

107TH CONGRESS  
1ST SESSION

# H. R. 113

To amend section 227 of the Communications Act of 1934 to prohibit the use of the text, graphic, or image messaging systems of wireless telephone systems to transmit unsolicited commercial messages.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2001

Mr. HOLT introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend section 227 of the Communications Act of 1934 to prohibit the use of the text, graphic, or image messaging systems of wireless telephone systems to transmit unsolicited commercial messages.

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 “Wireless Telephone  
5       Spam Protection Act”.

6       **SEC. 2. CONGRESSIONAL FINDINGS.**

7       The Congress finds that—

1           (1) it is estimated that more than 100,000,000  
2           people in the United States currently subscribe to  
3           wireless telephone service and that the percentage of  
4           people in the United States who subscribe to such a  
5           service will increase in the future;

6           (2) advances in technology have made it in-  
7           creasingly easy to transmit information, including  
8           messages in text, graphics, and images, to wireless  
9           telephones;

10          (3) the privacy of personal information and the  
11          protection of one's personal time is an issue of in-  
12          creasing concern to people throughout the United  
13          States;

14          (4) prudent consumer protections must keep  
15          pace with advances in communications technology to  
16          ensure protection of privacy and personal time; and

17          (5) to protect the privacy of wireless telephone  
18          subscribers, transmission of unsolicited commercial  
19          messages on wireless telephone text, graphic, and  
20          image messaging systems should be prohibited.

21 **SEC. 3. PROHIBITION OF TRANSMISSION OF UNSOLICITED**  
22 **COMMERCIAL MESSAGES.**

23          (a) PROHIBITION.—Section 227(b) of the Commu-  
24          nications Act of 1934 (47 U.S.C. 227(b)) is amended—

25                 (1) in paragraph (1)—

1 (A) in subparagraph (C), by striking “or”  
2 at the end;

3 (B) in subparagraph (D), by striking the  
4 period at the end and inserting “; or”; and

5 (C) by adding at the end the following new  
6 subparagraph:

7 “(E) to use any covered messaging system  
8 to transmit an unsolicited advertisement.”; and

9 (2) in paragraph (2)(C), by inserting before the  
10 period at the end the following: “, except that the  
11 Commission may not exempt under this subpara-  
12 graph any call that violates the prohibition under  
13 paragraph (1)(E)”.

14 (b) DEFINITION.—Section 227(a) of the Communica-  
15 tions Act of 1934 (47 U.S.C. 227(a)) is amended—

16 (1) by redesignating paragraphs (2), (3), and  
17 (4) as paragraphs (3), (4), and (5), respectively; and

18 (2) by inserting after paragraph (1) the fol-  
19 lowing new paragraph:

20 “(2) The term ‘covered messaging system’  
21 means a messaging system capable of providing text,  
22 graphic, or image messages (including a short mes-  
23 sage service and systems using the wireless applica-  
24 tion protocol) that—

1           “(A) is provided as part of a commercial  
2           mobile service (as such term is defined in sec-  
3           tion 332(d)); and

4           “(B) provides access to the text, graphic,  
5           or image messages on the same handset used to  
6           access voice messages.”.

7           (c) EFFECT ON STATE LAW.—Subparagraph (A) of  
8           section 227(e)(1) of the Communications Act of 1934 (47  
9           U.S.C. 227(e)(1)) is amended by inserting “(including any  
10          text, graphic, or image messaging system that is provided  
11          as part of a commercial mobile service)” after “electronic  
12          devices”.

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