

## Union Calendar No.

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2669

[Report No. 114-]

To amend the Communications Act of 1934 to expand and clarify the prohibition on provision of inaccurate caller identification information, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2015

Ms. MENG (for herself, Mr. BARTON, and Mr. LANCE) introduced the following bill; which was referred to the Committee on Energy and Commerce

SEPTEMBER --, 2016

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on June 4, 2015]

# **A BILL**

To amend the Communications Act of 1934 to expand and clarify the prohibition on provision of 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 *2016”.*

6 **SEC. 2. SPOOFING PREVENTION.**

7        *(a) EXPANDING AND CLARIFYING PROHIBITION ON*  
8 *MISLEADING OR INACCURATE CALLER IDENTIFICATION IN-*  
9 *FORMATION.—*

10            *(1) COMMUNICATIONS FROM OUTSIDE THE*  
11 *UNITED STATES.—Section 227(e)(1) of the Commu-*  
12 *nications Act of 1934 (47 U.S.C. 227(e)(1)) is amend-*  
13 *ed by striking “in connection with any telecommuni-*  
14 *cations service or IP-enabled voice service” and in-*  
15 *serting “or any person outside the United States if*  
16 *the recipient is within the United States, in connec-*  
17 *tion with any voice service or text messaging service”.*

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

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

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

6           *(C) by striking subparagraph (C) and in-*  
7           *serting the following:*

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

10           *“(i) means a message consisting of*  
11           *text, images, sounds, or other information*  
12           *that is transmitted to or from a device that*  
13           *is identified as the receiving or transmit-*  
14           *ting device by means of a 10-digit telephone*  
15           *number or N11 service code;*

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

20           *“(iii) does not include—*

21           *“(I) a real-time, 2-way voice or*  
22           *video communication; or*

23           *“(II) a message sent over an IP-*  
24           *enabled messaging service to another*

1                   user of the same messaging service, ex-  
2                   cept a message described in clause (ii).

3                   “(D) *TEXT MESSAGING SERVICE*.—The term  
4                   ‘text messaging service’ means a service that en-  
5                   ables the transmission or receipt of a text mes-  
6                   sage, including a service provided as part of or  
7                   in connection with a voice service.

8                   “(E) *VOICE SERVICE*.—The term ‘voice serv-  
9                   ice’—

10                   “(i) means any service that is inter-  
11                   connected with the public switched telephone  
12                   network and that furnishes voice commu-  
13                   nications to an end user using resources  
14                   from the North American Numbering Plan  
15                   or any successor to the North American  
16                   Numbering Plan adopted by the Commis-  
17                   sion under section 251(e)(1); and

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

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

1           (4) *REGULATIONS.*—

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

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

12           (5) *EFFECTIVE DATE.*—The amendments made  
13          by this subsection shall take effect on the date that is  
14          6 months after the date on which the Commission pre-  
15          scribes regulations under paragraph (4).

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

19                   (1) *DEVELOPMENT OF MATERIALS.*—Not later  
20          than 1 year after the date of enactment of this Act,  
21          the Commission, in coordination with the *Federal*  
22          *Trade Commission*, shall develop consumer education  
23          materials that provide information about—

24                           (A) ways for consumers to identify scams  
25                           and other fraudulent activity that rely upon the

1           *use of misleading or inaccurate caller identifica-*  
2           *tion information; and*

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

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

9                     *(A) identify existing technologies, if any,*  
10          *that can help consumers guard themselves*  
11          *against scams and other fraudulent activity that*  
12          *rely upon the use of misleading or inaccurate*  
13          *caller identification information, including—*

14                         *(i) descriptions of how a consumer can*  
15                         *use the technologies to protect against such*  
16                         *scams and other fraudulent activity; 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 under*  
3           *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 IDEN-*  
9           *TIFICATION INFORMATION.*—

10           (1) *IN GENERAL.*—*The Comptroller General of*  
11           *the United States shall conduct a study of the actions*  
12           *the Commission and the Federal Trade Commission*  
13           *have taken to combat the fraudulent provision of mis-*  
14           *leading or inaccurate caller identification informa-*  
15           *tion, and the additional measures that could be taken*  
16           *to combat such activity.*

17           (2) *REQUIRED CONSIDERATIONS.*—*In conducting*  
18           *the study under paragraph (1), the Comptroller Gen-*  
19           *eral 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*

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

3                   *(C) current efforts by industry groups and*  
4                   *other entities to develop technical standards to*  
5                   *deter or prevent the fraudulent provision of mis-*  
6                   *leading or inaccurate caller identification infor-*  
7                   *mation, and how such standards may help com-*  
8                   *bat the current and future provision of mis-*  
9                   *leading or inaccurate caller identification infor-*  
10                   *mation; and*

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

16                   *(3) REPORT.—Not later than 18 months after the*  
17                   *date of enactment of this Act, the Comptroller General*  
18                   *shall submit to the Committee on Energy and Com-*  
19                   *merce of the House of Representatives and the Com-*  
20                   *mittee on Commerce, Science, and Transportation of*  
21                   *the Senate a report on the findings of the study under*  
22                   *paragraph (1), including any recommendations re-*  
23                   *garding combating the fraudulent provision of mis-*  
24                   *leading or inaccurate caller identification informa-*  
25                   *tion.*

1       (d) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*  
2 *tion, or the amendments made by this section, shall be con-*  
3 *strued to modify, limit, or otherwise affect any rule or order*  
4 *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. 7701*  
9 *et seq.).*

10       (e) *COMMISSION DEFINED.*—*In this section, the term*  
11 *“Commission” means the Federal Communications Com-*  
12 *mission.*

Amend the title so as to read: “A bill 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.”.