

114TH CONGRESS
2D SESSION

S. 2558

To expand the prohibition on misleading or inaccurate caller identification information, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 22, 2016

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

A BILL

To expand the prohibition on 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Spoofing Prevention
5 Act of 2016”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COMMISSION.—The term “Commission”
9 means the Federal Communications Commission.

1 (2) VOICE SERVICE.—The term “voice service”
 2 means any service that furnishes voice communica-
 3 tions to an end user using resources from the North
 4 American Numbering Plan or any successor to the
 5 North American Numbering Plan adopted by the
 6 Commission under section 251(e)(1) of the Commu-
 7 nications Act of 1934 (47 U.S.C. 251(e)(1)).

8 **SEC. 3. EXPANDING AND CLARIFYING PROHIBITION ON**
 9 **MISLEADING OR INACCURATE CALLER IDEN-**
 10 **TIFICATION INFORMATION.**

11 (a) COMMUNICATIONS FROM OUTSIDE UNITED
 12 STATES.—Section 227(e)(1) of the Communications Act
 13 of 1934 (47 U.S.C. 227(e)(1)) is amended by striking “in
 14 connection with any telecommunications service or IP-en-
 15 abled voice service” and inserting “or any person outside
 16 the United States if the recipient of the call is within the
 17 United States, in connection with any voice service or text
 18 messaging service”.

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

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

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

6 (3) by striking subparagraph (C) and inserting
 7 the following:

8 “(C) TEXT MESSAGE.—The term ‘text
 9 message’—

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

16 “(ii) includes a short message service
 17 (commonly referred to as ‘SMS’) message,
 18 an enhanced message service (commonly
 19 referred to as ‘EMS’) message, and a
 20 multimedia message service (commonly re-
 21 ferred to as ‘MMS’) message; and

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

24 “(D) TEXT MESSAGING SERVICE.—The
 25 term ‘text messaging service’ means a service

1 that permits the transmission or receipt of a
 2 text message, including a service provided as
 3 part of or in connection with a voice service.

4 “(E) VOICE SERVICE.—The term ‘voice
 5 service’ means any service that furnishes voice
 6 communications to an end user using resources
 7 from the North American Numbering Plan or
 8 any successor to the North American Num-
 9 bering Plan adopted by the Commission under
 10 section 251(e)(1).”.

11 (c) TECHNICAL AMENDMENT.—Section 227(e) of the
 12 Communications Act of 1934 (47 U.S.C. 227(e)) is
 13 amended in the heading by inserting “MISLEADING OR”
 14 before “INACCURATE”.

15 (d) REGULATIONS.—

16 (1) IN GENERAL.—Section 227(e)(3)(A) of the
 17 Communications Act of 1934 (47 U.S.C.
 18 227(e)(3)(A)) is amended by striking “Not later
 19 than 6 months after the date of enactment of the
 20 Truth in Caller ID Act of 2009, the Commission”
 21 and inserting “The Commission”.

22 (2) DEADLINE.—The Federal Communications
 23 Commission shall prescribe regulations to implement
 24 the amendments made by this section not later than
 25 18 months after the date of enactment of this Act.

1 (e) EFFECTIVE DATE.—The amendments made by
 2 this section shall take effect on the date that is 6 months
 3 after the date on which the Commission prescribes regula-
 4 tions under subsection (d).

5 **SEC. 4. REPORT ON EXISTING TECHNOLOGICAL SOLUTIONS**
 6 **TO COMBAT MISLEADING OR INACCURATE**
 7 **CALLER IDENTIFICATION INFORMATION.**

8 (a) PUBLICATION OF REPORT.—Not later than 1
 9 year after the date of enactment of this Act, and annually
 10 thereafter, the Commission shall publish on the website
 11 of the Commission a report that identifies existing tech-
 12 nology solutions that a consumer can use to protect the
 13 consumer against misleading or inaccurate caller identi-
 14 fication information.

