

106TH CONGRESS
1ST SESSION

H. R. 3100

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 HOUSE OF REPRESENTATIVES

OCTOBER 19, 1999

Mr. FRELINGHUYSEN introduced the following bill; which was referred to the Committee on Commerce

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 1999”.

1 **SEC. 2. PROHIBITION OF 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 within the United States, in making any tele-
13 phone solicitation, to interfere with or circumvent
14 the ability of a caller identification service to access
15 or provide to the recipient of the call the information
16 about the call (as required under the regulations
17 issued under paragraph (2)) that such service is ca-
18 pable of providing.

19 “(2) REGULATIONS.—Not later than 6 months
20 after the enactment of the Know Your Caller Act of
21 1999, the Commission shall prescribe regulations to
22 implement this subsection which shall—

23 “(A) require any person making a tele-
24 phone solicitation to make such solicitation in a
25 manner such that a recipient of the solicitation
26 having a caller identification service capable of

1 providing such information will be provided by
2 such service with—

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

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

17 “(B) provide that any person or entity who
18 receives a request from a person to be placed on
19 such do-not-call list may not use such person’s
20 name and telephone number for any other tele-
21 marketing, mail marketing, or other marketing
22 purpose (including transfer or sale to any other
23 entity for marketing use) other than enforce-
24 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 \$500 in damages for each such violation, which-
11 ever 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) of this
19 paragraph.

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

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

1 user of the service or device with the telephone
2 number of an incoming call.

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

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

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

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

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

20 (3) by adding at the end the following new sub-
21 paragraph:

22 “(E) interfering with or circumventing
23 caller identification services.”.

24 (b) ACTIONS BY STATES.—The first sentence of sub-
25 section (g)(1) of section 227 of the Communications Act

1 of 1934 (47 U.S.C. 227(f)(1)), as such subsections is so
2 redesignated by section 2(1) of this Act, is further amend-
3 ed by inserting after “this section,” the following: “or has
4 engaged or is engaging in a pattern or practice of inter-
5 fering with or circumventing caller identification services
6 of residents of that State in violation of subsection (e) or
7 the regulations prescribed under such subsection,”.

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