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116TH CONGRESS
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H. R. 3375

[Report No. 116-]

To amend the Communications Act of 1934 to clarify the prohibitions on making robocalls, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2019

Mr. PALLONE (for himself, Mr. WALDEN, Mr. MICHAEL F. DOYLE of Pennsylvania, and Mr. LATTA) introduced the following bill; which was referred to the Committee on Energy and Commerce

JULY --, 2019

Reported with an amendment, 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 italics]

[For text of introduced bill, see copy of bill as introduced on June 20, 2019]

A BILL

To amend the Communications Act of 1934 to clarify the prohibitions on making robocalls, 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 “Stopping Bad Robocalls*
5 *Act”.*

6 **SEC. 2. CONSUMER PROTECTION REGULATIONS RELATING**
7 **TO MAKING ROBOCALLS.**

8 *Not later than 6 months after the date of the enactment*
9 *of this Act, and as appropriate thereafter to ensure that*
10 *the consumer protection and privacy purposes of section*
11 *227 of the Communications Act of 1934 (47 U.S.C. 227)*
12 *remain effective, the Commission shall prescribe such regu-*
13 *lations, or amend such existing regulations, regarding calls*
14 *made or text messages sent using automatic telephone dial-*
15 *ing systems and calls made using an artificial or*
16 *prerecorded voice as will, in the judgment of the Commis-*
17 *sion, clarify descriptions of automatic telephone dialing*
18 *systems and ensure that—*

19 (1) *the consumer protection and privacy pur-*
20 *poses of such section are effectuated;*

21 (2) *calls made and text messages sent using*
22 *automatic telephone dialing systems and calls made*
23 *using an artificial or prerecorded voice are made or*
24 *sent (as the case may be) with consent, unless consent*
25 *is not required under or the call or text message is*

1 *exempted by paragraph (1), (2)(B), or (2)(C) of sub-*
2 *section (b) of such section;*

3 *(3) consumers can withdraw consent for such*
4 *calls and text messages;*

5 *(4) circumvention or evasion of such section is*
6 *prevented;*

7 *(5) callers maintain records to demonstrate that*
8 *such callers have obtained consent, unless consent is*
9 *not required under or the call or text message is ex-*
10 *empted by paragraph (1), (2)(B), or (2)(C) of sub-*
11 *section (b) of such section, for such calls and text mes-*
12 *sages, for a period of time that will permit the Com-*
13 *mission to effectuate the consumer protection and pri-*
14 *vacancy purposes of such section; and*

15 *(6) compliance with such section is facilitated.*

16 **SEC. 3. CONSUMER PROTECTIONS FOR EXEMPTIONS.**

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

19 *(1) in subparagraph (G)(ii), by striking “; and”*
20 *and inserting a semicolon;*

21 *(2) in subparagraph (H), by striking the period*
22 *at the end and inserting “; and”; and*

23 *(3) by adding at the end the following:*

24 *“(I) shall ensure that any exemption under*
25 *subparagraph (B) or (C) contains requirements*

1 *for calls made in reliance on the exemption with*
2 *respect to—*

3 “(i) *the classes of parties that may*
4 *make such calls;*

5 “(ii) *the classes of parties that may be*
6 *called; and*

7 “(iii) *the number of such calls that a*
8 *calling party may make to a particular*
9 *called party.”.*

10 ***(b) DEADLINE FOR REGULATIONS.—****In the case of any*
11 *exemption issued under subparagraph (B) or (C) of section*
12 *227(b)(2) of the Communications Act of 1934 (47 U.S.C.*
13 *227(b)(2)) before the date of the enactment of this Act, the*
14 *Commission, shall, not later than 1 year after such date*
15 *of enactment, prescribe such regulations, or amend such ex-*
16 *isting regulations, as necessary to ensure that such exemp-*
17 *tion contains each requirement described in subparagraph*
18 *(I) of such section, as added by subsection (a). To the extent*
19 *such an exemption contains such a requirement before such*
20 *date of enactment, nothing in this section or the amend-*
21 *ments made by this section shall be construed to require*
22 *the Commission to prescribe or amend regulations relating*
23 *to such requirement.*

24 ***SEC. 4. REPORT ON REASSIGNED NUMBER DATABASE.***

25 ***(a) REPORT TO CONGRESS.—***

1 (1) *IN GENERAL.*—Not later than 1 year after
2 the date of the enactment of this Act, the Commission
3 shall submit to Congress, and make publicly available
4 on the website of the Commission, a report on the sta-
5 tus of the efforts of the Commission pursuant to the
6 Second Report and Order in the matter of *Advanced*
7 *Methods to Target and Eliminate Unlawful Robocalls*
8 *(CG Docket No. 17–59; FCC 18–177; adopted on De-*
9 *cember 12, 2018).*

10 (2) *CONTENTS.*—The report required by para-
11 graph (1) shall describe the efforts of the Commission,
12 as described in such Second Report and Order, to en-
13 sure—

