

113TH CONGRESS  
2D SESSION

# S. 2956

To prevent caller ID spoofing, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2014

Mr. NELSON (for himself, Mr. DONNELLY, Ms. COLLINS, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To prevent caller ID spoofing, 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 “Phone Scam Preven-  
5       tion Act of 2014”.

6       **SEC. 2. AVAILABILITY OF WHITELIST SERVICES.**

7       (a) IN GENERAL.—Part I of title II of the Commu-  
8       nications Act of 1934 (47 U.S.C. 201 et seq.) is amended  
9       by adding at the end the following:

10       **“SEC. 232. AVAILABILITY OF WHITELIST SERVICES.**

11       “(a) DEFINITIONS.—In this section—

1           “(1) the term ‘voice service’ means any service  
2 that furnishes voice communications to an end user  
3 using resources from the North American Num-  
4 bering Plan or any successor plan adopted by the  
5 Commission under section 251(e)(1);

6           “(2) the term ‘exempt entity’ means—

7                 “(A) the Federal Government, a State, a  
8 political subdivision of a State, or an agency  
9 thereof; and

10                “(B) any entity with respect to which the  
11 Commission determines that allowing calls that  
12 originate from that entity to connect directly  
13 with the voice service customer premises equip-  
14 ment (commonly referred to as ‘CPE’) of a sub-  
15 scriptioner would serve the public interest; and

16           “(3) the term ‘whitelist’ means a list of tele-  
17 phone numbers, designated by a subscriber, for  
18 which calls originating from those numbers to the  
19 subscriber are permitted to connect directly with the  
20 voice service CPE of the subscriber.

21           “(b) REQUIREMENT TO OFFER WHITELIST SERV-  
22 ICE.—A provider of a voice service shall offer each sub-  
23 scriptioner the option to designate a whitelist, if technically  
24 feasible (as determined by the Commission on a periodic  
25 basis).

1       “(c) TREATMENT OF NONAPPROVED TELEPHONE  
2 NUMBERS.—

3           “(1) IN GENERAL.—If a subscriber elects to  
4 designate a whitelist under subsection (b), the pro-  
5 vider of the voice service of the subscriber shall en-  
6 sure that any call the provider receives for termi-  
7 nation that is not associated with a telephone num-  
8 ber on the whitelist of the subscriber or the tele-  
9 phone number of an exempt entity is processed ac-  
10 cording to preferences set by the subscriber with re-  
11 spect to the whitelist, including by limiting or dis-  
12 abling the ability of an incoming call to connect with  
13 the CPE of the subscriber.

14           “(2) SAFE HARBOR.—Whitelist processing that,  
15 in accordance with the preferences of a subscriber,  
16 limits or disables connection with the CPE of a sub-  
17 scriber shall not be considered to be—

18                   “(A) blocking traffic; or

19                   “(B) an unjust or unreasonable practice  
20 under section 201 of the Communications Act  
21 of 1934 (47 U.S.C. 201).

22       “(d) NUMBER OF TELEPHONE NUMBERS ON  
23 WHITELIST FREE OF CHARGE.—

24           “(1) IN GENERAL.—A provider of a voice serv-  
25 ice shall allow a subscriber (or a designated rep-

1       representative thereof) to designate not less than 10  
2       telephone numbers to be on the whitelist under sub-  
3       section (b), free of charge.

4               “(2) TELEPHONE NUMBERS OF EXEMPT ENTI-  
5       TIES.—The telephone number of an exempt entity  
6       shall not be considered to be on the whitelist of a  
7       subscriber for purposes of calculating the 10 tele-  
8       phone numbers that may be designated under para-  
9       graph (1).”.

10       (b) EFFECTIVE DATE.—Section 232 of the Commu-  
11       nications Act of 1934, as added by subsection (a), shall  
12       take effect on the date that is 2 years after the date of  
13       enactment of this Act.

14       **SEC. 3. AUTHENTICATION OF CALL ORIGINATION.**

15       Part I of title II of the Communications Act of 1934  
16       (47 U.S.C. 201 et seq.), as amended by section 2, is  
17       amended by adding at the end the following:

18       **“SEC. 233. AUTHENTICATION OF CALL ORIGINATION.**

19               “(a) DEFINITION.—In this section, the term ‘voice  
20       service’ means any service that furnishes voice commu-  
21       nications to an end user using resources from the North  
22       American Numbering Plan or any successor plan adopted  
23       by the Commission under section 251(e)(1).

