107TH CONGRESS
1ST SESSION
H. R. 113

To amend section 227 of the Communications Act of 1934 to prohibit the use of the text, graphic, or image messaging systems of wireless telephone systems to transmit unsolicited commercial messages.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2001

Mr. HOLT introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend section 227 of the Communications Act of 1934 to prohibit the use of the text, graphic, or image messaging systems of wireless telephone systems to transmit unsolicited commercial messages.

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 “Wireless Telephone
5 Spam Protection Act”.
6 SEC. 2. CONGRESSIONAL FINDINGS.
7 The Congress finds that—
(1) it is estimated that more than 100,000,000 people in the United States currently subscribe to wireless telephone service and that the percentage of people in the United States who subscribe to such a service will increase in the future;

(2) advances in technology have made it increasingly easy to transmit information, including messages in text, graphics, and images, to wireless telephones;

(3) the privacy of personal information and the protection of one’s personal time is an issue of increasing concern to people throughout the United States;

(4) prudent consumer protections must keep pace with advances in communications technology to ensure protection of privacy and personal time; and

(5) to protect the privacy of wireless telephone subscribers, transmission of unsolicited commercial messages on wireless telephone text, graphic, and image messaging systems should be prohibited.

SEC. 3. PROHIBITION OF TRANSMISSION OF UNSOLICITED COMMERCIAL MESSAGES.

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

(1) in paragraph (1)—
(A) in subparagraph (C), by striking ‘‘or’’ at the end;

(B) in subparagraph (D), by striking the period at the end and inserting ‘‘; or’’; and

(C) by adding at the end the following new paragraph:

‘‘(E) to use any covered messaging system to transmit an unsolicited advertisement.’’; and

(2) in paragraph (2)(C), by inserting before the period at the end the following: ‘‘, except that the Commission may not exempt under this subparagraph any call that violates the prohibition under paragraph (1)(E)’’.

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

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

‘‘(2) The term ‘‘covered messaging system’’ means a messaging system capable of providing text, graphic, or image messages (including a short message service and systems using the wireless application protocol) that—
“(A) is provided as part of a commercial mobile service (as such term is defined in section 332(d)); and

“(B) provides access to the text, graphic, or image messages on the same handset used to access voice messages.”.

(e) EFFECT ON STATE LAW.—Subparagraph (A) of section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1)) is amended by inserting “(including any text, graphic, or image messaging system that is provided as part of a commercial mobile service)” after “electronic devices”.

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