14 (A) the establishment of a database of tele-
15 phone numbers that have been disconnected, in
16 order to provide a person making calls subject to
17 section 227(b) of the Communications Act of
18 1934 (47 U.S.C. 227(b)) with comprehensive and
19 timely information to enable such person to
20 avoid making calls without the prior express
21 consent of the called party because the number
22 called has been reassigned;

23 (B) that a person who wishes to use any
24 safe harbor provided pursuant to such Second
25 Report and Order with respect to making calls

1 *must demonstrate that, before making the call,*
2 *the person appropriately checked the most recent*
3 *update of the database and the database reported*
4 *that the number had not been disconnected; and*

5 *(C) that if the person makes the demonstra-*
6 *tion described in subparagraph (B), the person*
7 *will be shielded from liability under section*
8 *227(b) of the Communications Act of 1934 (47*
9 *U.S.C. 227(b)) should the database return an in-*
10 *accurate result.*

11 ***(b) CLARIFICATION OF DEFINITION OF CALLED***
12 ***PARTY.—***

13 ***(1) IN GENERAL.—****Section 227(a) of the Commu-*
14 *nications Act of 1934 (47 U.S.C. 227(a)) is amended*
15 *by adding at the end the following:*

16 ***“(6) The term ‘called party’ means, with respect***
17 *to a call, the current subscriber or customary user of*
18 *the telephone number to which the call is made, deter-*
19 *mined at the time when the call is made.”.*

20 ***(2) CONFORMING AMENDMENTS.—****Section*
21 *227(d)(3)(B) of the Communications Act of 1934 (47*
22 *U.S.C. 227(d)(3)(B)) is amended—*

23 ***(A) by striking “called party’s line” each***
24 *place it appears and inserting “telephone line*
25 *called”; and*

1 (B) by striking “called party has hung up”
2 and inserting “answering party has hung up”.

3 (3) *EFFECTIVE DATE.*—*The amendments made*
4 *by this subsection shall apply beginning on the date*
5 *on which the database described in the Second Report*
6 *and Order in the matter of Advanced Methods to Tar-*
7 *get and Eliminate Unlawful Robocalls (CG Docket*
8 *No. 17–59; FCC 18–177; adopted on December 12,*
9 *2018) becomes fully operational, such that a person*
10 *may check the database to determine the last date of*
11 *permanent disconnection associated with a phone*
12 *number. Nothing in the amendments made by this*
13 *subsection shall affect the construction of the law as*
14 *it applies before the effective date.*

15 **SEC. 5. ENFORCEMENT.**

16 (a) *NO CITATION REQUIRED TO SEEK FORFEITURE*
17 *PENALTY.*—

18 (1) *FOR ROBOCALL VIOLATIONS.*—*Section 227(b)*
19 *of the Communications Act of 1934 (47 U.S.C.*
20 *227(b)) is amended by adding at the end the fol-*
21 *lowing:*

22 “(4) *NO CITATION REQUIRED TO SEEK FOR-*
23 *FEITURE PENALTY.*—*Paragraph (5) of section 503(b)*
24 *shall not apply in the case of a violation made with*
25 *the intent to cause such violation of this subsection.”.*

1 (2) *FOR CALLER IDENTIFICATION INFORMATION*
2 *VIOLATIONS.*—Section 227(e)(5)(A)(iii) of the *Com-*
3 *munications Act of 1934 (47 U.S.C. 227(e)(5)(A)(iii))*
4 *is amended by adding at the end the following:*
5 *“Paragraph (5) of section 503(b) shall not apply in*
6 *the case of a violation of this subsection.”.*

7 *(b) 4-YEAR STATUTE OF LIMITATIONS.*—

8 (1) *FOR ROBOCALL VIOLATIONS.*—Section 227(b)
9 *of the Communications Act of 1934 (47 U.S.C.*
10 *227(b)), as amended by subsection (a), is further*
11 *amended by adding at the end the following:*

12 *“(5) 4-YEAR STATUTE OF LIMITATIONS.*—Not-
13 *withstanding paragraph (6) of section 503(b), no for-*
14 *feiture penalty for violation of this subsection shall be*
15 *determined or imposed against any person if the vio-*
16 *lation charged occurred more than—*

17 *“(A) 3 years prior to the date of issuance*
18 *of the notice required by paragraph (3) of such*
19 *section or the notice of apparent liability re-*
20 *quired by paragraph (4) of such section (as the*
21 *case may be); or*

22 *“(B) if the violation was made with the in-*
23 *tent to cause such violation, 4 years prior to the*
24 *date of issuance of the notice required by para-*
25 *graph (3) of such section or the notice of appar-*

1 *ent liability required by paragraph (4) of such*
2 *section (as the case may be).”.*

3 (2) *FOR CALLER IDENTIFICATION INFORMATION*
4 *VIOLATIONS.—Section 227(e)(5)(A)(iv) of the Commu-*
5 *nications Act of 1934 (47 U.S.C. 227(e)(5)(A)(iv)) is*
6 *amended—*

