

Calendar No. 117

115TH CONGRESS
1ST SESSION

S. 134

[Report No. 115-91]

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, Mr. BLUNT, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JUNE 6, 2017

Reported by Mr. THUNE, with an amendment

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

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 “~~Spoofer~~ Prevention
5 ~~Act of 2017~~”.

1 **SEC. 2. DEFINITION.**

2 In this Act, the term “Commission” means the Fed-
3 eral Communications Commission.

4 **SEC. 3. SPOOFING PREVENTION.**

5 (a) **EXPANDING AND CLARIFYING PROHIBITION ON**
6 **MISLEADING OR INACCURATE CALLER IDENTIFICATION**
7 **INFORMATION.—**

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

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

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

25 (B) in the first sentence of subparagraph
26 (B), by striking “telecommunications service or

1 IP-enabled voice service” and inserting “voice
 2 service or a text message sent using a text mes-
 3 saging service”; and

4 (C) by striking subparagraph (C) and in-
 5 serting the following:

6 “(C) TEXT MESSAGE.—The term ‘text
 7 message’—

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

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

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

22 “(D) TEXT MESSAGING SERVICE.—The
 23 term ‘text messaging service’ means a service
 24 that permits the transmission or receipt of a

1 text message, including a service provided as
 2 part of or in connection with a voice service.

3 “(E) VOICE SERVICE.—The term ‘voice
 4 service’—

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

11 “(ii) includes transmissions from a
 12 telephone facsimile machine, computer, or
 13 other device to a telephone facsimile ma-
 14 chine.”.

15 (3) TECHNICAL AMENDMENT.—Section 227(e)
 16 of the Communications Act of 1934 (47 U.S.C.
 17 227(e)) is amended in the heading by inserting
 18 “MISLEADING OR” before “INACCURATE”.

19 (4) REGULATIONS.—

20 (A) IN GENERAL.—Section 227(e)(3)(A) of
 21 the Communications Act of 1934 (47 U.S.C.
 22 227(e)(3)(A)) is amended by striking “Not
 23 later than 6 months after the date of enactment
 24 of the Truth in Caller ID Act of 2009, the
 25 Commission” and inserting “The Commission”.

1 ~~(B) DEADLINE.~~—The Commission shall
 2 prescribe regulations to implement the amend-
 3 ments made by this subsection not later than
 4 18 months after the date of enactment of this
 5 Act.

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

10 ~~(b) CONSUMER EDUCATION MATERIALS ON HOW TO~~
 11 ~~AVOID SCAMS THAT RELY UPON MISLEADING OR INAC-~~
 12 ~~CURATE CALLER IDENTIFICATION INFORMATION.~~—

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

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

22 ~~(B) existing technologies, if any, that a~~
 23 ~~consumer can use to protect against such scams~~
 24 ~~and other fraudulent activity.~~

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

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

10 (i) descriptions of how a consumer
11 can use the technologies to protect against
12 such scams and other fraudulent activity;
13 and

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

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

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

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

4 (e) GAO REPORT ON COMBATING THE FRAUDULENT
5 PROVISION OF MISLEADING OR INACCURATE CALLER
6 IDENTIFICATION INFORMATION.—

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

14 (2) REQUIRED CONSIDERATIONS.—In con-
15 ducting the study under paragraph (1), the Comp-
16 troller General shall examine—

17 (A) trends in the types of scams that rely
18 on misleading or inaccurate caller identification
19 information;

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

1 (C) current efforts by industry groups and
2 other entities to develop technical standards to
3 deter or prevent the fraudulent provision of
4 misleading or inaccurate caller identification in-
5 formation, and how such standards may help
6 combat the current and future provision of mis-
7 leading or inaccurate caller identification infor-
8 mation; and

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

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

24 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion, or the amendments made by this section, shall be

1 construed to modify, limit, or otherwise affect any rule or
2 order adopted by the Commission in connection with—

3 (1) the Telephone Consumer Protection Act of
4 1991 (Public Law 102–243; 105 Stat. 2394) or the
5 amendments made by that Act; or

6 (2) the CAN-SPAM Act of 2003 (15 U.S.C.
7 7701 et seq.).

