

115TH CONGRESS
1ST SESSION

S. 134

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

IN THE SENATE OF THE UNITED STATES

JANUARY 12, 2017

Mr. NELSON (for himself, Mrs. FISCHER, Ms. KLOBUCHAR, and Mr. BLUNT) 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 2017”.

6 **SEC. 2. DEFINITION.**

7 In this Act, the term “Commission” means the Fed-
8 eral Communications Commission.

1 **SEC. 3. SPOOFING PREVENTION.**

2 (a) EXPANDING AND CLARIFYING PROHIBITION ON
3 MISLEADING OR INACCURATE CALLER IDENTIFICATION
4 INFORMATION.—

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

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

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

22 (B) in the first sentence of subparagraph
23 (B), by striking “telecommunications service or
24 IP-enabled voice service” and inserting “voice
25 service or a text message sent using a text mes-
26 saging service”; and

1 (C) by striking subparagraph (C) and in-
2 serting the following:

3 “(C) TEXT MESSAGE.—The term ‘text
4 message’—

5 “(i) means a message consisting of
6 text, images, sounds, or other information
7 that is transmitted from or received by a
8 device that is identified as the transmitting
9 or receiving device by means of a 10-digit
10 telephone number;

11 “(ii) includes a short message service
12 (commonly referred to as ‘SMS’) message,
13 an enhanced message service (commonly
14 referred to as ‘EMS’) message, and a
15 multimedia message service (commonly re-
16 ferred to as ‘MMS’) message; and

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

19 “(D) TEXT MESSAGING SERVICE.—The
20 term ‘text messaging service’ means a service
21 that permits the transmission or receipt of a
22 text message, including a service provided as
23 part of or in connection with a voice service.

24 “(E) VOICE SERVICE.—The term ‘voice
25 service’—

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

7 “(ii) includes transmissions from a
 8 telephone facsimile machine, computer, or
 9 other device to a telephone facsimile ma-
 10 chine.”.

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

15 (4) REGULATIONS.—

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

22 (B) DEADLINE.—The Commission shall
 23 prescribe regulations to implement the amend-
 24 ments made by this subsection not later than

1 18 months after the date of enactment of this
2 Act.

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

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

10 (1) DEVELOPMENT OF MATERIALS.—Not later
11 than 1 year after the date of enactment of this Act,
12 the Commission, in collaboration with the Federal
13 Trade Commission, shall develop consumer edu-
14 cation materials that provide information about—

15 (A) ways for consumers to identify scams
16 and other fraudulent activity that rely upon the
17 use of misleading or inaccurate caller identifica-
18 tion information; and

19 (B) existing technologies, if any, that a
20 consumer can use to protect against such scams
21 and other fraudulent activity.

22 (2) CONTENTS.—In developing the consumer
23 education materials under paragraph (1), the Com-
24 mission shall—

1 (A) identify existing technologies, if any,
2 that can help consumers guard themselves
3 against scams and other fraudulent activity
4 that rely upon the use of misleading or inac-
5 curate caller identification information, includ-
6 ing—

7 (i) descriptions of how a consumer
8 can use the technologies to protect against
9 such scams and other fraudulent activity;
10 and

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

13 (B) provide other information that may
14 help consumers identify and avoid scams and
15 other fraudulent activity that rely upon the use
16 of misleading or inaccurate caller identification
17 information.

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

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

1 (c) GAO REPORT ON COMBATING THE FRAUDULENT
2 PROVISION OF MISLEADING OR INACCURATE CALLER
3 IDENTIFICATION INFORMATION.—

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

11 (2) REQUIRED CONSIDERATIONS.—In con-
12 ducting the study under paragraph (1), the Comp-
13 troller General shall examine—

14 (A) trends in the types of scams that rely
15 on misleading or inaccurate caller identification
16 information;

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

22 (C) current efforts by industry groups and
23 other entities to develop technical standards to
24 deter or prevent the fraudulent provision of
25 misleading or inaccurate caller identification in-

1 formation, and how such standards may help
2 combat the current and future provision of mis-
3 leading or inaccurate caller identification infor-
4 mation; and

5 (D) whether there are additional actions
6 the Commission, the Federal Trade Commis-
7 sion, and Congress should take to combat the
8 fraudulent provision of misleading or inaccurate
9 caller identification information.

10 (3) REPORT.—Not later than 18 months after
11 the date of enactment of this Act, the Comptroller
12 General shall submit to the Committee on Com-
13 merce, Science, and Transportation of the Senate
14 and the Committee on Energy and Commerce of the
15 House of Representatives a report on the findings of
16 the study conducted under paragraph (1), including
17 any recommendations regarding combating the
18 fraudulent provision of misleading or inaccurate call-
19 er identification information.

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

1 (1) the Telephone Consumer Protection Act of
2 1991 (Public Law 102–243; 105 Stat. 2394) or the
3 amendments made by that Act; or

4 (2) the CAN–SPAM Act of 2003 (15 U.S.C.
5 7701 et seq.).

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