7 (A) *in the heading, by striking “2-YEAR”*
8 *and inserting “4-YEAR”; and*

9 (B) *by striking “2 years” and inserting “4*
10 *years”.*

11 (c) *INCREASED PENALTY FOR ROBOCALL VIOLATIONS*
12 *WITH INTENT.—Section 227(b) of the Communications Act*
13 *of 1934 (47 U.S.C. 227(b)), as amended by subsections (a)*
14 *and (b), is further amended by adding at the end the fol-*
15 *lowing:*

16 “(6) *INCREASED PENALTY FOR VIOLATIONS WITH*
17 *INTENT.—In the case of a forfeiture penalty for viola-*
18 *tion of this subsection that is determined or imposed*
19 *under section 503(b), if such violation was made with*
20 *the intent to cause such violation, the amount of such*
21 *penalty shall be equal to an amount determined in*
22 *accordance with subparagraphs (A) through (F) of*
23 *section 503(b)(2) plus an additional penalty not to*
24 *exceed \$10,000.”.*

1 **SEC. 6. ANNUAL REPORT TO CONGRESS.**

2 *Section 227 of the Communications Act of 1934 (47*
3 *U.S.C. 227) is amended by adding at the end the following:*

4 *“(i) ANNUAL REPORT TO CONGRESS ON ROBOCALLS*
5 *AND TRANSMISSION OF MISLEADING OR INACCURATE CALL-*
6 *ER IDENTIFICATION INFORMATION.—*

7 *“(1) REPORT REQUIRED.—Not later than 1 year*
8 *after the date of the enactment of this subsection, and*
9 *annually thereafter, the Commission, after consulta-*
10 *tion with the Federal Trade Commission, shall submit*
11 *to Congress a report regarding enforcement by the*
12 *Commission of subsections (b), (c), (d), and (e) dur-*
13 *ing the preceding calendar year.*

14 *“(2) MATTERS FOR INCLUSION.—Each report re-*
15 *quired by paragraph (1) shall include the following:*

16 *“(A) The number of complaints received by*
17 *the Commission during each of the preceding five*
18 *calendar years, for each of the following cat-*
19 *egories:*

20 *“(i) Complaints alleging that a con-*
21 *sumer received a call in violation of sub-*
22 *section (b) or (c).*

23 *“(ii) Complaints alleging that a con-*
24 *sumer received a call in violation of the*
25 *standards prescribed under subsection (d).*

1 “(iii) *Complaints alleging that a con-*
2 *sumer received a call in connection with*
3 *which misleading or inaccurate caller iden-*
4 *tification information was transmitted in*
5 *violation of subsection (e).*

6 “(B) *The number of citations issued by the*
7 *Commission pursuant to section 503(b) during*
8 *the preceding calendar year to enforce subsection*
9 *(d), and details of each such citation.*

10 “(C) *The number of notices of apparent li-*
11 *ability issued by the Commission pursuant to*
12 *section 503(b) during the preceding calendar*
13 *year to enforce subsections (b), (c), (d), and (e),*
14 *and details of each such notice including any*
15 *proposed forfeiture amount.*

16 “(D) *The number of final orders imposing*
17 *forfeiture penalties issued pursuant to section*
18 *503(b) during the preceding calendar year to en-*
19 *force such subsections, and details of each such*
20 *order including the forfeiture imposed.*

21 “(E) *The amount of forfeiture penalties or*
22 *criminal fines collected, during the preceding*
23 *calendar year, by the Commission or the Attor-*
24 *ney General for violations of such subsections,*

1 *and details of each case in which such a for-*
2 *feiture penalty or criminal fine was collected.*

3 “(F) *Proposals for reducing the number of*
4 *calls made in violation of such subsections.*

5 “(G) *An analysis of the contribution by*
6 *providers of interconnected VoIP service and*
7 *non-interconnected VoIP service that discount*
8 *high-volume, unlawful, short-duration calls to*
9 *the total number of calls made in violation of*
10 *such subsections, and recommendations on how*
11 *to address such contribution in order to decrease*
12 *the total number of calls made in violation of*
13 *such subsections.*

14 “(3) *NO ADDITIONAL REPORTING REQUIRED.—*
15 *The Commission shall prepare the report required by*
16 *paragraph (1) without requiring the provision of ad-*
17 *ditional information from providers of telecommuni-*
18 *cations service or voice service (as defined in section*
19 *7(d) of the Stopping Bad Robocalls Act).”.*

20 **SEC. 7. REGULATIONS RELATING TO EFFECTIVE CALL AU-**
21 **THENTICATION TECHNOLOGY.**

22 “(a) *IN GENERAL.—Not later than 1 year after the date*
23 *of enactment of this Act, the Commission shall prescribe reg-*
24 *ulations in WC Docket No. 17–97.*