8 **SECTION 1. SHORT TITLE.**

9 *This Act may be cited as the “Spoofing Prevention Act*
10 *of 2017”.*

11 **SEC. 2. DEFINITION.**

12 *In this Act, the term “Commission” means the Federal*
13 *Communications Commission.*

14 **SEC. 3. SPOOFING PREVENTION.**

15 (a) *EXPANDING AND CLARIFYING PROHIBITION ON*
16 *MISLEADING OR INACCURATE CALLER IDENTIFICATION IN-*
17 *FORMATION.—*

18 (1) *COMMUNICATIONS FROM OUTSIDE THE*
19 *UNITED STATES.—Section 227(e)(1) of the Commu-*
20 *nications Act of 1934 (47 U.S.C. 227(e)(1)) is amend-*
21 *ed by striking “in connection with any telecommuni-*
22 *cations service or IP-enabled voice service” and in-*
23 *serting “or any person outside the United States if*
24 *the recipient of the call is within the United States,*

1 *in connection with any voice service or text messaging*
2 *service”.*

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

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

10 (B) *in the first sentence of subparagraph*
11 *(B), by striking “telecommunications service or*
12 *IP-enabled voice service” and inserting “voice*
13 *service or a text message sent using a text mes-*
14 *saging service”;* and

15 (C) *by striking subparagraph (C) and in-*
16 *serting the following:*

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

19 “(i) *means a message consisting of*
20 *text, images, sounds, or other information*
21 *that is transmitted from or received by a*
22 *device that is identified as the transmitting*
23 *or receiving device by means of a 10-digit*
24 *telephone number;*

1 “(ii) includes a short message service
2 (commonly referred to as ‘SMS’) message,
3 and a multimedia message service (com-
4 monly referred to as ‘MMS’) message; and

5 “(iii) does not include—

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

8 “(II) a message sent over an IP-
9 enabled messaging service to another
10 user of the same messaging service, ex-
11 cept a message described in clause (ii).

12 “(D) TEXT MESSAGING SERVICE.—The term
13 ‘text messaging service’ means a service that en-
14 ables the transmission or receipt of a text mes-
15 sage, including a service provided as part of or
16 in connection with a voice service.

17 “(E) VOICE SERVICE.—The term ‘voice serv-
18 ice’—

19 “(i) means any service that furnishes
20 voice communications to an end user using
21 resources from the North American Num-
22 bering Plan or any successor to the North
23 American Numbering Plan adopted by the
24 Commission under section 251(e)(1); and

1 “(ii) includes transmissions from a
2 telephone facsimile machine, computer, or
3 other device to a telephone facsimile ma-
4 chine.”.

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

9 (4) *REGULATIONS.*—

10 (A) *IN GENERAL.*—Section 227(e)(3)(A) of
11 the Communications Act of 1934 (47 U.S.C.
12 227(e)(3)(A)) is amended by striking “Not later
13 than 6 months after the date of enactment of the
14 Truth in Caller ID Act of 2009, the Commis-
15 sion” and inserting “The Commission”.

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

20 (5) *EFFECTIVE DATE.*—The amendments made
21 by this subsection shall take effect on the date that is
22 6 months after the date on which the Commission pre-
23 scribes regulations under paragraph (4).

