

ANTI-SPOOFING ACT OF 2014

SEPTEMBER 8, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. UPTON, from the Committee on Energy and Commerce,
submitted the following

R E P O R T

[To accompany H.R. 3670]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 3670) to amend the Communications Act of 1934 to expand and clarify the prohibition on provision of inaccurate caller identification information, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Anti-Spoofing Act of 2014”.

SEC. 2. EXPANDING AND CLARIFYING PROHIBITION ON INACCURATE CALLER ID INFORMATION.

(a) **COMMUNICATIONS FROM OUTSIDE UNITED STATES.**—Section 227(e)(1) of the Communications Act of 1934 (47 U.S. C. 227(e)(1)) is amended by inserting “or any person outside the United States if the recipient is within the United States,” after “United States.”

(b) **TEXT MESSAGING SERVICE.**—Section 227(e)(8) of the Communications Act of 1934 (47 U.S. C. 227(e)(8)) is amended—

(1) in subparagraph (A), by inserting “(including a text message sent using a text messaging service)” before the period at the end;

(2) in the first sentence of subparagraph (B), by inserting “(including a text message sent using a text messaging service)” before the period at the end; and

(3) by adding at the end the following:

“(D) **TEXT MESSAGE.**—The term ‘text message’ means a real-time or near real-time message consisting of text, images, sounds, or other information that is transmitted from or received by a device that is identified as the transmitting or receiving device by means of a telephone number. Such term—

“(i) includes a short message service (SMS) message, an enhanced message service (EMS) message, and a multimedia message service (MMS) message; and

“(ii) does not include a real-time, two-way voice or video communication.

“(E) **TEXT MESSAGING SERVICE.**—The term ‘text messaging service’ means a service that permits the transmission or receipt of a text message, including a service provided as part of or in connection with a telecommunications service or an IP-enabled voice service.”

(c) **COVERAGE OF OUTGOING-CALL-ONLY IP-ENABLED VOICE SERVICE.**—Section 227(e)(8)(C) of the Communications Act of 1934 (47 U.S. C. 227(e)(8)(C)) is amended by striking “has the meaning” and all that follows and inserting “means the provision of real-time voice communications offered to the public, or such class of users as to be effectively available to the public, transmitted using Internet protocol, or a successor protocol, (whether part of a bundle of services or separately) with interconnection capability such that the service can originate traffic to, or terminate traffic from, the public switched telephone network, or a successor network.”

(d) **REGULATIONS.**—

(1) **IN GENERAL.**—Section 227(e)(3)(A) of the Communications Act of 1934 (47 U.S. C. 227(e)(3)(A)) is amended by striking “Not later than 6 months after the date of enactment of the Truth in Caller ID Act of 2009, the Commission” and inserting “The Commission”.

(2) **DEADLINE.**—The Federal Communications Commission shall prescribe regulations to implement the amendments made by this section not later than 18 months after the date of the enactment of this Act.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date that is 6 months after the date on which the Federal Communications Commission prescribes regulations to implement the amendments made by this section.

PURPOSE AND SUMMARY

H.R. 3670, the “Anti-Spoofing Act of 2013,” amends the Communications Act of 1934 to expand and clarify the prohibition on the provision of inaccurate caller identification information.

BACKGROUND AND NEED FOR LEGISLATION

Spoofing is the practice where a person making a call can intentionally falsify the telephone number or name that appears on the Caller ID of the party they are calling. While there are accepted legitimate purposes for altering Caller ID data, spoofing can be used for malicious or illegal purposes, such as phishing for sensitive personal information or falsely reporting a crime in order to generate a police response. Consumers are subject to spoofing attacks that seek to gain sensitive information, such as bank account numbers, passwords, and the like. These attacks are increasingly generated by scam artists operating overseas. The Truth in Caller

ID Act of 2009 prohibits spoofing voice call identifying information for the purposes of defrauding or otherwise causing harm. In response to changing consumer habits and communications options, H.R. 3670 extends these existing prohibitions on spoofing for voice calls to include callers outside the United States as well as text messages. As text messaging becomes more and more prevalent, the opportunity for mischief through spoofing grows.

The Anti-Spoofing Act also updates the definition of “IP-enabled voice service” to include outgoing-call-only voice over Internet protocol (VOIP) services.

COMMITTEE CONSIDERATION

On July 24, 2014, the Subcommittee on Communications and Technology held a hearing on H.R. 3670. Witnesses included one of the bill’s sponsors, Representative Grace Meng, and Harold Feld, Senior Vice President of Public Knowledge.

