted language in this legislation ensures that other spoofing activities which are legitimate, such as the uses for domestic violence services or to route-enhanced 911 calls, are not prohibited. Additionally, the bill provides a savings clause to clarify that nothing in the act is intended to alter the obligations of telemarketers under the existing FCC do-not-call regulations.

Mr. Speaker, this is a good strong piece of consumer protection legisla-

tion that clearly is bipartisan. I want to thank my friends on both sides of the aisle who have worked particularly hard to create this good bill, including Chairman BARTON, Ranking Member DINGELL, Ranking Member MARKEY and, of course, the sponsor of this bill, Congressman ENGEL from New York. I would urge all my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, spoofing is when a caller masks or changes the caller ID information of their call in a way that disguises the true origination number of the caller. In many instances, a call recipient may be subject to pretexting through spoofing, which can lead to fraud, personal ID theft, harassment or otherwise with the safety of the call recipient in danger. On the other hand, lest we think that spoofing always has nefarious aims, we must recognize that there may be circumstances when a person's safety may be put in danger if the true and accurate call origination information is disclosed as well.

What we seek in caller ID policy is balance, and I believe the legislation before us today, after changes were made in committee consideration, more adequately strikes the historic balance we have sought to achieve for consumer privacy and security.

For instance, Members of Congress often have direct lines in their office, but in order to ensure that such lines do not become generally public and, therefore, remain useful to us, it may be necessary to keep such direct numbers confidential and have the outgoing caller ID information indicate a different number at which our offices can be reached for return calls. That gives the recipient a legitimate phone number to call back, but keeps confidential lines private.

There are many doctors, psychiatrists, lawyers and other professionals who would similarly like to keep direct, confidential lines private in this way who have no direct intention of misleading anyone. In addition, there may be instances, for example, when a woman at a shelter seeks to reach her children, when spoofing is important to safeguard someone's safety. Moreover, informants to law enforcement tip lines or whistleblowers have additional reasons for why their calling information should remain private. We should not outlaw any of these practices, and I think the legislation now incorporates the notion that the intent of the caller is vitally important in gauging whether spoofing unfairly violates privacy and security.

With that, I commend the chairman for the changes he was willing to make in the committee deliberations of the bill, and I congratulate him and I congratulate Mr. ENGEL from New York for his splendid work on this legislation. Mr. DINGELL and I have enjoyed working on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Mrs. SCHMIDT), an original cosponsor of the bill.

Mrs. SCHMIDT. Mr. Speaker, I thank the chairman for giving me the time to speak on this very important bill.

I rise today in strong support of H.R. 5126, the Truth in Caller ID Act, and I commend Chairman BARTON for introducing this legislation and moving it forward.

I know firsthand that there is a need for this legislation. In my own congressional district, just as in many others, prerecorded telephone call campaigns have misidentified the sponsors by forging the caller identification number to make it appear that my own congressional office was doing the calling. You can imagine how surprised I was to see my number appear on a screen from political prerecorded messages attacking me. It is called spoofing.

H.R. 5126 would prohibit the manipulation of caller identification information, or call spoofing, which occurs when a caller falsifies the caller identification number displayed in the caller ID screen. Many companies now offer sophisticated software that permits caller identification information to be manipulated and increasingly allows con artists to scam consumers, sometimes with complicated schemes that ask consumers to provide personal identification data, such as names, addresses, Social Security numbers, and bank account information.

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With the increasing frequency of identity theft, we must do all that we can to end opportunities for falsification of this data.

I introduced similar legislation to prohibit caller identification last year. Let us make caller identification truthful and accurate. I strongly support Chairman BARTON's legislation and I urge my colleagues to support it.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman from Massachusetts for yielding to me, and I am proud to rise in strong support of this legislation and proud to be the lead Democrat on the bill. All too often we hear and experience the partisan divide in Washington, but this bill and the process that so quickly got this bill to the floor has been truly bipartisan.

I must start with thanking my friend and chairman, Mr. BARTON, for his leadership on this bill; and I must also note the invaluable assistance of our subcommittee Chairman Upton, and I thank him for his kind words. I also would like to thank our ranking Democrats, Mr. MARKEY and Mr. DINGELL as well.

When someone looks at caller ID, they have the right to expect that the

person or phone number listed is truly that person. The average citizen has no idea that caller ID can be manipulated so that the person or number appearing is totally false.

I first learned of caller ID spoofing when I read news articles about our colleague from Pennsylvania (Mr. MURPHY) becoming a victim of it. His own constituents thought they were receiving calls from his district office, and these calls were far from appropriate.

