

Suspend the Rules and Pass the Bill, S. 151, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
1ST SESSION

S. 151

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2019

Referred to the Committee on Energy and Commerce

AN ACT

To deter criminal robocall violations and improve enforcement of section 227(b) of the Communications Act of 1934, 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 “Pallone-Thune Tele-
3 phone Robocall Abuse Criminal Enforcement and Deter-
4 rence Act” or the “Pallone-Thune TRACED Act”.

5 **SEC. 2. COMMISSION DEFINED.**

6 In this Act, the term “Commission” means the Fed-
7 eral Communications Commission.

8 **SEC. 3. FORFEITURE.**

9 (a) IN GENERAL.—Section 227 of the Communica-
10 tions Act of 1934 (47 U.S.C. 227) is amended—

11 (1) in subsection (b), by adding at the end the
12 following:

13 “(4) CIVIL FORFEITURE.—

14 “(A) IN GENERAL.—Any person that is de-
15 termined by the Commission, in accordance
16 with paragraph (3) or (4) of section 503(b), to
17 have violated this subsection shall be liable to
18 the United States for a forfeiture penalty pur-
19 suant to section 503(b)(1). Paragraph (5) of
20 section 503(b) shall not apply in the case of a
21 violation of this subsection. A forfeiture penalty
22 under this subparagraph shall be in addition to
23 any other penalty provided for by this Act. The
24 amount of the forfeiture penalty determined
25 under this subparagraph shall be determined in

1 accordance with subparagraphs (A) through (F)
2 of section 503(b)(2).

3 “(B) VIOLATION WITH INTENT.—Any per-
4 son that is determined by the Commission, in
5 accordance with paragraph (3) or (4) of section
6 503(b), to have violated this subsection with the
7 intent to cause such violation shall be liable to
8 the United States for a forfeiture penalty pur-
9 suant to section 503(b)(1). Paragraph (5) of
10 section 503(b) shall not apply in the case of a
11 violation of this subsection. A forfeiture penalty
12 under this subparagraph shall be in addition to
13 any other penalty provided for by this Act. The
14 amount of the forfeiture penalty determined
15 under this subparagraph shall be equal to an
16 amount determined in accordance with subpara-
17 graphs (A) through (F) of section 503(b)(2)
18 plus an additional penalty not to exceed
19 \$10,000.

20 “(C) RECOVERY.—Any forfeiture penalty
21 determined under subparagraph (A) or (B)
22 shall be recoverable under section 504(a).

23 “(D) PROCEDURE.—No forfeiture liability
24 shall be determined under subparagraph (A) or
25 (B) against any person unless such person re-

1 ceives the notice required by section 503(b)(3)
2 or section 503(b)(4).

3 “(E) STATUTE OF LIMITATIONS.—Not-
4 withstanding paragraph (6) of section 503(b),
5 no forfeiture penalty shall be determined or im-
6 posed against any person—

7 “(i) under subparagraph (A) if the
8 violation charged occurred more than 1
9 year prior to the date of issuance of the re-
10 quired notice or notice of apparent liabil-
11 ity; or

12 “(ii) under subparagraph (B) if the
13 violation charged occurred more than 4
14 years prior to the date of issuance of the
15 required notice or notice of apparent liabil-
16 ity.

17 “(F) RULE OF CONSTRUCTION.—Notwith-
18 standing any law to the contrary, the Commis-
19 sion may not determine or impose a forfeiture
20 penalty on a person under both subparagraphs
21 (A) and (B) based on the same conduct.”;

22 (2) in subsection (e)(5)(A)—

23 (A) in clause (ii), by adding at the end the
24 following: “Paragraph (5) of section 503(b)

1 shall not apply in the case of a violation of this
2 subsection.”; and

3 (B) in clause (iv)—

4 (i) in the heading, by striking “2-
5 YEAR” and inserting “4-YEAR”; and

6 (ii) by striking “2 years” and insert-
7 ing “4 years”; and

8 (3) by striking subsection (h) and inserting the
9 following:

10 “(h) ANNUAL REPORT TO CONGRESS ON ROBOCALLS
11 AND TRANSMISSION OF MISLEADING OR INACCURATE
12 CALLER IDENTIFICATION INFORMATION.—

13 “(1) REPORT REQUIRED.—Not later than 1
14 year after the date of the enactment of this sub-
15 section, and annually thereafter, the Commission,
16 after consultation with the Federal Trade Commis-
17 sion, shall submit to Congress a report regarding en-
18 forcement by the Commission of subsections (b), (c),
19 (d), and (e) during the preceding calendar year.

20 “(2) MATTERS FOR INCLUSION.—Each report
21 required by paragraph (1) shall include the fol-
22 lowing:

23 “(A) The number of complaints received by
24 the Commission during each of the preceding 5

1 calendar years, for each of the following cat-
2 egories:

3 “(i) Complaints alleging that a con-
4 sumer received a call in violation of sub-
5 section (b) or (c).

6 “(ii) Complaints alleging that a con-
7 sumer received a call in violation of the
8 standards prescribed under subsection (d).

9 “(iii) Complaints alleging that a con-
10 sumer received a call in connection with
11 which misleading or inaccurate caller iden-
12 tification information was transmitted in
13 violation of subsection (e).

14 “(B) The number of citations issued by the
15 Commission pursuant to section 503(b) during
16 the preceding calendar year to enforce sub-
17 section (d), and details of each such citation.

18 “(C) The number of notices of apparent li-
19 ability issued by the Commission pursuant to
20 section 503(b) during the preceding calendar
21 year to enforce subsections (b), (c), (d), and
22 (e), and details of each such notice including
23 any proposed forfeiture amount.

24 “(D) The number of final orders imposing
25 forfeiture penalties issued pursuant to section

1 503(b) during the preceding calendar year to
2 enforce such subsections, and details of each
3 such order including the forfeiture imposed.