On July 29 and 30, 2014, the Committee on Energy and Commerce met in open markup session, to consider H.R. 3670. H.R. 3670 was ordered favorably reported to the House, as amended, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. There were no record votes taken in connection with ordering H.R. 3670 reported. A motion by Mr. Upton to order H.R. 3670 reported to the House, as amended, was agreed to by a voice vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee held hearings and made findings that are reflected in this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The goal and objective of H.R. 3670 is to expand the Truth in Caller ID Act of 2009 to include text messaging and text message services.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 3670 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

earmark, limited tax benefits, and limited tariff benefits

In compliance with clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives, the Committee finds that H.R. 3670 contains no earmarks, limited tax benefits, or limited tariff benefits.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 20, 2014.

Hon. FRED UPTON,
*Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3670, the Anti-Spoofing Act of 2014.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susan Willie.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas W. Elmendorf, Director).

Enclosure.

H.R. 3670—Anti-Spoofing Act of 2014

CBO estimates that implementing H.R. 3670 would have a negligible effect on net discretionary spending over the 2015–2019 period. Enacting H.R. 3670 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Under current law, entities are prohibited from transmitting misleading or inaccurate caller identification information. H.R. 3670 would broaden that prohibition to include text messages and certain Voice-over-Internet-Protocol services as well.

Based on information from the Federal Communications Commission, CBO estimates that implementing H.R. 3670 would cost less than \$500,000 for rulemaking activities required under the bill. The commission is authorized to collect fees sufficient to cover its annual appropriation; therefore, CBO estimates that implementing H.R. 3670 would have a negligible net effect on discretionary spending, assuming appropriation action consistent with that authority.

H.R. 3670 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Susan Willie. The estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 3670 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting H.R. 3670 specifically directs to be completed one rule making within the meaning of 5 U.S.C. 551.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 provides the short title of the “Anti-Spoofing Act of 2013.”

Section 2. Expanding and clarifying prohibition on inaccurate caller ID information

Section 2(a) extends the prohibition of knowingly transmitting false identification information to include callers outside of the United States.

Section 2(b) extends the existing prohibitions on falsified caller identification information to include text messages. This subsection also defines the terms “text message” and “text messaging service.” Importantly, this section only applies to text messages sent using ten-digit telephone numbers, not messages sent using other addressing mechanisms, including social media messaging services.

Section 2(c) amends the current definition of IP-enabled voice service to include outgoing-call-only IP-enabled voice service.

Sections 2(d) and 2(e) set forth the deadlines and effective dates for Commission action.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill,

as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

COMMUNICATIONS ACT OF 1934

* * * * *

TITLE II—COMMON CARRIERS

PART I—COMMON CARRIER REGULATION

* * * * *

SEC. 227. RESTRICTIONS ON THE USE OF TELEPHONE EQUIPMENT.

(a) * * *

* * * * *

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

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

* * * * *

(3) REGULATIONS.—

(A) IN GENERAL.—[Not later than 6 months after the date of enactment of the Truth in Caller ID Act of 2009, the Commission] *The Commission* shall prescribe regulations to implement this subsection.

* * * * *

(8) DEFINITIONS.—For purposes of this subsection:

(A) CALLER IDENTIFICATION INFORMATION.—The term “caller identification information” means information provided 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 IP-enabled voice service (*including a text message sent using a text messaging 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 IP-enabled voice service (*including a text message sent using a text messaging service*). Such term includes automatic number identification services.

(C) IP-ENABLED VOICE SERVICE.—The term “IP-enabled voice service” [has the meaning given that term by section 9.3 of the Commission’s regulations (47 C.F.R. 9.3), as

those regulations may be amended by the Commission from time to time.】 *means the provision of real-time voice communications offered to the public, or such class of users as to be effectively available to the public, transmitted using Internet protocol, or a successor protocol, (whether part of a bundle of services or separately) with interconnection capability such that the service can originate traffic to, or terminate traffic from, the public switched telephone network, or a successor network.*

(D) *TEXT MESSAGE.*—The term “text message” means a real-time or near real-time message consisting of text, images, sounds, or other information that is transmitted from or received by a device that is identified as the transmitting or receiving device by means of a telephone number. Such term—

(i) includes a short message service (SMS) message, an enhanced message service (EMS) message, and a multimedia message service (MMS) message; and

(ii) does not include a real-time, two-way voice or video communication.

(E) *TEXT MESSAGING SERVICE.*—The term “text messaging service” means a service that permits the transmission or receipt of a text message, including a service provided as part of or in connection with a telecommunications service or an IP-enabled voice service.

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