

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.*

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# **S. 134**

---

## **AN ACT**

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