4 “(E) The amount of forfeiture penalties or
5 criminal fines collected, during the preceding
6 calendar year, by the Commission or the Attor-
7 ney General for violations of such subsections,
8 and details of each case in which such a for-
9 feiture penalty or criminal fine was collected.

10 “(F) Proposals for reducing the number of
11 calls made in violation of such subsections.

12 “(G) An analysis of the contribution by
13 providers of interconnected VoIP service and
14 non-interconnected VoIP service that discount
15 high-volume, unlawful, short-duration calls to
16 the total number of calls made in violation of
17 such subsections, and recommendations on how
18 to address such contribution in order to de-
19 crease the total number of calls made in viola-
20 tion of such subsections.

21 “(3) NO ADDITIONAL REPORTING REQUIRED.—
22 The Commission shall prepare the report required by
23 paragraph (1) without requiring the provision of ad-
24 ditional information from providers of telecommuni-

1 cations service or voice service (as defined in section
2 4(a) of the Pallone-Thune TRACED Act).”.

3 (b) APPLICABILITY.—The amendments made by this
4 section shall not affect any action or proceeding com-
5 menced before and pending on the date of the enactment
6 of this Act.

7 (c) DEADLINE FOR REGULATIONS.—The Commission
8 shall prescribe regulations to implement the amendments
9 made by this section not later than 270 days after the
10 date of the enactment of this Act.

11 **SEC. 4. CALL AUTHENTICATION.**

12 (a) DEFINITIONS.—In this section:

13 (1) STIR/SHAKEN AUTHENTICATION FRAME-
14 WORK.—The term “STIR/SHAKEN authentication
15 framework” means the secure telephone identity re-
16 visited and signature-based handling of asserted in-
17 formation using tokens standards proposed by the
18 information and communications technology indus-
19 try.

20 (2) VOICE SERVICE.—The term “voice serv-
21 ice”—

22 (A) means any service that is inter-
23 connected with the public switched telephone
24 network and that furnishes voice communica-
25 tions to an end user using resources from the

1 North American Numbering Plan or any suc-
2 cessor to the North American Numbering Plan
3 adopted by the Commission under section
4 251(e)(1) of the Communications Act of 1934
5 (47 U.S.C. 251(e)(1)); and

6 (B) includes—

- 7 (i) transmissions from a telephone
8 facsimile machine, computer, or other de-
9 vice to a telephone facsimile machine; and
10 (ii) without limitation, any service
11 that enables real-time, two-way voice com-
12 munications, including any service that re-
13 quires internet protocol-compatible cus-
14 tomer premises equipment (commonly
15 known as “CPE”) and permits out-bound
16 calling, whether or not the service is one-
17 way or two-way voice over internet pro-
18 tocol.

19 (b) AUTHENTICATION FRAMEWORKS.—

20 (1) IN GENERAL.—Subject to paragraphs (2)
21 and (3), and in accordance with paragraph (6), not
22 later than 18 months after the date of the enact-
23 ment of this Act, the Commission shall—

24 (A) require a provider of voice service to
25 implement the STIR/SHAKEN authentication

1 framework in the internet protocol networks of
2 the provider of voice service; and

3 (B) require a provider of voice service to
4 take reasonable measures to implement an ef-
5 fective call authentication framework in the
6 non-internet protocol networks of the provider
7 of voice service.

8 (2) IMPLEMENTATION.—The Commission shall
9 not take the action described in paragraph (1) with
10 respect to a provider of voice service if the Commis-
11 sion determines, not later than 12 months after the
12 date of the enactment of this Act, that such provider
13 of voice service—

14 (A) in internet protocol networks—

15 (i) has adopted the STIR/SHAKEN
16 authentication framework for calls on the
17 internet protocol networks of the provider
18 of voice service;

19 (ii) has agreed voluntarily to partici-
20 pate with other providers of voice service in
21 the STIR/SHAKEN authentication frame-
22 work;

23 (iii) has begun to implement the
24 STIR/SHAKEN authentication framework;
25 and

1 (iv) will be capable of fully imple-
2 menting the STIR/SHAKEN authentica-
3 tion framework not later than 18 months
4 after the date of the enactment of this Act;
5 and

6 (B) in non-internet protocol networks—

7 (i) has taken reasonable measures to
8 implement an effective call authentication
9 framework; and

10 (ii) will be capable of fully imple-
11 menting an effective call authentication
12 framework not later than 18 months after
13 the date of the enactment of this Act.

14 (3) IMPLEMENTATION REPORT.—Not later than
15 12 months after the date of the enactment of this
16 Act, the Commission shall submit to the Committee
17 on Energy and Commerce of the House of Rep-
18 resentatives and the Committee on Commerce,
19 Science, and Transportation of the Senate a report
20 on the determination required under paragraph (2),
21 which shall include—

22 (A) an analysis of the extent to which pro-
23 viders of voice service have implemented the call
24 authentication frameworks described in sub-
25 paragraphs (A) and (B) of paragraph (1), in-

1 including whether the availability of necessary
2 equipment and equipment upgrades has im-
3 pacted such implementation; and

4 (B) an assessment of the efficacy of the
5 call authentication frameworks described in
6 subparagraphs (A) and (B) of paragraph (1) in
7 addressing all aspects of call authentication.

8 (4) REVIEW AND REVISION OR REPLACE-
9 MENT.—Not later than 3 years after the date of the
10 enactment of this Act, and every 3 years thereafter,
11 the Commission, after public notice and an oppor-
12 tunity for comment, shall—

13 (A) assess the efficacy of the technologies
14 used for call authentication frameworks imple-
15 mented under this section;

16 (B) based on the assessment under sub-
17 paragraph (A), revise or replace the call au-
18 thentication frameworks under this section if
19 the Commission determines it is in the public
20 interest to do so; and

21 (C) submit to the Committee on Energy
22 and Commerce of the House of Representatives
23 and the Committee on Commerce, Science, and
24 Transportation of the Senate a report on the
25 findings of the assessment under subparagraph

1 (A) and on any actions to revise or replace the
2 call authentication frameworks under subpara-
3 graph (B).