1 **(b) REQUIREMENTS FOR EFFECTIVE CALL AUTHEN-**
2 **TICATION TECHNOLOGY.—**

3 **(1) IN GENERAL.—***The regulations required by*
4 *subsection (a) shall—*

5 **(A)** *require providers of voice service to im-*
6 *plement, within six months after the date on*
7 *which such regulations are prescribed, an effec-*
8 *tive call authentication technology; and*

9 **(B)** *ensure that voice service providers that*
10 *have implemented the effective authentication*
11 *technology attest that such provider has deter-*
12 *mined, when originating calls on behalf of a call-*
13 *ing party, that the calling party number trans-*
14 *mitted with such calls has been appropriately*
15 *authenticated.*

16 **(2) REASSESSMENT OF REGULATIONS.—***The*
17 *Commission shall reassess such regulations, at least*
18 *once every two years, to ensure the regulations remain*
19 *effective and up to date with technological capabili-*
20 *ties.*

21 **(3) EXEMPTION.—**

22 **(A) BURDENS AND BARRIERS TO IMPLE-**
23 **MENTATION.—***The Commission—*

1 (i) shall include findings on any bur-
2 dens or barriers to the implementation re-
3 quired in paragraph (1), including—
4 (I) for providers of voice service to
5 the extent the networks of such pro-
6 viders use time-division multiplexing;
7 and
8 (II) for small providers of voice
9 service and those in rural areas; and
10 (ii) in connection with such findings,
11 may exempt from the 6-month time period
12 described in paragraph (1)(A), for a reason-
13 able period of time a class of providers of
14 voice service, or type of voice calls, as nec-
15 essary for that class of providers or type of
16 calls to participate in the implementation
17 in order to address the identified burdens
18 and barriers.
19 (B) *FULL PARTICIPATION.*—The Commis-
20 sion shall take all steps necessary to address any
21 issues in the findings and enable as promptly as
22 possible full participation of all classes of pro-
23 viders of voice service and types of voice calls to
24 receive the highest level of attestation.

1 (C) *ALTERNATIVE METHODOLOGIES.*—*The*
2 *Commission shall identify or develop, in con-*
3 *sultation with small providers of service and*
4 *those in rural areas, alternative effective meth-*
5 *odologies to protect customers from*
6 *unauthenticated calls during any exemption*
7 *given under subparagraph (A)(ii). Such meth-*
8 *odologies shall be provided with no additional*
9 *line item charge to customers.*

10 (D) *REVISION OF EXEMPTION.*—*Not less fre-*
11 *quently than annually after the first exemption*
12 *is issued under this paragraph, the Commission*
13 *shall consider revising or extending any exemp-*
14 *tion made, may revise such exemption, and shall*
15 *issue a public notice with regard to whether such*
16 *exemption remains necessary.*

17 (4) *ACCURATE IDENTIFICATION.*—*The regula-*
18 *tions required by subsection (a) shall include guide-*
19 *lines that providers of voice service may use as part*
20 *of the implementation of effective call authentication*
21 *technology under paragraph (1) to take steps to en-*
22 *sure the calling party is accurately identified.*

23 (5) *NO ADDITIONAL COST TO CONSUMERS OR*
24 *SMALL BUSINESS CUSTOMERS.*—*The regulations re-*
25 *quired by subsection (a) shall prohibit providers of*

1 *voice service from making any additional line item*
2 *charges to consumer or small business customer sub-*
3 *scribers for the effective call authentication technology*
4 *required under paragraph (1).*

5 (6) *EVALUATION.*—*Not later than 2 years after*
6 *the date of enactment of this Act, and consistent with*
7 *the regulations prescribed under subsection (a), the*
8 *Commission shall initiate an evaluation of the success*
9 *of the effective call authentication technology required*
10 *under paragraph (1).*

11 (7) *UNAUTHENTICATED CALLS.*—*The Commis-*
12 *sion shall—*

13 (A) *in the regulations required by sub-*
14 *section (a), consistent with the regulations pre-*
15 *scribed under subsection (k) of section 227 of the*
16 *Communications Act of 1934 (47 U.S.C. 227), as*
17 *added by section 8, help protect subscribers from*
18 *receiving unwanted calls from a caller using an*
19 *unauthenticated number, through effective means*
20 *of enabling the subscriber or provider to block*
21 *such calls, with no additional line item charge to*
22 *the subscriber; and*

23 (B) *take appropriate steps to ensure that*
24 *calls originating from a provider of service in an*
25 *area where the provider is exempt from the 6-*

1 *month time period described in paragraph*
2 *(1)(A) are not wrongly blocked because the calls*
3 *are not able to be authenticated.*

4 *(c) REPORT.—Not later than 6 months after the date*
5 *on which the regulations under subsection (a) are pre-*
6 *scribed, the Commission shall submit to the Committee on*
7 *Energy and Commerce of the House of Representatives and*
8 *the Committee on Commerce, Science, and Transportation*
9 *of the Senate, and make publicly available on its website,*
10 *a report on the implementation of subsection (b), which*
11 *shall include—*

