

114TH CONGRESS
2D SESSION

H. R. 2669

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2016

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

Amend the Communications Act of 1934 to expand and clarify the prohibition on provision of misleading or inaccurate caller identification information, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Anti-Spoofing Act of
3 2016”.

4 **SEC. 2. SPOOFING PREVENTION.**

5 (a) EXPANDING AND CLARIFYING PROHIBITION ON
6 MISLEADING OR INACCURATE CALLER IDENTIFICATION
7 INFORMATION.—

8 (1) COMMUNICATIONS FROM OUTSIDE THE
9 UNITED STATES.—Section 227(e)(1) of the Commu-
10 nications Act of 1934 (47 U.S.C. 227(e)(1)) is
11 amended by striking “in connection with any tele-
12 communications service or IP-enabled voice service”
13 and inserting “or any person outside the United
14 States if the recipient is within the United States,
15 in connection with any voice service or text mes-
16 saging service”.

17 (2) COVERAGE OF TEXT MESSAGES AND VOICE
18 SERVICES.—Section 227(e)(8) of the Communica-
19 tions Act of 1934 (47 U.S.C. 227(e)(8)) is amend-
20 ed—

21 (A) in subparagraph (A), by striking “tele-
22 communications service or IP-enabled voice
23 service” and inserting “voice service or a text
24 message sent using a text messaging service”;

25 (B) in the first sentence of subparagraph
26 (B), by striking “telecommunications service or

1 IP-enabled voice service” and inserting “voice
2 service or a text message sent using a text mes-
3 saging service”; and

4 (C) by striking subparagraph (C) and in-
5 serting the following:

6 “(C) TEXT MESSAGE.—The term ‘text
7 message’—

8 “(i) means a message consisting of
9 text, images, sounds, or other information
10 that is transmitted to or from a device that
11 is identified as the receiving or transmit-
12 ting device by means of a 10-digit tele-
13 phone number or N11 service code;

14 “(ii) includes a short message service
15 (commonly referred to as ‘SMS’) message
16 and a multimedia message service (com-
17 monly referred to as ‘MMS’) message; and

18 “(iii) does not include—

19 “(I) a real-time, two-way voice or
20 video communication; or

21 “(II) a message sent over an IP-
22 enabled messaging service to another
23 user of the same messaging service,
24 except a message described in clause
25 (ii).

1 “(D) TEXT MESSAGING SERVICE.—The
2 term ‘text messaging service’ means a service
3 that enables the transmission or receipt of a
4 text message, including a service provided as
5 part of or in connection with a voice service.

6 “(E) VOICE SERVICE.—The term ‘voice
7 service’—

8 “(i) means any service that is inter-
9 connected with the public switched tele-
10 phone network and that furnishes voice
11 communications to an end user using re-
12 sources from the North American Num-
13 bering Plan or any successor to the North
14 American Numbering Plan adopted by the
15 Commission under section 251(e)(1); and

16 “(ii) includes transmissions from a
17 telephone facsimile machine, computer, or
18 other device to a telephone facsimile ma-
19 chine.”.

20 (3) TECHNICAL AMENDMENT.—Section 227(e)
21 of the Communications Act of 1934 (47 U.S.C.
22 227(e)) is amended in the heading by inserting
23 “MISLEADING OR” before “INACCURATE”.

24 (4) REGULATIONS.—

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

7 (B) DEADLINE.—The Commission shall
8 prescribe regulations to implement the amend-
9 ments made by this subsection not later than
10 18 months after the date of enactment of this
11 Act.

12 (5) EFFECTIVE DATE.—The amendments made
13 by this subsection shall take effect on the date that
14 is 6 months after the date on which the Commission
15 prescribes regulations under paragraph (4).

