

# Union Calendar No. 630

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2669

[Report No. 114–806]

To amend the Communications Act of 1934 to expand and clarify the prohibition on provision of inaccurate caller identification information, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2015

Ms. MENG (for herself, Mr. BARTON, and Mr. LANCE) introduced the following bill; which was referred to the Committee on Energy and Commerce

NOVEMBER 14, 2016

Additional sponsors: Mr. KINZINGER of Illinois, Mr. GUTHRIE, Mr. MEEKS, Mr. RUSH, Mr. WELCH, Mr. BUTTERFIELD, Ms. ESHOO, Mr. VAN HOLLEN, Mr. BILIRAKIS, Mr. PASCRELL, Ms. MATSUI, Mr. CRAMER, Mrs. ELLMERS of North Carolina, Mr. BEN RAY LUJÁN of New Mexico, Mr. JOHNSON of Ohio, Mr. OLSON, Mr. SEAN PATRICK MALONEY of New York, Mr. LATTA, Mr. COLLINS of New York, Mr. DESAULNIER, Mr. TED LIEU of California, Mr. ZELDIN, Mr. BEYER, and Mr. LANGEVIN

NOVEMBER 14, 2016

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 4, 2015]

# **A BILL**

To amend the Communications Act of 1934 to expand and clarify the prohibition on provision of 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,*

3 **SECTION 1. SHORT TITLE.**

4        *This Act may be cited as the “Anti-Spoofing Act of*  
5 *2016”.*

6 **SEC. 2. SPOOFING PREVENTION.**

7        *(a) EXPANDING AND CLARIFYING PROHIBITION ON*  
8 *MISLEADING OR INACCURATE CALLER IDENTIFICATION IN-*  
9 *FORMATION.—*

10            *(1) COMMUNICATIONS FROM OUTSIDE THE*  
11 *UNITED STATES.—Section 227(e)(1) of the Commu-*  
12 *nications Act of 1934 (47 U.S.C. 227(e)(1)) is amend-*  
13 *ed by striking “in connection with any telecommuni-*  
14 *cations service or IP-enabled voice service” and in-*  
15 *serting “or any person outside the United States if*  
16 *the recipient is within the United States, in connec-*  
17 *tion with any voice service or text messaging service”.*

18            *(2) COVERAGE OF TEXT MESSAGES AND VOICE*  
19 *SERVICES.—Section 227(e)(8) of the Communications*  
20 *Act of 1934 (47 U.S.C. 227(e)(8)) is amended—*

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

1           *(B) in the first sentence of subparagraph*  
2           *(B), by striking “telecommunications service or*  
3           *IP-enabled voice service” and inserting “voice*  
4           *service or a text message sent using a text mes-*  
5           *saging service”;* and

6           *(C) by striking subparagraph (C) and in-*  
7           *serting the following:*

8           *“(C) TEXT MESSAGE.—The term ‘text mes-*  
9           *sage’—*

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

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

20           *“(iii) does not include—*

21           *“(I) a real-time, 2-way voice or*  
22           *video communication; or*

23           *“(II) a message sent over an IP-*  
24           *enabled messaging service to another*

1                   user of the same messaging service, ex-  
2                   cept a message described in clause (ii).

3                   “(D) *TEXT MESSAGING SERVICE*.—The term  
4                   ‘text messaging service’ means a service that en-  
5                   ables the transmission or receipt of a text mes-  
6                   sage, including a service provided as part of or  
7                   in connection with a voice service.

8                   “(E) *VOICE SERVICE*.—The term ‘voice serv-  
9                   ice’—

10                   “(i) means any service that is inter-  
11                   connected with the public switched telephone  
12                   network and that furnishes voice commu-  
13                   nications to an end user using resources  
14                   from the North American Numbering Plan  
15                   or any successor to the North American  
16                   Numbering Plan adopted by the Commis-  
17                   sion under section 251(e)(1); and

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

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

1           (4) *REGULATIONS.*—

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

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

12           (5) *EFFECTIVE DATE.*—The amendments made  
13          by this subsection shall take effect on the date that is  
14          6 months after the date on which the Commission pre-  
15          scribes 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 education  
23          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 con-*  
4           *sumer can use to protect against such scams and*  
5           *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 that*  
12          *rely upon the use of misleading or inaccurate*  
13          *caller identification information, including—*

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

17                          *(ii) details on how consumers can ac-*  
18                          *cess and use the technologies; and*

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

1           (3) *UPDATES.*—*The Commission shall ensure*  
2           *that the consumer education materials required under*  
3           *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 IDEN-*  
9           *TIFICATION INFORMATION.*—

10           (1) *IN GENERAL.*—*The Comptroller General of*  
11           *the United States shall conduct a study of the actions*  
12           *the Commission and the Federal Trade Commission*  
13           *have taken to combat the fraudulent provision of mis-*  
14           *leading or inaccurate caller identification informa-*  
15           *tion, and the additional measures that could be taken*  
16           *to combat such activity.*

17           (2) *REQUIRED CONSIDERATIONS.*—*In conducting*  
18           *the study under paragraph (1), the Comptroller Gen-*  
19           *eral 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 mis-*  
6           *leading or inaccurate caller identification infor-*  
7           *mation, and how such standards may help com-*  
8           *bat the current and future provision of mis-*  
9           *leading or inaccurate caller identification infor-*  
10          *mation; and*

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

16          *(3) REPORT.—Not later than 18 months after the*  
17          *date of enactment of this Act, the Comptroller General*  
18          *shall submit to the Committee on Energy and Com-*  
19          *merce of the House of Representatives and the Com-*  
20          *mittee on Commerce, Science, and Transportation of*  
21          *the Senate a report on the findings of the study under*  
22          *paragraph (1), including any recommendations re-*  
23          *garding combating the fraudulent provision of mis-*  
24          *leading or inaccurate caller identification informa-*  
25          *tion.*

1       (d) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*  
2 *tion, or the amendments made by this section, shall be con-*  
3 *strued to modify, limit, or otherwise affect any rule or order*  
4 *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. 7701*  
9 *et seq.).*

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

Amend the title so as to read: “A bill 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.”.



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