12 *(1) an analysis of the extent to which providers*
13 *of a voice service have implemented the effective call*
14 *authentication technology, including whether the*
15 *availability of necessary equipment and equipment*
16 *upgrades has impacted such implementation; and*

17 *(2) an assessment of the effective call authentica-*
18 *tion technology, as being implemented under sub-*
19 *section (b), in addressing all aspects of call authen-*
20 *tication.*

21 *(d) VOICE SERVICE DEFINED.—In this section, the*
22 *term “voice service”—*

23 *(1) means any service that is interconnected with*
24 *the public switched telephone network and that fur-*
25 *nishes voice communications to an end user using re-*

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

6 *(2) includes—*

7 *(A) transmissions from a telephone fac-*
8 *simile machine, computer, or other device to a*
9 *telephone facsimile machine; and*

10 *(B) without limitation, any service that en-*
11 *ables real-time, two-way voice communications,*
12 *including any service that requires internet pro-*
13 *tol-compatible customer premises equipment*
14 *(commonly known as “CPE”) and permits out-*
15 *bound calling, whether or not the service is one-*
16 *way or two-way voice over internet protocol.*

17 **SEC. 8. STOP ROBOCALLS.**

18 *(a) INFORMATION SHARING REGARDING ROBOCALL*
19 *AND SPOOFING VIOLATIONS.—Section 227 of the Commu-*
20 *nications Act of 1934 (47 U.S.C. 227), as amended by sec-*
21 *tion 6, is further amended by adding at the end the fol-*
22 *lowing:*

23 *“(j) INFORMATION SHARING.—*

24 *“(1) IN GENERAL.—Not later than 18 months*
25 *after the date of the enactment of this subsection, the*

1 *Commission shall prescribe regulations to establish a*
2 *process that streamlines the ways in which a private*
3 *entity may voluntarily share with the Commission*
4 *information relating to—*

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

7 “(B) a call or text message for which mis-
8 leading or inaccurate caller identification infor-
9 mation was caused to be transmitted in violation
10 of subsection (e).

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

14 “(b) *ROBOCALL BLOCKING SERVICE.*—*Section 227 of*
15 *the Communications Act of 1934 (47 U.S.C. 227), as*
16 *amended by section 6 and subsection (a) of this section, is*
17 *further amended by adding at the end the following:*

18 “(k) *ROBOCALL BLOCKING SERVICE.*—

19 “(1) *IN GENERAL.*—*Not later than 1 year after*
20 *the date of the enactment of this subsection, the Com-*
21 *mission shall take a final agency action to ensure the*
22 *robocall blocking services provided on an opt-out or*
23 *opt-in basis pursuant to the Declaratory Ruling of*
24 *the Commission in the matter of Advanced Methods to*
25 *Target and Eliminate Unlawful Robocalls (CG Dock-*

1 *et No. 17–59; FCC 19–51; adopted on June 6,*
2 *2019)—*

3 *“(A) are provided with transparency and*
4 *effective redress options for both—*

5 *“(i) consumers; and*

6 *“(ii) callers; and*

7 *“(B) are provided with no additional line*
8 *item charge to consumers and no additional*
9 *charge to callers for resolving complaints related*
10 *to erroneously blocked calls.*

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

14 *(c) STUDY ON INFORMATION REQUIREMENTS FOR*
15 *CERTAIN VOIP SERVICE PROVIDERS.—*

16 *(1) IN GENERAL.—The Commission shall conduct*
17 *a study regarding whether to require a provider of*
18 *covered VoIP service to—*

19 *(A) provide to the Commission contact in-*
20 *formation for such provider and keep such infor-*
21 *mation current; and*

22 *(B) retain records relating to each call*
23 *transmitted over the covered VoIP service of such*
24 *provider that are sufficient to trace such call*
25 *back to the source of such call.*

1 (2) *REPORT TO CONGRESS.*—Not later than 18
2 months after the date of the enactment of this Act, the
3 Commission shall submit to Congress a report on the
4 results of the study conducted under paragraph (1).

5 (3) *COVERED VOIP SERVICE DEFINED.*—In this
6 subsection, the term “covered VoIP service” means a
7 service that—

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

11 (B) would be an interconnected VoIP service
12 (as so defined) except that the service permits
13 users to terminate calls to the public switched
14 telephone network but does not permit users to
15 receive calls that originate on the public switched
16 telephone network.