4 (5) EXTENSION OF IMPLEMENTATION DEAD-
5 LINE.—

6 (A) BURDENS AND BARRIERS TO IMPLE-
7 MENTATION.—Not later than 12 months after
8 the date of the enactment of this Act, and as
9 appropriate thereafter, the Commission—

10 (i) shall assess any burdens or bar-
11 riers to the implementation required by
12 paragraph (1), including—

13 (I) for providers of voice service
14 to the extent the networks of such
15 providers use time-division multi-
16 plexing;

17 (II) for small providers of voice
18 service and those in rural areas; and

19 (III) the inability to purchase or
20 upgrade equipment to support the call
21 authentication frameworks under this
22 section, or lack of availability of such
23 equipment; and

24 (ii) in connection with an assessment
25 under clause (i), may, upon a public find-

1 ing of undue hardship, delay required com-
2 pliance with the 18-month time period de-
3 scribed in paragraph (1), for a reasonable
4 period of time, for a provider or class of
5 providers of voice service, or type of voice
6 calls, as necessary for that provider or
7 class of providers or type of calls to par-
8 ticipate in the implementation in order to
9 address the identified burdens and bar-
10 riers.

11 (B) DELAY OF COMPLIANCE REQUIRED
12 FOR CERTAIN NON-INTERNET PROTOCOL NET-
13 WORKS.—Subject to subparagraphs (C) through
14 (F), for any provider or class of providers of
15 voice service, or type of voice calls, only to the
16 extent that such a provider or class of providers
17 of voice service, or type of voice calls, materially
18 relies on a non-internet protocol network for the
19 provision of such service or calls, the Commis-
20 sion shall grant a delay of required compliance
21 under subparagraph (A)(ii) until a call authen-
22 tication protocol has been developed for calls
23 delivered over non-internet protocol networks
24 and is reasonably available.

25 (C) ROBOCALL MITIGATION PROGRAM.—

1 (i) PROGRAM REQUIRED.—During the
2 time of a delay of compliance granted
3 under subparagraph (A)(ii), the Commis-
4 sion shall require, pursuant to the author-
5 ity of the Commission, that any provider
6 subject to such delay shall implement an
7 appropriate robocall mitigation program to
8 prevent unlawful robocalls from originating
9 on the network of the provider.

10 (ii) ADDITIONAL REQUIREMENTS.—If
11 the consortium registered under section
12 13(d) identifies a provider of voice service
13 that is subject to a delay of compliance
14 granted under subparagraph (A)(ii) as re-
15 peatedly originating large-scale unlawful
16 robocall campaigns, the Commission shall
17 require such provider to take action to en-
18 sure that such provider does not continue
19 to originate such calls.

20 (iii) MINIMIZATION OF BURDEN.—The
21 Commission shall make reasonable efforts
22 to minimize the burden of any robocall
23 mitigation required pursuant to clause (ii),
24 which may include prescribing certain spe-
25 cific robocall mitigation practices for pro-

1 viders of voice service that have repeatedly
2 originated large-scale unlawful robocall
3 campaigns.

4 (D) FULL PARTICIPATION.—The Commis-
5 sion shall take reasonable measures to address
6 any issues in an assessment under subpara-
7 graph (A)(i) and enable as promptly as reason-
8 able full participation of all classes of providers
9 of voice service and types of voice calls to re-
10 ceive the highest level of trust. Such measures
11 shall include, without limitation, as appropriate,
12 limiting or terminating a delay of compliance
13 granted to a provider under subparagraph (B)
14 if the Commission determines in such assess-
15 ment that the provider is not making reason-
16 able efforts to develop the call authentication
17 protocol described in such subparagraph.

18 (E) ALTERNATIVE METHODOLOGIES.—The
19 Commission shall identify, in consultation with
20 small providers of voice service and those in
21 rural areas, alternative effective methodologies
22 to protect customers from unauthenticated calls
23 during any delay of compliance granted under
24 subparagraph (A)(ii).

1 (F) REVISION OF DELAY OF COMPLI-
2 ANCE.—Not less frequently than annually after
3 the first delay of compliance is granted under
4 subparagraph (A)(ii), the Commission—

5 (i) shall consider revising or extending
6 any delay of compliance granted under
7 subparagraph (A)(ii);

8 (ii) may revise such delay of compli-
9 ance; and

10 (iii) shall issue a public notice with re-
11 gard to whether such delay of compliance
12 remains necessary, including—

13 (I) why such delay of compliance
14 remains necessary; and

15 (II) when the Commission ex-
16 pects to achieve the goal of full par-
17 ticipation as described in subpara-
18 graph (D).

19 (6) NO ADDITIONAL COST TO CONSUMERS OR
20 SMALL BUSINESS CUSTOMERS.—The Commission
21 shall prohibit providers of voice service from adding
22 any additional line item charges to consumer or
23 small business customer subscribers for the effective
24 call authentication technology required under para-
25 graph (1).

1 (7) ACCURATE IDENTIFICATION.—Not later
2 than 12 months after the date of the enactment of
3 this Act, the Commission shall issue best practices
4 that providers of voice service may use as part of the
5 implementation of effective call authentication
6 frameworks under paragraph (1) to take steps to en-
7 sure the calling party is accurately identified.

