

115TH CONGRESS 1ST SESSION

H. R. 423

To 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.

IN THE HOUSE OF REPRESENTATIVES

January 10, 2017

Ms. Meng (for herself, Mr. Barton, and Mr. Lance) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To 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.

- 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 2017".

1 SEC. 2. 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 is within the United States,
12	in connection with any voice service or text mes-
13	saging 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 to or from a device that
8	is identified as the receiving or transmit-
9	ting device by means of a 10-digit tele-
10	phone number or N11 service code;
11	"(ii) includes a short message service
12	(commonly referred to as 'SMS') message
13	and a multimedia message service (com-
14	monly referred to as 'MMS') message; and
15	"(iii) does not include—
16	"(I) a real-time, two way voice or
17	video communication; or
18	"(II) a message sent over an IP-
19	enabled messaging service to another
20	user of the same messaging service,
21	except a message described in clause
22	(ii).
23	"(D) TEXT MESSAGING SERVICE.—The
24	term 'text messaging service' means a service
25	that enables 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 is inter-
6	connected with the public switched tele-
7	phone network and that furnishes voice
8	communications to an end user using re-
9	sources from the North American Num-
10	bering Plan or any successor to the North
11	American Numbering Plan adopted by the
12	Commission under section 251(e)(1); and
13	"(ii) includes transmissions from a
14	telephone facsimile machine, computer, or
15	other device to a telephone facsimile ma-
16	chine.".
17	(3) Technical amendment.—Section 227(e)
18	of the Communications Act of 1934 (47 U.S.C.
19	227(e)) is amended in the heading by inserting
20	"MISLEADING OR" before "INACCURATE".
21	(4) Regulations.—
22	(A) In General.—Section 227(e)(3)(A) of
23	the Communications Act of 1934 (47 U.S.C.
24	227(e)(3)(A)) is amended by striking "Not
25	later than 6 months after the date of enactment

1	of the Truth in Caller ID Act of 2009, the
2	Commission" and inserting "The Commission".
3	(B) Deadline.—The Commission shall
4	prescribe regulations to implement the amend-
5	ments made by this subsection not later than
6	18 months after the date of enactment of this
7	Act.
8	(5) Effective date.—The amendments made
9	by this subsection shall take effect on the date that
10	is 6 months after the date on which the Commission
11	prescribes regulations under paragraph (4).
12	(b) Consumer Education Materials on How To
13	AVOID SCAMS THAT RELY UPON MISLEADING OR INAC-
14	CURATE CALLER IDENTIFICATION INFORMATION.—
15	(1) Development of materials.—Not later
16	than 1 year after the date of enactment of this Act,
17	the Commission, in coordination with the Federal
18	Trade Commission, shall develop consumer edu-
19	cation materials that provide information about—
20	(A) ways for consumers to identify scams
21	and other fraudulent activity that rely upon the
22	use of misleading or inaccurate caller identifica-
23	tion information; and

1	(B) existing technologies, if any, that a
2	consumer can use to protect against such scams
3	and other fraudulent activity.
4	(2) Contents.—In developing the consumer
5	education materials under paragraph (1), the Com-
6	mission shall—
7	(A) identify existing technologies, if any,
8	that can help consumers guard themselves
9	against scams and other fraudulent activity
10	that rely upon the use of misleading or inac-
11	curate caller identification information, includ-
12	ing—
13	(i) descriptions of how a consumer
14	can use the technologies to protect against
15	such scams and other fraudulent activity;
16	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
3	under 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
9	IDENTIFICATION INFORMATION.—
10	(1) In General.—The Comptroller General of
11	the United States shall conduct a study of the ac-
12	tions the Commission and the Federal Trade Com-
13	mission have taken to combat the fraudulent provi-
14	sion of misleading or inaccurate caller identification
15	information, and the additional measures that could
16	be taken to combat such activity.
17	(2) Required considerations.—In con-
18	ducting the study under paragraph (1), the Comp-
19	troller General 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

by section 227(e)(1) of the Communications Act
of 1934 (47 U.S.C. 227(e)(1));

- (C) current efforts by industry groups and other entities to develop technical standards to deter or prevent the fraudulent provision of misleading or inaccurate caller identification information, and how such standards may help combat the current and future provision of misleading or inaccurate caller identification information; and
- (D) whether there are additional actions the Commission, the Federal Trade Commission, and Congress should take to combat the fraudulent provision of misleading or inaccurate caller identification information.
- (3) Report.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the study under paragraph (1), including any recommendations regarding combating the fraudulent provision of misleading or inaccurate caller identification information.

- 1 (d) Rule of Construction.—Nothing in this sec-
- 2 tion, or the amendments made by this section, shall be
- 3 construed to modify, limit, or otherwise affect any rule or
- 4 order 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.
- 9 7701 et seq.).
- 10 (e) COMMISSION DEFINED.—In this section, the term
- 11 "Commission" means the Federal Communications Com-
- 12 mission.

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