17 (d) *TRANSITIONAL RULE REGARDING DEFINITION OF*
18 *TEXT MESSAGE.*—Paragraph (2) of subsection (j) of section
19 227 of the Communications Act of 1934 (47 U.S.C. 227),
20 as added by subsection (a) of this section, and paragraph
21 (2) of subsection (k) of such section 227, as added by sub-
22 section (b) of this section, shall apply before the effective
23 date of the amendment made to subsection (e)(8) of such
24 section 227 by subparagraph (C) of section 503(a)(2) of di-
25 vision P of the Consolidated Appropriations Act, 2018

1 *(Public Law 115–141) as if such amendment was already*
2 *in effect.*

3 **SEC. 9. PROVISION OF EVIDENCE OF CERTAIN ROBOCALL**
4 **VIOLATIONS TO ATTORNEY GENERAL.**

5 *(a) IN GENERAL.—If the Chief of the Enforcement Bu-*
6 *reau of the Commission obtains evidence that suggests a*
7 *willful, knowing, and repeated robocall violation with an*
8 *intent to defraud, cause harm, or wrongfully obtain any-*
9 *thing of value, the Chief of the Enforcement Bureau shall*
10 *provide such evidence to the Attorney General.*

11 *(b) REPORT TO CONGRESS.—Not later than 1 year*
12 *after the date of the enactment of this Act, and annually*
13 *thereafter, the Commission shall publish on its website and*
14 *submit to the Committee on Energy and Commerce of the*
15 *House of Representatives and the Committee on Commerce,*
16 *Science, and Transportation of the Senate a report that—*

17 *(1) states the number of instances during the*
18 *preceding year in which the Chief of the Enforcement*
19 *Bureau provided the evidence described in subsection*
20 *(a) to the Attorney General; and*

21 *(2) contains a general summary of the types of*
22 *robocall violations to which such evidence relates.*

23 *(c) RULES OF CONSTRUCTION.—Nothing in this sec-*
24 *tion shall be construed to affect the ability of the Commis-*

1 *sion or the Chief of the Enforcement Bureau under other*
2 *law—*

3 *(1) to refer a matter to the Attorney General; or*

4 *(2) to pursue or continue pursuit of an enforce-*

5 *ment action in a matter with respect to which the*

6 *Chief of the Enforcement Bureau provided the evi-*

7 *dence described in subsection (a) to the Attorney Gen-*

8 *eral.*

9 *(d) ROBOCALL VIOLATION DEFINED.—In this section,*

10 *the term “robocall violation” means a violation of sub-*

11 *section (b) or (e) of section 227 of the Communications Act*

12 *of 1934 (47 U.S.C. 227).*

13 **SEC. 10. PROTECTION FROM ONE-RING SCAMS.**

14 *(a) INITIATION OF PROCEEDING.—Not later than 120*

15 *days after the date of the enactment of this Act, the Commis-*

16 *sion shall initiate a proceeding to protect called parties*

17 *from one-ring scams.*

18 *(b) MATTERS TO BE CONSIDERED.—As part of the*

19 *proceeding required by subsection (a), the Commission shall*

20 *consider how the Commission can—*

21 *(1) work with Federal and State law enforce-*

22 *ment agencies to address one-ring scams;*

23 *(2) work with the governments of foreign coun-*

24 *tries to address one-ring scams;*

1 (3) *in consultation with the Federal Trade Com-*
2 *mission, better educate consumers about how to avoid*
3 *one-ring scams;*

4 (4) *incentivize voice service providers to stop*
5 *calls made to perpetrate one-ring scams from being*
6 *received by called parties, including consideration of*
7 *adding identified one-ring scam type numbers to the*
8 *Commission's existing list of permissible categories for*
9 *carrier-initiated blocking;*

10 (5) *work with entities that provide call-blocking*
11 *services to address one-ring scams; and*

12 (6) *establish obligations on international gate-*
13 *way providers that are the first point of entry for*
14 *these calls into the United States, including potential*
15 *requirements that such providers verify with the for-*
16 *ign originator the nature or purpose of calls before*
17 *initiating service.*

18 (c) *REPORT TO CONGRESS.*—*Not later than 1 year*
19 *after the date of the enactment of this Act, the Commission*
20 *shall publish on its website and submit to the Committee*
21 *on Energy and Commerce of the House of Representatives*
22 *and the Committee on Commerce, Science, and Transpor-*
23 *tation of the Senate a report on the status of the proceeding*
24 *required by subsection (a).*

25 (d) *DEFINITIONS.*—*In this section:*

1 (1) *ONE-RING SCAM.*—*The term “one-ring scam”*
2 *means a scam in which a caller makes a call and al-*
3 *lows the call to ring the called party for a short dura-*
4 *tion, in order to prompt the called party to return the*
5 *call, thereby subjecting the called party to charges.*

6 (2) *STATE.*—*The term “State” has the meaning*
7 *given such term in section 3 of the Communications*
8 *Act of 1934 (47 U.S.C. 153).*

9 (3) *VOICE SERVICE.*—*The term “voice service”*
10 *has the meaning given such term in section 227(e)(8)*
11 *of the Communications Act of 1934 (47 U.S.C.*
12 *227(e)(8)). This paragraph shall apply before the ef-*
13 *fective date of the amendment made to such section by*
14 *subparagraph (C) of section 503(a)(2) of division P*
15 *of the Consolidated Appropriations Act, 2018 (Public*
16 *Law 115–141) as if such amendment was already in*
17 *effect.*

