

115TH CONGRESS
1ST SESSION

S. 134

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Spoofing Prevention
3 Act of 2017”.

4 **SEC. 2. DEFINITION.**

5 In this Act, the term “Commission” means the Fed-
6 eral Communications Commission.

7 **SEC. 3. SPOOFING PREVENTION.**

8 (a) EXPANDING AND CLARIFYING PROHIBITION ON
9 MISLEADING OR INACCURATE CALLER IDENTIFICATION
10 INFORMATION.—

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

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

24 (A) in subparagraph (A), by striking “tele-
25 communications service or IP-enabled voice

1 service” and inserting “voice service or a text
 2 message sent using a text messaging service”;

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

8 (C) by striking subparagraph (C) and in-
 9 serting the following:

10 “(C) TEXT MESSAGE.—The term ‘text
 11 message’—

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

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

22 “(iii) does not include—

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

1 “(II) a message sent over an IP-
2 enabled messaging service to another
3 user of the same messaging service,
4 except a message described in clause
5 (ii).

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

11 “(E) VOICE SERVICE.—The term ‘voice
12 service’—

13 “(i) means any service that furnishes
14 voice communications to an end user using
15 resources from the North American Num-
16 bering Plan or any successor to the North
17 American Numbering Plan adopted by the
18 Commission under section 251(e)(1); and

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

23 (3) TECHNICAL AMENDMENT.—Section 227(e)
24 of the Communications Act of 1934 (47 U.S.C.

1 227(e)) is amended in the heading by inserting
2 “MISLEADING OR” before “INACCURATE”.

3 (4) REGULATIONS.—

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

10 (B) DEADLINE.—The Commission shall
11 prescribe regulations to implement the amend-
12 ments made by this subsection not later than
13 18 months after the date of enactment of this
14 Act.

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

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

22 (1) DEVELOPMENT OF MATERIALS.—Not later
23 than 1 year after the date of enactment of this Act,
24 the Commission, in collaboration with the Federal

1 Trade Commission, shall develop consumer edu-
2 cation materials that provide information about—

3 (A) ways for consumers to identify scams
4 and other fraudulent activity that rely upon the
5 use of misleading or inaccurate caller identifica-
6 tion information; and

7 (B) existing technologies, if any, that a
8 consumer can use to protect against such scams
9 and other fraudulent activity.

10 (2) CONTENTS.—In developing the consumer
11 education materials under paragraph (1), the Com-
12 mission shall—

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

19 (i) descriptions of how a consumer
20 can use the technologies to protect against
21 such scams and other fraudulent activity;
22 and

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

1 (B) provide other information that may
2 help consumers identify and avoid scams and
3 other fraudulent activity that rely upon the use
4 of misleading or inaccurate caller identification
5 information.

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

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

12 (c) GAO REPORT ON COMBATING THE FRAUDULENT
13 PROVISION OF MISLEADING OR INACCURATE CALLER
14 IDENTIFICATION INFORMATION.—

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

22 (2) REQUIRED CONSIDERATIONS.—In con-
23 ducting the study under paragraph (1), the Comp-
24 troller General shall examine—

1 (A) trends in the types of scams that rely
2 on misleading or inaccurate caller identification
3 information;

4 (B) previous and current enforcement ac-
5 tions by the Commission and the Federal Trade
6 Commission to combat the practices prohibited
7 by section 227(e)(1) of the Communications Act
8 of 1934 (47 U.S.C. 227(e)(1));

9 (C) current efforts by industry groups and
10 other entities to develop technical standards to
11 deter or prevent the fraudulent provision of
12 misleading or inaccurate caller identification in-
13 formation, and how such standards may help
14 combat the current and future provision of mis-
15 leading or inaccurate caller identification infor-
16 mation; and

17 (D) whether there are additional actions
18 the Commission, the Federal Trade Commis-
19 sion, and Congress should take to combat the
20 fraudulent provision of misleading or inaccurate
21 caller identification information.

22 (3) REPORT.—Not later than 18 months after
23 the date of enactment of this Act, the Comptroller
24 General shall submit to the Committee on Com-
25 merce, Science, and Transportation of the Senate

1 and the Committee on Energy and Commerce of the
2 House of Representatives a report on the findings of
3 the study conducted under paragraph (1), including
4 any recommendations regarding combating the
5 fraudulent provision of misleading or inaccurate call-
6 er identification information.

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

11 (1) the Telephone Consumer Protection Act of
12 1991 (Public Law 102–243; 105 Stat. 2394) or the
13 amendments made by that Act; or

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

Passed the Senate August 3, 2017.

Attest:

Secretary.

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