8 (c) SAFE HARBOR AND OTHER REGULATIONS.—

9 (1) IN GENERAL.—Consistent with the regula-
10 tions prescribed under subsection (j) of section 227
11 of the Communications Act of 1934 (47 U.S.C.
12 227), as added by section 10, the Commission shall,
13 not later than 1 year after the date of the enactment
14 of this Act, promulgate rules—

15 (A) establishing when a provider of voice
16 service may block a voice call based, in whole or
17 in part, on information provided by the call au-
18 thentication frameworks under subsection (b),
19 with no additional line item charge;

20 (B) establishing a safe harbor for a pro-
21 vider of voice service from liability for unin-
22 tended or inadvertent blocking of calls or for
23 the unintended or inadvertent misidentification
24 of the level of trust for individual calls based,
25 in whole or in part, on information provided by

1 the call authentication frameworks under sub-
2 section (b);

3 (C) establishing a process to permit a call-
4 ing party adversely affected by the information
5 provided by the call authentication frameworks
6 under subsection (b) to verify the authenticity
7 of the calling party's calls; and

8 (D) ensuring that calls originating from a
9 provider of voice service in an area where the
10 provider is subject to a delay of compliance with
11 the time period described in subsection (b)(1)
12 are not unreasonably blocked because the calls
13 are not able to be authenticated.

14 (2) CONSIDERATIONS.—In establishing the safe
15 harbor under paragraph (1), consistent with the reg-
16 ulations prescribed under subsection (j) of section
17 227 of the Communications Act of 1934 (47 U.S.C.
18 227), as added by section 10, the Commission shall
19 consider limiting the liability of a provider of voice
20 service based on the extent to which the provider of
21 voice service—

22 (A) blocks or identifies calls based, in
23 whole or in part, on the information provided
24 by the call authentication frameworks under
25 subsection (b);

1 (B) implemented procedures based, in
2 whole or in part, on the information provided
3 by the call authentication frameworks under
4 subsection (b); and

5 (C) used reasonable care, including making
6 all reasonable efforts to avoid blocking emer-
7 gency public safety calls.

8 (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
9 tion shall preclude the Commission from initiating a rule-
10 making pursuant to its existing statutory authority.

11 **SEC. 5. INTERAGENCY WORKING GROUP.**

12 (a) **IN GENERAL.**—The Attorney General, in con-
13 sultation with the Chairman of the Commission, shall con-
14 vene an interagency working group to study Government
15 prosecution of violations of section 227(b) of the Commu-
16 nications Act of 1934 (47 U.S.C. 227(b)).

17 (b) **DUTIES.**—In carrying out the study under sub-
18 section (a), the interagency working group shall—

19 (1) determine whether, and if so how, any Fed-
20 eral laws, including regulations, policies, and prac-
21 tices, or budgetary or jurisdictional constraints in-
22 hibit the prosecution of such violations;

23 (2) identify existing and potential Federal poli-
24 cies and programs that encourage and improve co-
25 ordination among Federal departments and agencies

1 and States, and between States, in the prevention
2 and prosecution of such violations;

3 (3) identify existing and potential international
4 policies and programs that encourage and improve
5 coordination between countries in the prevention and
6 prosecution of such violations; and

7 (4) consider—

8 (A) the benefit and potential sources of ad-
9 ditional resources for the Federal prevention
10 and prosecution of criminal violations of that
11 section;

12 (B) whether to establish memoranda of un-
13 derstanding regarding the prevention and pros-
14 ecution of such violations between—

15 (i) the States;

16 (ii) the States and the Federal Gov-
17 ernment; and

18 (iii) the Federal Government and a
19 foreign government;

20 (C) whether to establish a process to allow
21 States to request Federal subpoenas from the
22 Commission;

23 (D) whether extending civil enforcement
24 authority to the States would assist in the suc-

1 cessful prevention and prosecution of such vio-
2 lations;

3 (E) whether increased forfeiture and im-
4 prisonment penalties are appropriate, such as
5 extending imprisonment for such a violation to
6 a term longer than 2 years;

7 (F) whether regulation of any entity that
8 enters into a business arrangement with a com-
9 mon carrier regulated under title II of the Com-
10 munications Act of 1934 (47 U.S.C. 201 et
11 seq.) for the specific purpose of carrying, rout-
12 ing, or transmitting a call that constitutes such
13 a violation would assist in the successful pre-
14 vention and prosecution of such violations; and

15 (G) the extent to which, if any, Depart-
16 ment of Justice policies to pursue the prosecu-
17 tion of violations causing economic harm, phys-
18 ical danger, or erosion of an inhabitant's peace
19 of mind and sense of security inhibit the pre-
20 vention or prosecution of such violations.

21 (c) MEMBERS.—The interagency working group shall
22 be composed of such representatives of Federal depart-
23 ments and agencies as the Attorney General considers ap-
24 propriate, such as—

25 (1) the Department of Commerce;

- 1 (2) the Department of State;
- 2 (3) the Department of Homeland Security;
- 3 (4) the Commission;
- 4 (5) the Federal Trade Commission; and
- 5 (6) the Bureau of Consumer Financial Protec-
- 6 tion.

7 (d) NON-FEDERAL STAKEHOLDERS.—In carrying
8 out the study under subsection (a), the interagency work-
9 ing group shall consult with such non-Federal stake-
10 holders as the Attorney General determines have the rel-
11 evant expertise, including the National Association of At-
12 torneys General.

13 (e) REPORT TO CONGRESS.—Not later than 270 days
14 after the date of the enactment of this Act, the inter-
15 agency working group shall submit to the Committee on
16 Energy and Commerce of the House of Representatives
17 and the Committee on Commerce, Science, and Transpor-
18 tation of the Senate a report on the findings of the study
19 under subsection (a), including—

20 (1) any recommendations regarding the preven-
21 tion and prosecution of such violations; and

22 (2) a description of what progress, if any, rel-
23 evant Federal departments and agencies have made
24 in implementing the recommendations under para-
25 graph (1).

1 **SEC. 6. ACCESS TO NUMBER RESOURCES.**

2 (a) IN GENERAL.—

3 (1) EXAMINATION OF FCC POLICIES.—Not later
4 than 180 days after the date of the enactment of
5 this Act, the Commission shall commence a pro-
6 ceeding to determine how Commission policies re-
7 garding access to number resources, including num-
8 ber resources for toll-free and non-toll-free telephone
9 numbers, could be modified, including by estab-
10 lishing registration and compliance obligations, and
11 requirements that providers of voice service given ac-
12 cess to number resources take sufficient steps to
13 know the identity of the customers of such providers,
14 to help reduce access to numbers by potential per-
15 petrators of violations of section 227(b) of the Com-
16 munications Act of 1934 (47 U.S.C. 227(b)).