18 **SEC. 11. INTERAGENCY WORKING GROUP.**

19 (a) *IN GENERAL.*—*The Attorney General, in consulta-*
20 *tion with the Commission, shall convene an interagency*
21 *working group to study the enforcement of section 227(b)*
22 *of the Communications Act of 1934 (47 U.S.C. 227(b)).*

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

1 (1) *determine whether, and if so how, any Fed-*
2 *eral law, including regulations, policies, and prac-*
3 *tices, or budgetary or jurisdictional constraints in-*
4 *hibit the enforcement of such section;*

5 (2) *identify existing and potential Federal poli-*
6 *cies and programs that encourage and improve co-*
7 *ordination among Federal departments and agencies*
8 *and States, and between States, in the enforcement*
9 *and prevention of the violation of such section;*

10 (3) *identify existing and potential international*
11 *policies and programs that encourage and improve*
12 *coordination between countries in the enforcement*
13 *and prevention of the violation of such section (and*
14 *laws of foreign countries prohibiting similar conduct);*
15 *and*

16 (4) *consider—*

17 (A) *the benefit and potential sources of ad-*
18 *ditional resources for the Federal enforcement*
19 *and prevention of the violation of such section;*

20 (B) *whether memoranda of understanding*
21 *regarding the enforcement and prevention of the*
22 *violation of such section should be established be-*
23 *tween—*

24 (i) *the States;*

1 (ii) the States and the Federal Govern-
2 ment; and

3 (iii) the Federal Government and for-
4 eign governments;

5 (C) whether a process should be established
6 to allow States to request Federal subpoenas
7 from the Commission with respect to the enforce-
8 ment of such section;

9 (D) whether increased criminal penalties for
10 the violation of such section (including increas-
11 ing the amount of fines and increasing the max-
12 imum term of imprisonment that may be im-
13 posed to a period greater than 2 years) are ap-
14 propriate;

15 (E) whether regulation of any entity that
16 enters into a business arrangement with a car-
17 rier for the specific purpose of carrying, routing,
18 or transmitting a call that constitutes a viola-
19 tion of such section would assist in the successful
20 enforcement and prevention of the violation of
21 such section; and

22 (F) the extent to which the prosecution of
23 certain violations of such section (which result in
24 economic, physical, or emotional harm) pursuant
25 to any Department of Justice policy may inhibit

1 *or otherwise interfere with the prosecution of*
2 *other violations of such section.*

3 (c) *MEMBERS.*—*The interagency working group shall*
4 *be composed of such representatives of Federal departments*
5 *and agencies as the Attorney General considers appropriate,*
6 *which may include—*

7 (1) *the Department of Commerce (including the*
8 *National Telecommunications and Information Ad-*
9 *ministration);*

10 (2) *the Department of State;*

11 (3) *the Department of Homeland Security;*

12 (4) *the Commission;*

13 (5) *the Federal Trade Commission; and*

14 (6) *the Bureau of Consumer Financial Protec-*
15 *tion.*

16 (d) *NON-FEDERAL STAKEHOLDERS.*—*In carrying out*
17 *the study under subsection (a), the interagency working*
18 *group shall consult with such non-Federal stakeholders as*
19 *the Attorney General determines have relevant expertise, in-*
20 *cluding the National Association of Attorneys General.*

21 (e) *REPORT TO CONGRESS.*—*Not later than 9 months*
22 *after the date of the enactment of this Act, the interagency*
23 *working group shall submit to the Committee on Commerce,*
24 *Science, and Transportation and the Committee on the Ju-*
25 *diciary of the Senate and the Committee on Energy and*

1 *Commerce and the Committee on the Judiciary of the House*
2 *of Representatives a report on the findings of the study*
3 *under subsection (a), including—*

4 *(1) any recommendations regarding the enforce-*
5 *ment and prevention of the violation of such section;*
6 *and*

7 *(2) a description of what process, if any, rel-*
8 *evant Federal departments and agencies have made in*
9 *implementing the recommendations under paragraph*
10 *(1).*

11 **SEC. 12. COMMISSION DEFINED.**

12 *In this Act, the term “Commission” means the Federal*
13 *Communications Commission.*

14 **SEC. 13. ANNUAL ROBOCALL REPORT.**

15 *(a) IN GENERAL.—Not later than 1 year after the date*
16 *of the enactment of this Act, and annually thereafter, the*
17 *Commission shall make publicly available on the website*
18 *of the Commission, and submit to the Committee on Energy*
19 *and Commerce of the House of Representatives and the*
20 *Committee on Commerce, Science and Transportation of the*
21 *Senate, a report on the status of private-led efforts to trace*
22 *back the origin of suspected unlawful robocalls by the reg-*
23 *istered consortium and the participation of voice service*
24 *providers in such efforts.*