I then learned that this technology is being used across the country to allow unscrupulous people to trick unsuspecting people to release personal information. It is so easy for someone to pretend to be Chase Manhattan or Citibank or even a person's doctor. These services even provide technology to change the sound of a person's voice. I could set it to sound like a 25-year-old woman or an 80-year-old man.

Mr. Speaker, I quickly became convinced we needed to address this issue quickly, because obviously what these people are doing is legal and we are playing catch-up to catch up with them. Having thought about this issue in great depth, I became convinced what happened to our colleague from Pennsylvania was just a harbinger of what is to come.

I believe that right now there are people in our country who plan to use this technology to interfere with our elections. Just imagine, the day before an election, a group of people using this technology make hundreds of calls pretending to be leaving a message from the office of a candidate. That message could be rude, insulting, crude, slanderous, sexist, or racist, and it would look like the candidate or the candidate's organization made the calls. The damage would be done, and these people who will do anything to destroy our democracy will have won. But today, the House takes a bold step toward protecting our Nation from these insidious criminals.

Finally, I would like to thank my staff and the committee's staff who worked on this legislation. Pete Leon of my staff, Kelly Cole and Will Norwind from the majority, and Johanna Shelton, Pete Filon, and Colin Crowell from the minority.

I hope we can pass this without any opposition.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 5126, the "Truth in Caller ID Act." And I commend the Chairman of the Committee on Energy and Commerce, JOE BARTON, and Representative ELIOT ENGEL for introducing this bipartisan bill.

Many consumers subscribe to caller ID services that let them know the number of an incoming telephone call and the name of the caller. Consumers often rely on this caller ID information to decide whether to answer a call. Consumers should be able to trust that the caller ID information has not been changed for fraudulent or harmful purposes.

Until recently, manipulating caller ID information, also called "spoofing," was difficult

and required expensive equipment. Unfortunately, advances in technology have allowed individuals with fraudulent intent, and others seeking to do harm, to easily spoof their caller ID information, making calls appear to originate from a different person, organization, or location. As such, the recipient of a call that has been spoofed may answer the call thinking that it is coming from someone from whom it is not.

There are legitimate reasons to spoof caller ID information. For example, a domestic violence clinic may alter its caller ID information to mask its identity. This is important for the safety of victims of domestic violence since many victims seek help while they are still living with their abuser.

Caller ID spoofing, however, can be used for nefarious purposes. In a widely reported case, SWAT teams were dispatched to an apartment building in New Brunswick, New Jersey, last year after authorities received a call from a woman saying that she was being held hostage. The caller had spoofed the caller ID information to make it appear as though the call was coming from inside the building.

Caller ID spoofing is also used to gain personal information from a consumer so a criminal can more easily steal the consumer's identity. Equally troubling is the use of such spoofing by predators to cause physical or emotional harm to their victims.

H.R. 5126 will help put an end to caller ID spoofing for fraudulent or harmful purposes. Specifically, the Act makes it unlawful for someone to change their caller ID information with the intent to defraud or cause harm to another person.

This bill is good consumer protection legislation. I am pleased to support it and I urge my colleagues to do the same.

Mr. MARKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 5126, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### BROADCAST DECENCY ENFORCEMENT ACT OF 2005

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 193) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

The Clerk read as follows:

S. 193

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Broadcast Decency Enforcement Act of 2005".

#### SEC. 2. INCREASE IN PENALTIES FOR OBSCENE, INDECENT, AND PROFANE BROADCASTS.

Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) Notwithstanding subparagraph (A), if the violator is—

“(i)(I) a broadcast station licensee or permittee; or

“(II) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission; and

“(ii) determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane language, the amount of any forfeiture penalty determined under this subsection shall not exceed \$325,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$3,000,000 for any single act or failure to act.”; and

(3) in subparagraph (D), as redesignated by paragraph (1), by striking “subparagraph (A) or (B)” and inserting “subparagraph (A), (B), or (C)”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I again ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 193 the Broadcast Decency Enforcement Act of 2005. This legislation is virtually identical to H.R. 3717, as introduced by my good friend, Mr. MARKEY, Chairman BARTON, Mr. DINGELL, and myself in the last Congress on January 21, 2004, which I would note was about a week and a half before the infamous Janet Jackson/Justin Timberlake Superbowl halftime show. That legislation was the predecessor of H.R. 310, which the House passed in this Congress on February 16, 2005 by a vote of 389-38.

While S. 193 omits a number of important provisions contained in H.R. 310, I believe that passage of this legislation will help us achieve our ultimate goal, which is to help ensure American families that broadcast television and radio programming will be free of indecency, obscenity, and profanity at times when their children are likely to