17 (2) REGULATIONS.—If the Commission deter-
18 mines under paragraph (1) that modifying the poli-
19 cies described in that paragraph could help achieve
20 the goal described in that paragraph, the Commis-
21 sion shall prescribe regulations to implement those
22 policy modifications.

23 (b) AUTHORITY.—Any person who knowingly,
24 through an employee, agent, officer, or otherwise, directly
25 or indirectly, by or through any means or device whatso-
26 ever, is a party to obtaining number resources, including

1 number resources for toll-free and non-toll-free telephone
2 numbers, from a common carrier regulated under title II
3 of the Communications Act of 1934 (47 U.S.C. 201 et
4 seq.), in violation of a regulation prescribed under sub-
5 section (a), shall, notwithstanding section 503(b)(5) of the
6 Communications Act of 1934 (47 U.S.C. 503(b)(5)), be
7 subject to a forfeiture penalty under section 503(b) of that
8 Act (47 U.S.C. 503(b)). A forfeiture penalty under this
9 subsection shall be in addition to any other penalty pro-
10 vided for by law.

11 **SEC. 7. PROTECTIONS FROM SPOOFED CALLS.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of the enactment of this Act, and consistent with the
14 call authentication frameworks under section 4, the Com-
15 mission shall initiate a rulemaking to help protect a sub-
16 scriber from receiving unwanted calls or text messages
17 from a caller using an unauthenticated number.

18 (b) CONSIDERATIONS.—In promulgating rules under
19 subsection (a), the Commission shall consider—

20 (1) the Government Accountability Office report
21 on combating the fraudulent provision of misleading
22 or inaccurate caller identification information re-
23 quired by section 503(e) of division P of the Consoli-
24 dated Appropriations Act, 2018 (Public Law 115–
25 141);

1 (2) the best means of ensuring that a sub-
2 scriber or provider has the ability to block calls from
3 a caller using an unauthenticated North American
4 Numbering Plan number;

5 (3) the impact on the privacy of a subscriber
6 from unauthenticated calls;

7 (4) the effectiveness in verifying the accuracy of
8 caller identification information; and

9 (5) the availability and cost of providing protec-
10 tion from the unwanted calls or text messages de-
11 scribed in subsection (a).

12 **SEC. 8. CONSUMER PROTECTIONS FOR EXEMPTIONS.**

13 (a) IN GENERAL.—Section 227(b)(2) of the Commu-
14 nications Act of 1934 (47 U.S.C. 227(b)(2)) is amended—

15 (1) in subparagraph (G)(ii), by striking “; and”
16 and inserting a semicolon;

17 (2) in subparagraph (H), by striking the period
18 at the end and inserting “; and”; and

19 (3) by adding at the end the following:

20 “(I) shall ensure that any exemption under
21 subparagraph (B) or (C) contains requirements
22 for calls made in reliance on the exemption with
23 respect to—

24 “(i) the classes of parties that may
25 make such calls;

1 “(ii) the classes of parties that may be
2 called; and

3 “(iii) the number of such calls that a
4 calling party may make to a particular
5 called party.”.

6 (b) **DEADLINE FOR REGULATIONS.**—In the case of
7 any exemption issued under subparagraph (B) or (C) of
8 section 227(b)(2) of the Communications Act of 1934 (47
9 U.S.C. 227(b)(2)) before the date of the enactment of this
10 Act, the Commission shall, not later than 1 year after such
11 date of enactment, prescribe such regulations, or amend
12 such existing regulations, as necessary to ensure that such
13 exemption contains each requirement described in sub-
14 paragraph (I) of such section, as added by subsection (a).
15 To the extent such an exemption contains such a require-
16 ment before such date of enactment, nothing in this sec-
17 tion or the amendments made by this section shall be con-
18 strued to require the Commission to prescribe or amend
19 regulations relating to such requirement.

20 **SEC. 9. REPORT ON REASSIGNED NUMBER DATABASE.**

21 (a) **REPORT TO CONGRESS.**—Not later than 1 year
22 after the date of the enactment of this Act, the Commis-
23 sion shall submit to Congress, and make publicly available
24 on the website of the Commission, a report on the status
25 of the efforts of the Commission pursuant to the Second

1 Report and Order in the matter of Advanced Methods to
2 Target and Eliminate Unlawful Robocalls (CG Docket No.
3 17–59; FCC 18–177; adopted on December 12, 2018).

4 (b) CONTENTS.—The report required by subsection
5 (a) shall describe the efforts of the Commission, as de-
6 scribed in such Second Report and Order, to ensure—

7 (1) the establishment of a database of telephone
8 numbers that have been disconnected, in order to
9 provide a person making calls subject to section
10 227(b) of the Communications Act of 1934 (47
11 U.S.C. 227(b)) with comprehensive and timely infor-
12 mation to enable such person to avoid making calls
13 without the prior express consent of the called party
14 because the number called has been reassigned;

15 (2) that a person who wishes to use any safe
16 harbor provided pursuant to such Second Report
17 and Order with respect to making calls must dem-
18 onstrate that, before making the call, the person ap-
19 propriately checked the most recent update of the
20 database and the database reported that the number
21 had not been disconnected; and

22 (3) that if the person makes the demonstration
23 described in paragraph (2), the person will be shield-
24 ed from liability under section 227(b) of the Com-

1 munications Act of 1934 (47 U.S.C. 227(b)) should
2 the database return an inaccurate result.