15 (b) CONTENTS OF REPORT.—In preparing the report
 16 under subsection (a), the Commission shall—

17 (1) analyze existing technologies that can en-
 18 able consumers to guard against misleading or inac-
 19 curate caller identification information;

20 (2) describe how the technologies described in
 21 paragraph (1) protect consumers; and

22 (3) detail how voice service subscribers can ob-
 23 tain access to the technologies described in para-
 24 graph (1).

1 **SEC. 5. GAO REPORT ON COMBATING THE FRAUDULENT**
2 **PROVISION OF MISLEADING OR INACCURATE**
3 **CALLER IDENTIFICATION INFORMATION.**

4 (a) IN GENERAL.—The Comptroller General of the
5 United States shall conduct a study of the actions the
6 Commission and the Federal Trade Commission have
7 taken to combat the fraudulent provision of misleading or
8 inaccurate caller identification information, and the addi-
9 tional measures that could be taken to combat such activ-
10 ity.

11 (b) REQUIRED CONSIDERATIONS.—In conducting the
12 study under subsection (a), the Comptroller General shall
13 examine—

14 (1) trends in the types of scams that rely on
15 misleading or inaccurate caller identification infor-
16 mation;

17 (2) previous and current enforcement actions by
18 the Commission and the Federal Trade Commission
19 to combat the practices prohibited by section
20 227(e)(1) of the Communications Act of 1934 (47
21 U.S.C. 227(e)(1));

22 (3) current efforts by industry groups and other
23 entities to develop technical standards to deter or
24 prevent the fraudulent provision of misleading or in-
25 accurate caller identification information, and how
26 such standards may help combat the current and fu-

1 ture provision of misleading or inaccurate caller
2 identification information; and

3 (4) whether there are additional actions the
4 Commission, the Federal Trade Commission, and
5 Congress should take to combat the fraudulent pro-
6 vision of misleading or inaccurate caller identifica-
7 tion information.

8 (c) REPORT.—Not later than 18 months after the
9 date of enactment of this Act, the Comptroller General
10 shall submit to the Committee on Commerce, Science, and
11 Transportation of the Senate and the Committee on En-
12 ergy and Commerce of the House of Representatives a re-
13 port on the findings of the study under subsection (a),
14 including any recommendations regarding combating the
15 fraudulent provision of misleading or inaccurate caller
16 identification information.

17 **SEC. 6. RULES OF CONSTRUCTION.**

18 (a) IN GENERAL.—Nothing in this Act, or the
19 amendments made by this Act, shall be construed to mod-
20 ify, limit, or otherwise affect any rule or order adopted
21 by the Commission in connection with—

22 (1) the Telephone Consumer Protection Act of
23 1991 (Public Law 102–243; 105 Stat. 2394) or the
24 amendments made by that Act; or

1 (2) the CAN-SPAM Act of 2003 (15 U.S.C.
2 7701 et seq.).

3 (b) ADDITIONAL.—Nothing in this Act, or the
4 amendments made by this Act, shall be construed—

5 (1) to mean that a text messaging service (as
6 defined in section 227(e)(8) of the Communications
7 Act of 1934 (47 U.S.C. 227(e)(8)) is a telecommuni-
8 cations service under title II of the Communications
9 Act of 1934 (47 U.S.C. 201 et seq.), or require or
10 direct the Commission to classify a text messaging
11 service as a telecommunications service;

12 (2) to mean that an interconnected VoIP serv-
13 ice (as defined in section 9.3 of title 47, Code of
14 Federal Regulations, or any successor regulation) or
15 a non-interconnected VoIP service (as defined in sec-
16 tion 64.601(a)(23) of title 47, Code of Federal Reg-
17 ulations, or any successor regulation) is a tele-
18 communications service under title II of the Commu-
19 nications Act of 1934 (47 U.S.C. 201 et seq.), or re-
20 quire or direct the Commission to classify an inter-
21 connected VoIP service or a non-interconnected
22 VoIP service as a telecommunications service; or

23 (3) to modify, limit, or otherwise affect the au-
24 thority of the Commission to determine the scope of
25 any other provision of the Communications Act of

1 1934 (47 U.S.C. 151 et seq.) and its applicability to
2 any voice service, including an interconnected VoIP
3 service or a non-interconnected VoIP service, or text
4 messaging service.

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