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(Original Signature of Member)

113TH CONGRESS
1ST SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

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

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 2013”.

1 **SEC. 2. EXPANDING AND CLARIFYING PROHIBITION ON IN-**
2 **ACCURATE CALLER ID INFORMATION.**

3 (a) COMMUNICATIONS FROM OUTSIDE UNITED
4 STATES.—Section 227(e)(1) of the Communications Act
5 of 1934 (47 U.S.C. 227(e)(1)) is amended by inserting
6 “or any person outside the United States if the recipient
7 is within the United States,” after “United States,”.

8 (b) SPOOFING SERVICE.—

9 (1) IN GENERAL.—Section 227(e) of the Com-
10 munications Act of 1934 (47 U.S.C. 227(e)) is
11 amended—

12 (A) by striking paragraph (4);

13 (B) by redesignating paragraph (3) as
14 paragraph (4);

15 (C) by inserting after paragraph (2) the
16 following:

17 “(3) SPOOFING SERVICE.—The Commission
18 shall prescribe regulations requiring a provider of a
19 spoofing service to take such steps as the Commis-
20 sion may prescribe to verify that any person who
21 uses the service is informed of any applicable Fed-
22 eral or State law.”; and

23 (D) in paragraph (8), by adding at the end
24 the following:

25 “(D) SPOOFING SERVICE.—The term
26 ‘spoofing service’ means a service that permits

1 a user to knowingly cause any caller identifica-
2 tion service to transmit misleading or inac-
3 curate caller identification information. Such
4 term does not include a service to the extent
5 such service transmits or displays without alter-
6 ation caller identification information generated
7 by another person.”.

8 (2) CONFORMING AMENDMENT.—Section
9 227(e)(1) of the Communications Act of 1934 (47
10 U.S.C. 227(e)(1)) is further amended by striking
11 “paragraph (3)(B)” and inserting “paragraph
12 (4)(B)”.

13 (c) TEXT MESSAGING SERVICE.—

14 (1) IN GENERAL.—Section 227(e)(8) of the
15 Communications Act of 1934 (47 U.S.C. 227(e)(8))
16 is amended—

17 (A) in subparagraph (A), by inserting “(in-
18 cluding a text message sent using a text mes-
19 saging service)” before the period at the end;

20 (B) in the first sentence of subparagraph
21 (B), by inserting “(including a text message
22 sent using a text messaging service)” before the
23 period at the end; and

24 (C) by adding at the end the following:

1 “(E) TEXT MESSAGE.—The term ‘text
2 message’ means a real-time or near real-time
3 message consisting of text, images, sounds, or
4 other information that is transmitted from or
5 received by a device that is identified as the
6 transmitting or receiving device by means of a
7 telephone number. Such term—

8 “(i) includes a short message service
9 (SMS) message, an enhanced message
10 service (EMS) message, and a multimedia
11 message service (MMS) message; and

12 “(ii) does not include a real-time, two-
13 way voice or video communication.

14 “(F) TEXT MESSAGING SERVICE.—The
15 term ‘text messaging service’ means a service
16 that permits the transmission or receipt of a
17 text message, including a service provided as
18 part of or in connection with a telecommuni-
19 cations service or an IP-enabled voice service.”.

20 (2) RULE OF CONSTRUCTION.—Nothing in this
21 section or any amendment made by this section shall
22 be construed to modify, limit, or otherwise affect—

23 (A) any other authority of the Federal
24 Communications Commission under section 227
25 of the Communications Act of 1934 (47 U.S.C.

1 227) or the CAN-SPAM Act of 2003 (15
2 U.S.C. 7701 et seq.) to interpret a call to in-
3 clude a text message; or

4 (B) any rule or order adopted by the Com-
5 mission under such section or such Act that
6 provides that a call includes a text message.

7 (d) **COVERAGE OF OUTGOING-CALL-ONLY IP-EN-**
8 **ABLED VOICE SERVICE.**—Section 227(e)(8)(C) of the
9 Communications Act of 1934 (47 U.S.C. 227(e)(8)(C)) is
10 amended by striking “has the meaning” and all that fol-
11 lows and inserting “means the provision of real-time voice
12 communications offered to the public, or such class of
13 users as to be effectively available to the public, trans-
14 mitted using Internet protocol, or a successor protocol,
15 (whether part of a bundle of services or separately) with
16 interconnection capability such that the service can origi-
17 nate traffic to, or terminate traffic from, the public
18 switched telephone network, or a successor network.”.

19 (e) **REGULATIONS.**—

20 (1) **IN GENERAL.**—Section 227(e)(4)(A) of the
21 Communications Act of 1934, as redesignated, is
22 amended by striking “Not later than 6 months after
23 the date of enactment of the Truth in Caller ID Act
24 of 2009, the Commission” and inserting “The Com-
25 mission”.

1 (2) DEADLINE.—The Federal Communications
2 Commission shall prescribe regulations to implement
3 the amendments made by this section not later than
4 18 months after the date of the enactment of this
5 Act.

6 (f) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect on the date that is 6 months
8 after the date on which the Federal Communications Com-
9 mission prescribes regulations to implement the amend-
10 ments made by this section.