3 **SEC. 10. STOP ROBOCALLS.**

4 (a) INFORMATION SHARING REGARDING ROBOCALL
5 AND SPOOFING VIOLATIONS.—Section 227 of the Commu-
6 nications Act of 1934 (47 U.S.C. 227) is amended by add-
7 ing at the end the following:

8 “(i) INFORMATION SHARING.—

9 “(1) IN GENERAL.—Not later than 18 months
10 after the date of the enactment of this subsection,
11 the Commission shall prescribe regulations to estab-
12 lish a process that streamlines the ways in which a
13 private entity may voluntarily share with the Com-
14 mission information relating to—

15 “(A) a call made or a text message sent in
16 violation of subsection (b); or

17 “(B) a call or text message for which mis-
18 leading or inaccurate caller identification infor-
19 mation was caused to be transmitted in viola-
20 tion of subsection (e).

21 “(2) TEXT MESSAGE DEFINED.—In this sub-
22 section, the term ‘text message’ has the meaning
23 given such term in subsection (e)(8).”.

24 (b) ROBOCALL BLOCKING SERVICE.—Section 227 of
25 the Communications Act of 1934 (47 U.S.C. 227), as

1 amended by subsection (a), is further amended by adding
2 at the end the following:

3 “(j) ROBOCALL BLOCKING SERVICE.—

4 “(1) IN GENERAL.—Not later than 1 year after
5 the date of the enactment of this subsection, the
6 Commission shall take a final agency action to en-
7 sure the robocall blocking services provided on an
8 opt-out or opt-in basis pursuant to the Declaratory
9 Ruling of the Commission in the matter of Advanced
10 Methods to Target and Eliminate Unlawful
11 Robocalls (CG Docket No. 17–59; FCC 19–51;
12 adopted on June 6, 2019)—

13 “(A) are provided with transparency and
14 effective redress options for both—

15 “(i) consumers; and

16 “(ii) callers; and

17 “(B) are provided with no additional line
18 item charge to consumers and no additional
19 charge to callers for resolving complaints re-
20 lated to erroneously blocked calls; and

21 “(C) make all reasonable efforts to avoid
22 blocking emergency public safety calls.

23 “(2) TEXT MESSAGE DEFINED.—In this sub-
24 section, the term ‘text message’ has the meaning
25 given such term in subsection (e)(8).”.

1 (c) STUDY ON INFORMATION REQUIREMENTS FOR
2 CERTAIN VOIP SERVICE PROVIDERS.—

3 (1) IN GENERAL.—The Commission shall con-
4 duct a study regarding whether to require a provider
5 of covered VoIP service to—

6 (A) provide to the Commission contact in-
7 formation for such provider and keep such in-
8 formation current; and

9 (B) retain records relating to each call
10 transmitted over the covered VoIP service of
11 such provider that are sufficient to trace such
12 call back to the source of such call.

13 (2) REPORT TO CONGRESS.—Not later than 18
14 months after the date of the enactment of this Act,
15 the Commission shall submit to Congress a report
16 on the results of the study conducted under para-
17 graph (1).

18 (3) COVERED VOIP SERVICE DEFINED.—In this
19 subsection, the term “covered VoIP service” means
20 a service that—

21 (A) is an interconnected VoIP service (as
22 defined in section 3 of the Communications Act
23 of 1934 (47 U.S.C. 153)); or

24 (B) would be an interconnected VoIP serv-
25 ice (as so defined) except that the service per-

1 mits users to terminate calls to the public
2 switched telephone network but does not permit
3 users to receive calls that originate on the pub-
4 lic switched telephone network.

5 (d) TRANSITIONAL RULE REGARDING DEFINITION
6 OF TEXT MESSAGE.—Paragraph (2) of subsection (i) of
7 section 227 of the Communications Act of 1934 (47
8 U.S.C. 227), as added by subsection (a) of this section,
9 and paragraph (2) of subsection (j) of such section 227,
10 as added by subsection (b) of this section, shall apply be-
11 fore the effective date of the amendment made to sub-
12 section (e)(8) of such section 227 by subparagraph (C)
13 of section 503(a)(2) of division P of the Consolidated Ap-
14 propriations Act, 2018 (Public Law 115–141) as if such
15 amendment was already in effect.

16 **SEC. 11. PROVISION OF EVIDENCE OF CERTAIN ROBOCALL**
17 **VIOLATIONS TO ATTORNEY GENERAL.**

18 (a) IN GENERAL.—If the Chief of the Enforcement
19 Bureau of the Commission obtains evidence that suggests
20 a willful, knowing, and repeated robocall violation with an
21 intent to defraud, cause harm, or wrongfully obtain any-
22 thing of value, the Chief of the Enforcement Bureau shall
23 provide such evidence to the Attorney General.

24 (b) REPORT TO CONGRESS.—Not later than 1 year
25 after the date of the enactment of this Act, and annually

1 thereafter, the Commission shall publish on its website
2 and submit to the Committee on Energy and Commerce
3 of the House of Representatives and the Committee on
4 Commerce, Science, and Transportation of the Senate a
5 report that—

6 (1) states the number of instances during the
7 preceding year in which the Chief of the Enforce-
8 ment Bureau provided the evidence described in sub-
9 section (a) to the Attorney General; and

10 (2) contains a general summary of the types of
11 robocall violations to which such evidence relates.

12 (c) RULES OF CONSTRUCTION.—Nothing in this sec-
13 tion shall be construed to affect the ability of the Commis-
14 sion or the Chief of the Enforcement Bureau under other
15 law—

16 (1) to refer a matter to the Attorney General;
17 or

18 (2) to pursue or continue pursuit of an enforce-
19 ment action in a matter with respect to which the
20 Chief of the Enforcement Bureau provided the evi-
21 dence described in subsection (a) to the Attorney
22 General.

23 (d) ROBOCALL VIOLATION DEFINED.—In this sec-
24 tion, the term “robocall violation” means a violation of

1 subsection (b) or (e) of section 227 of the Communications
2 Act of 1934 (47 U.S.C. 227).