16 (b) CONSUMER EDUCATION MATERIALS ON HOW TO
17 AVOID SCAMS THAT RELY UPON MISLEADING OR INAC-
18 CURATE CALLER IDENTIFICATION INFORMATION.—

19 (1) DEVELOPMENT OF MATERIALS.—Not later
20 than 1 year after the date of enactment of this Act,
21 the Commission, in coordination with the Federal
22 Trade Commission, shall develop consumer edu-
23 cation materials that provide information about—

24 (A) ways for consumers to identify scams
25 and other fraudulent activity that rely upon the

1 use of misleading or inaccurate caller identifica-
2 tion information; and

3 (B) existing technologies, if any, that a
4 consumer can use to protect against such scams
5 and other fraudulent activity.

6 (2) CONTENTS.—In developing the consumer
7 education materials under paragraph (1), the Com-
8 mission shall—

9 (A) identify existing technologies, if any,
10 that can help consumers guard themselves
11 against scams and other fraudulent activity
12 that rely upon the use of misleading or inac-
13 curate caller identification information, includ-
14 ing—

15 (i) descriptions of how a consumer
16 can use the technologies to protect against
17 such scams and other fraudulent activity;
18 and

19 (ii) details on how consumers can ac-
20 cess and use the technologies; and

21 (B) provide other information that may
22 help consumers identify and avoid scams and
23 other fraudulent activity that rely upon the use
24 of misleading or inaccurate caller identification
25 information.

1 (3) UPDATES.—The Commission shall ensure
2 that the consumer education materials required
3 under paragraph (1) are updated on a regular basis.

4 (4) WEBSITE.—The Commission shall include
5 the consumer education materials developed under
6 paragraph (1) on its website.

7 (c) GAO REPORT ON COMBATING THE FRAUDULENT
8 PROVISION OF MISLEADING OR INACCURATE CALLER
9 IDENTIFICATION INFORMATION.—

10 (1) IN GENERAL.—The Comptroller General of
11 the United States shall conduct a study of the ac-
12 tions the Commission and the Federal Trade Com-
13 mission have taken to combat the fraudulent provi-
14 sion of misleading or inaccurate caller identification
15 information, and the additional measures that could
16 be taken to combat such activity.

17 (2) REQUIRED CONSIDERATIONS.—In con-
18 ducting the study under paragraph (1), the Comp-
19 troller General shall examine—

20 (A) trends in the types of scams that rely
21 on misleading or inaccurate caller identification
22 information;

23 (B) previous and current enforcement ac-
24 tions by the Commission and the Federal Trade
25 Commission to combat the practices prohibited

1 by section 227(e)(1) of the Communications Act
2 of 1934 (47 U.S.C. 227(e)(1));

3 (C) current efforts by industry groups and
4 other entities to develop technical standards to
5 deter or prevent the fraudulent provision of
6 misleading or inaccurate caller identification in-
7 formation, and how such standards may help
8 combat the current and future provision of mis-
9 leading or inaccurate caller identification infor-
10 mation; and

11 (D) whether there are additional actions
12 the Commission, the Federal Trade Commis-
13 sion, and Congress should take to combat the
14 fraudulent provision of misleading or inaccurate
15 caller identification information.

16 (3) REPORT.—Not later than 18 months after
17 the date of enactment of this Act, the Comptroller
18 General shall submit to the Committee on Energy
19 and Commerce of the House of Representatives and
20 the Committee on Commerce, Science, and Trans-
21 portation of the Senate a report on the findings of
22 the study under paragraph (1), including any rec-
23 ommendations regarding combating the fraudulent
24 provision of misleading or inaccurate caller identi-
25 fication information.

1 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion, or the amendments made by this section, shall be
3 construed to modify, limit, or otherwise affect any rule or
4 order adopted by the Commission in connection with—

5 (1) the Telephone Consumer Protection Act of
6 1991 (Public Law 102–243; 105 Stat. 2394) or the
7 amendments made by that Act; or

8 (2) the CAN–SPAM Act of 2003 (15 U.S.C.
9 7701 et seq.).

10 (e) COMMISSION DEFINED.—In this section, the term
11 “Commission” means the Federal Communications Com-
12 mission.

Passed the House of Representatives November 14,
2016.

Attest:

KAREN L. HAAS,
Clerk.