24               “(b) DEVELOPMENT OF AUTHENTICATION STAND-  
25       ARDS BY COMMISSION.—Not later than 5 years after the

1 date of enactment of the Phone Scam Prevention Act of  
 2 2014, the Commission shall develop authentication stand-  
 3 ards for providers of a voice service to validate the calling  
 4 party number and caller identification information of a  
 5 call originated through a voice service so that the sub-  
 6 scriber receiving the call may obtain—

7           “(1) a secure assurance of the origin of the call,  
 8           including—

9                   “(A) the calling party number; and

10                   “(B) caller identification information for  
 11           the call; or

12           “(2) notice that an assurance described in para-  
 13           graph (1) is unavailable.

14           “(c) ADOPTION OF AUTHENTICATION STANDARDS BY  
 15 ENTITIES.—Each provider of a voice service that is allo-  
 16 cated telephone numbers from the portion of the North  
 17 American Numbering Plan that pertains to the United  
 18 States shall adopt the authentication standards developed  
 19 under subsection (b).”.

20 **SEC. 4. EXPANDING AND CLARIFYING PROHIBITION ON IN-**  
 21 **ACCURATE CALLER ID INFORMATION.**

22           (a) COMMUNICATIONS FROM OUTSIDE THE UNITED  
 23 STATES.—Section 227(e)(1) of the Communications Act  
 24 of 1934 (47 U.S.C. 227(e)(1)) is amended by striking “in  
 25 connection with any telecommunications service or IP-en-

1 abled voice service” and inserting “or any person outside  
2 the United States if the recipient of the call is within the  
3 United States, in connection with any voice service”.

4 (b) COVERAGE OF TEXT MESSAGES AND OTHER  
5 VOICE SERVICES.—Section 227(e)(8) of the Communica-  
6 tions Act of 1934 (47 U.S.C. 227(e)(8)) is amended—

7 (1) in subparagraph (A), by striking “tele-  
8 communications service or IP-enabled voice service”  
9 and inserting “voice service (including a text mes-  
10 sage sent using a text messaging service)”;

11 (2) in the first sentence of subparagraph (B),  
12 by striking “telecommunications service or IP-en-  
13 abled voice service” and inserting “voice service (in-  
14 cluding a text message sent using a text messaging  
15 service)”;

16 (3) by striking subparagraph (C) and inserting  
17 the following:

18 “(C) TEXT MESSAGE.—The term ‘text  
19 message’—

20 “(i) means a real-time or near real-  
21 time message consisting of text, images,  
22 sounds, or other information that is trans-  
23 mitted from or received by a device that is  
24 identified as the transmitting or receiving  
25 device by means of a telephone number;

1           “(ii) includes a short message service  
2           (commonly referred to as ‘SMS’) message,  
3           an enhanced message service (commonly  
4           referred to as ‘EMS’) message, and a  
5           multimedia message service (commonly re-  
6           ferred to as ‘MMS’) message; and

7           “(iii) does not include a real-time, 2-  
8           way voice or video communication.

9           “(D) TEXT MESSAGING SERVICE.—The  
10          term ‘text messaging service’ means a service  
11          that permits the transmission or receipt of a  
12          text message, including a service provided as  
13          part of or in connection with a voice service.

14          “(E) VOICE SERVICE.—The term ‘voice  
15          service’ means any service that furnishes voice  
16          communications to an end user using resources  
17          from the North American Numbering Plan or  
18          any successor plan adopted by the Commission  
19          under section 251(e)(1).”.

20          (c) RULES OF CONSTRUCTION.—Nothing in this Act  
21          shall be construed to modify, limit, or otherwise affect—

22                 (1) the authority, as of the day before the date  
23                 of enactment of this Act, of the Federal Communica-  
24                 tions Commission to interpret the term “call” to in-  
25                 clude a text message (as defined under section

1 227(e)(8) of the Communications Act of 1934, as  
2 added by subsection (b)); or

3 (2) any rule or order adopted by the Federal  
4 Communications Commission in connection with—

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

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

10 (d) REGULATIONS.—Not later than 18 months after  
11 the date of enactment of this Act, the Federal Commu-  
12 nications Commission shall prescribe regulations to imple-  
13 ment the amendments made by this section.

14 (e) EFFECTIVE DATE.—The amendments made by  
15 this section shall take effect on the date that is 6 months  
16 after the date on which the Federal Communications Com-  
17 mission prescribes regulations under subsection (d).

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