3 **SEC. 12. PROTECTION FROM ONE-RING SCAMS.**

4 (a) INITIATION OF PROCEEDING.—Not later than
5 120 days after the date of the enactment of this Act, the
6 Commission shall initiate a proceeding to protect called
7 parties from one-ring scams.

8 (b) MATTERS TO BE CONSIDERED.—As part of the
9 proceeding required by subsection (a), the Commission
10 shall consider how the Commission can—

11 (1) work with Federal and State law enforce-
12 ment agencies to address one-ring scams;

13 (2) work with the governments of foreign coun-
14 tries to address one-ring scams;

15 (3) in consultation with the Federal Trade
16 Commission, better educate consumers about how to
17 avoid one-ring scams;

18 (4) incentivize voice service providers to stop
19 calls made to perpetrate one-ring scams from being
20 received by called parties, including consideration of
21 adding identified one-ring scam type numbers to the
22 Commission's existing list of permissible categories
23 for carrier-initiated blocking;

24 (5) work with entities that provide call-blocking
25 services to address one-ring scams; and

1 (6) establish obligations on international gate-
2 way providers that are the first point of entry for
3 these calls into the United States, including poten-
4 tial requirements that such providers verify with the
5 foreign originator the nature or purpose of calls be-
6 fore initiating service.

7 (c) REPORT TO CONGRESS.—Not later than 1 year
8 after the date of the enactment of this Act, the Commis-
9 sion shall publish on its website and submit to the Com-
10 mittee on Energy and Commerce of the House of Rep-
11 resentatives and the Committee on Commerce, Science,
12 and Transportation of the Senate a report on the status
13 of the proceeding required by subsection (a).

14 (d) DEFINITIONS.—In this section:

15 (1) ONE-RING SCAM.—The term “one-ring
16 scam” means a scam in which a caller makes a call
17 and allows the call to ring the called party for a
18 short duration, in order to prompt the called party
19 to return the call, thereby subjecting the called party
20 to charges.

21 (2) STATE.—The term “State” has the mean-
22 ing given such term in section 3 of the Communica-
23 tions Act of 1934 (47 U.S.C. 153).

24 (3) VOICE SERVICE.—The term “voice service”
25 has the meaning given such term in section

1 227(e)(8) of the Communications Act of 1934 (47
2 U.S.C. 227(e)(8)). This paragraph shall apply before
3 the effective date of the amendment made to such
4 section by subparagraph (C) of section 503(a)(2) of
5 division P of the Consolidated Appropriations Act,
6 2018 (Public Law 115–141) as if such amendment
7 was already in effect.

8 **SEC. 13. ANNUAL ROBOCALL REPORT.**

9 (a) IN GENERAL.—Not later than 1 year after the
10 date of the enactment of this Act, and annually thereafter,
11 the Commission shall make publicly available on the
12 website of the Commission, and submit to the Committee
13 on Energy and Commerce of the House of Representatives
14 and the Committee on Commerce, Science, and Transpor-
15 tation of the Senate, a report on the status of private-
16 led efforts to trace back the origin of suspected unlawful
17 robocalls by the registered consortium and the participa-
18 tion of voice service providers in such efforts.

19 (b) CONTENTS OF REPORT.—The report required
20 under subsection (a) shall include, at minimum, the fol-
21 lowing:

22 (1) A description of private-led efforts to trace
23 back the origin of suspected unlawful robocalls by
24 the registered consortium and the actions taken by

1 the registered consortium to coordinate with the
2 Commission.

3 (2) A list of voice service providers identified by
4 the registered consortium that participated in pri-
5 vate-led efforts to trace back the origin of suspected
6 unlawful robocalls through the registered consor-
7 tium.

8 (3) A list of each voice service provider that re-
9 ceived a request from the registered consortium to
10 participate in private-led efforts to trace back the or-
11 igin of suspected unlawful robocalls and refused to
12 participate, as identified by the registered consor-
13 tium.

14 (4) The reason, if any, each voice service pro-
15 vider identified by the registered consortium pro-
16 vided for not participating in private-led efforts to
17 trace back the origin of suspected unlawful robocalls.

18 (5) A description of how the Commission may
19 use the information provided to the Commission by
20 voice service providers or the registered consortium
21 that have participated in private-led efforts to trace
22 back the origin of suspected unlawful robocalls in
23 the enforcement efforts by the Commission.

24 (c) ADDITIONAL INFORMATION.—Not later than 210
25 days after the date of the enactment of this Act, and annu-

1 ally thereafter, the Commission shall issue a notice to the
2 public seeking additional information from voice service
3 providers and the registered consortium of private-led ef-
4 forts to trace back the origin of suspected unlawful
5 robocalls necessary for the report by the Commission re-
6 quired under subsection (a).

7 (d) REGISTRATION OF CONSORTIUM OF PRIVATE-
8 LED EFFORTS TO TRACE BACK THE ORIGIN OF SUS-
9 PECTED UNLAWFUL ROBOCALLS.—

10 (1) IN GENERAL.—Not later than 90 days after
11 the date of the enactment of this Act, the Commis-
12 sion shall issue rules to establish a registration proc-
13 ess for the registration of a single consortium that
14 conducts private-led efforts to trace back the origin
15 of suspected unlawful robocalls. The consortium
16 shall meet the following requirements:

17 (A) Be a neutral third party competent to
18 manage the private-led effort to trace back the
19 origin of suspected unlawful robocalls in the
20 judgement of the Commission.

21 (B) Maintain a set of written best prac-
22 tices about the management of such efforts and
23 regarding providers of voice services' participa-
24 tion in private-led efforts to trace back the ori-
25 gin of suspected unlawful robocalls.

1 (C) Consistent with section 222(d)(2) of
2 the Communications Act of 1934 (47 U.S.C.
3 222(d)(2)), any private-led efforts to trace back
4 the origin of suspected unlawful robocalls con-
5 ducted by the third party focus on “fraudulent,
6 abusive, or unlawful” traffic.