1 **(b) CONSUMER EDUCATION MATERIALS ON HOW TO**
2 **AVOID SCAMS THAT RELY UPON MISLEADING OR INAC-**
3 **CURATE CALLER IDENTIFICATION INFORMATION.—**

4 **(1) DEVELOPMENT OF MATERIALS.—***Not later*
5 *than 1 year after the date of enactment of this Act,*
6 *the Commission, in collaboration with the Federal*
7 *Trade Commission, shall develop consumer education*
8 *materials that provide information about—*

9 **(A)** *ways for consumers to identify scams*
10 *and other fraudulent activity that rely upon the*
11 *use of misleading or inaccurate caller identifica-*
12 *tion information; and*

13 **(B)** *existing technologies, if any, that a con-*
14 *sumer can use to protect against such scams and*
15 *other fraudulent activity.*

16 **(2) CONTENTS.—***In developing the consumer*
17 *education materials under paragraph (1), the Com-*
18 *mission shall—*

19 **(A)** *identify existing technologies, if any,*
20 *that can help consumers guard themselves*
21 *against scams and other fraudulent activity that*
22 *rely upon the use of misleading or inaccurate*
23 *caller identification information, including—*

1 (i) descriptions of how a consumer can
2 use the technologies to protect against such
3 scams and other fraudulent activity; and

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

6 (B) provide other information that may
7 help consumers identify and avoid scams and
8 other fraudulent activity that rely upon the use
9 of misleading or inaccurate caller identification
10 information.

11 (3) *UPDATES.*—The Commission shall ensure
12 that the consumer education materials required under
13 paragraph (1) are updated on a regular basis.

14 (4) *WEBSITE.*—The Commission shall include
15 the consumer education materials developed under
16 paragraph (1) on its website.

17 (c) *GAO REPORT ON COMBATING THE FRAUDULENT*
18 *PROVISION OF MISLEADING OR INACCURATE CALLER IDEN-*
19 *TIFICATION INFORMATION.*—

20 (1) *IN GENERAL.*—The Comptroller General of
21 the United States shall conduct a study of the actions
22 the Commission and the Federal Trade Commission
23 have taken to combat the fraudulent provision of mis-
24 leading or inaccurate caller identification informa-

1 *tion, and the additional measures that could be taken*
2 *to combat such activity.*

3 (2) *REQUIRED CONSIDERATIONS.*—*In conducting*
4 *the study under paragraph (1), the Comptroller Gen-*
5 *eral shall examine—*

6 (A) *trends in the types of scams that rely*
7 *on misleading or inaccurate caller identification*
8 *information;*

9 (B) *previous and current enforcement ac-*
10 *tions by the Commission and the Federal Trade*
11 *Commission to combat the practices prohibited*
12 *by section 227(e)(1) of the Communications Act*
13 *of 1934 (47 U.S.C. 227(e)(1));*

14 (C) *current efforts by industry groups and*
15 *other entities to develop technical standards to*
16 *deter or prevent the fraudulent provision of mis-*
17 *leading or inaccurate caller identification infor-*
18 *mation, and how such standards may help com-*
19 *bat the current and future provision of mis-*
20 *leading or inaccurate caller identification infor-*
21 *mation; and*

22 (D) *whether there are additional actions the*
23 *Commission, the Federal Trade Commission, and*
24 *Congress should take to combat the fraudulent*

1 *provision of misleading or inaccurate caller*
2 *identification information.*

3 (3) *REPORT.*—*Not later than 18 months after the*
4 *date of enactment of this Act, the Comptroller General*
5 *shall submit to the Committee on Commerce, Science,*
6 *and Transportation of the Senate and the Committee*
7 *on Energy and Commerce of the House of Representa-*
8 *tives a report on the findings of the study conducted*
9 *under paragraph (1), including any recommendations*
10 *regarding combating the fraudulent provision of mis-*
11 *leading or inaccurate caller identification informa-*
12 *tion.*

13 (d) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
14 *tion, or the amendments made by this section, shall be con-*
15 *strued to modify, limit, or otherwise affect any rule or order*
16 *adopted by the Commission in connection with—*

17 (1) *the Telephone Consumer Protection Act of*
18 *1991 (Public Law 102–243; 105 Stat. 2394) or the*
19 *amendments made by that Act; or*

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

Calendar No. 117

115TH CONGRESS
1ST Session

S. 134

[Report No. 115-91]

A BILL

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

JUNE 6, 2017

Reported with an amendment