7 (D) File a notice with the Commission that
8 the consortium intends to conduct private-led
9 efforts to trace back in advance of such reg-
10 istration.

11 (2) ANNUAL NOTICE BY THE COMMISSION
12 SEEKING REGISTRATIONS.—Not later than 120 days
13 after the date of the enactment of this Act, and an-
14 nually thereafter, the Commission shall issue a no-
15 tice to the public seeking the registration described
16 in paragraph (1).

17 (e) LIST OF VOICE SERVICE PROVIDERS.—The Com-
18 mission may publish a list of voice service providers and
19 take appropriate enforcement action based on information
20 obtained from the consortium about voice service providers
21 that refuse to participate in private-led efforts to trace
22 back the origin of suspected unlawful robocalls, and other
23 information the Commission may collect about voice serv-
24 ice providers that are found to originate or transmit sub-
25 stantial amounts of unlawful robocalls.

1 (f) DEFINITIONS.—In this section:

2 (1) PRIVATE-LED EFFORT TO TRACE BACK.—

3 The term “private-led effort to trace back” means
4 an effort made by the registered consortium of voice
5 service providers to establish a methodology for de-
6 termining the origin of a suspected unlawful
7 robocall.

8 (2) REGISTERED CONSORTIUM.—The term

9 “registered consortium” means the consortium reg-
10 istered under subsection (d).

11 (3) SUSPECTED UNLAWFUL ROBOCALL.—The

12 term “suspected unlawful robocall” means a call
13 that the Commission or a voice service provider rea-
14 sonably believes was made in violation of subsection
15 (b) or (e) of section 227 of the Communications Act
16 of 1934 (47 U.S.C. 227).

17 (4) VOICE SERVICE.—The term “voice serv-
18 ice”—

19 (A) means any service that is inter-
20 connected with the public switched telephone
21 network and that furnishes voice communica-
22 tions to an end user using resources from the
23 North American Numbering Plan or any suc-
24 cessor to the North American Numbering Plan
25 adopted by the Commission under section

1 251(e)(1) of the Communications Act of 1934
2 (47 U.S.C. 251(e)(1)); and

3 (B) includes—

4 (i) transmissions from a telephone
5 facsimile machine, computer, or other de-
6 vice to a telephone facsimile machine; and

7 (ii) without limitation, any service
8 that enables real-time, two-way voice com-
9 munications, including any service that re-
10 quires internet protocol-compatible cus-
11 tomer premises equipment (commonly
12 known as “CPE”) and permits out-bound
13 calling, whether or not the service is one-
14 way or two-way voice over internet pro-
15 tocol.

16 **SEC. 14. HOSPITAL ROBOCALL PROTECTION GROUP.**

17 (a) ESTABLISHMENT.—Not later than 180 days after
18 the date of the enactment of this Act, the Commission
19 shall establish an advisory committee to be known as the
20 “Hospital Robocall Protection Group”.

21 (b) MEMBERSHIP.—The Group shall be composed
22 only of the following members:

23 (1) An equal number of representatives from
24 each of the following:

1 (A) Voice service providers that serve hos-
2 pitals.

3 (B) Companies that focus on mitigating
4 unlawful robocalls.

5 (C) Consumer advocacy organizations.

6 (D) Providers of one-way voice over inter-
7 net protocol services described in subsection
8 (e)(3)(B)(ii).

9 (E) Hospitals.

10 (F) State government officials focused on
11 combating unlawful robocalls.

12 (2) One representative of the Commission.

13 (3) One representative of the Federal Trade
14 Commission.

15 (c) ISSUANCE OF BEST PRACTICES.—Not later than
16 180 days after the date on which the Group is established
17 under subsection (a), the Group shall issue best practices
18 regarding the following:

19 (1) How voice service providers can better com-
20 bat unlawful robocalls made to hospitals.

21 (2) How hospitals can better protect themselves
22 from such calls, including by using unlawful robocall
23 mitigation techniques.

24 (3) How the Federal Government and State
25 governments can help combat such calls.

1 (d) PROCEEDING BY FCC.—Not later than 180 days
2 after the date on which the best practices are issued by
3 the Group under subsection (c), the Commission shall con-
4 clude a proceeding to assess the extent to which the vol-
5 untary adoption of such best practices can be facilitated
6 to protect hospitals and other institutions.

7 (e) DEFINITIONS.—In this section:

8 (1) GROUP.—The term “Group” means the
9 Hospital Robocall Protection Group established
10 under subsection (a).

11 (2) STATE.—The term “State” has the mean-
12 ing given such term in section 3 of the Communica-
13 tions Act of 1934 (47 U.S.C. 153).

14 (3) VOICE SERVICE.—The term “voice serv-
15 ice”—

16 (A) means any service that is inter-
17 connected with the public switched telephone
18 network and that furnishes voice communica-
19 tions to an end user using resources from the
20 North American Numbering Plan or any suc-
21 cessor to the North American Numbering Plan
22 adopted by the Commission under section
23 251(e)(1) of the Communications Act of 1934
24 (47 U.S.C. 251(e)(1)); and

25 (B) includes—

1 (i) transmissions from a telephone
2 facsimile machine, computer, or other de-
3 vice to a telephone facsimile machine; and
4 (ii) without limitation, any service
5 that enables real-time, two-way voice com-
6 munications, including any service that re-
7 quires internet protocol-compatible cus-
8 tomer premises equipment (commonly
9 known as “CPE”) and permits out-bound
10 calling, whether or not the service is one-
11 way or two-way voice over internet pro-
12 tocol.

13 **SEC. 15. SEPARABILITY CLAUSE.**

14 If any provision of this Act, the amendments made
15 by this Act, or the application thereof to any person or
16 circumstance is held invalid, the remainder of this Act,
17 the amendments made by this Act, and the application of
18 such provision to other persons or circumstances shall not
19 be affected thereby.