1 (b) *CONTENTS OF REPORT.*—*The report required*
2 *under subsection (a) shall include, at minimum, the fol-*
3 *lowing:*

4 (1) *A description of private-led efforts to trace*
5 *back the origin of suspected unlawful robocalls by the*
6 *registered consortium and the actions taken by the*
7 *registered consortium to coordinate with the Commis-*
8 *sion.*

9 (2) *A list of voice service providers identified by*
10 *the registered consortium that participated in pri-*
11 *vate-led efforts to trace back the origin of suspected*
12 *unlawful robocalls through the registered consortium.*

13 (3) *A list of each voice service provider that re-*
14 *ceived a request from the registered consortium to*
15 *participate in private-led efforts to trace back the ori-*
16 *gin of suspected unlawful robocalls and refused to*
17 *participate, as identified by the registered consortium.*

18 (4) *The reason, if any, each voice service pro-*
19 *vider identified by the registered consortium provided*
20 *for not participating in private-led efforts to trace*
21 *back the origin of suspected unlawful robocalls.*

22 (5) *A description of how the Commission may*
23 *use the information provided to the Commission by*
24 *voice service providers or the registered consortium*
25 *that have participated in private-led efforts to trace*

1 *back the origin of suspected unlawful robocalls in the*
2 *enforcement efforts by the Commission.*

3 (c) *ADDITIONAL INFORMATION.*—*Not later than 210*
4 *days after the date of the enactment of this Act, and annu-*
5 *ally thereafter, the Commission shall issue a notice to the*
6 *public seeking additional information from voice service*
7 *providers and the registered consortium of private-led ef-*
8 *forts to trace back the origin of suspected unlawful robocalls*
9 *necessary for the report by the Commission required under*
10 *subsection (a).*

11 (d) *REGISTRATION OF CONSORTIUM OF PRIVATE-LED*
12 *EFFORTS TO TRACE BACK THE ORIGIN OF SUSPECTED UN-*
13 *LAWFUL ROBOCALLS.*—

14 (1) *IN GENERAL.*—*Not later than 90 days after*
15 *the date of the enactment of this Act, the Commission*
16 *shall issue rules to establish a registration process for*
17 *the registration of a single consortium that conducts*
18 *private-led efforts to trace back the origin of suspected*
19 *unlawful robocalls. The consortium shall meet the fol-*
20 *lowing requirements:*

21 (A) *Be a neutral third-party competent to*
22 *manage the private-led effort to trace back the*
23 *origin of suspected unlawful robocalls in the*
24 *judgement of the Commission.*

1 (B) *Maintain a set of written best practices*
2 *about the management of such efforts and re-*
3 *garding providers of voice services' participation*
4 *in private-led efforts to trace back the origin of*
5 *suspected unlawful robocalls.*

6 (C) *Consistent with section 222(d)(2) of the*
7 *Communications Act of 1934 (47 U.S.C.*
8 *222(d)(2)), any private-led efforts to trace back*
9 *the origin of suspected unlawful robocalls con-*
10 *ducted by the third-party focus on "fraudulent,*
11 *abusive, or unlawful" traffic.*

12 (D) *File a notice with the Commission that*
13 *the consortium intends to conduct private-led ef-*
14 *forts to trace back in advance of such registra-*
15 *tion.*

16 (2) *ANNUAL NOTICE BY THE COMMISSION SEEK-*
17 *ING REGISTRATIONS.—Not later than 120 days after*
18 *the date of the enactment of this Act, and annually*
19 *thereafter, the Commission shall issue a notice to the*
20 *public seeking the registration described in paragraph*
21 *(1).*

22 (e) *LIST OF VOICE SERVICE PROVIDERS.—The Com-*
23 *mission may publish a list of voice service providers and*
24 *take appropriate enforcement action based on information*
25 *obtained from the consortium about voice service providers*

1 *that refuse to participate in private-led efforts to trace back*
2 *the origin of suspected unlawful robocalls, and other infor-*
3 *mation the Commission may collect about service providers*
4 *that are found to originate or transmit substantial amounts*
5 *of illegal calls.*

6 (f) *DEFINITIONS.—In this section:*

7 (1) *PRIVATE-LED EFFORT TO TRACE BACK.—The*
8 *term “private-led effort to trace back” means an effort*
9 *made by the registered consortium of voice service*
10 *providers to establish a methodology for determining*
11 *the origin of a suspected unlawful robocall.*

12 (2) *REGISTERED CONSORTIUM.—The term “reg-*
13 *istered consortium” means the consortium registered*
14 *under subsection (d).*

15 (3) *SUSPECTED UNLAWFUL ROBOCALL.—The*
16 *term “suspected unlawful robocall” means a call that*
17 *the Commission or a voice service provider reasonably*
18 *believes was made in violation of subsection (b) or (e)*
19 *of section 227 of the Communications Act of 1934 (47*
20 *U.S.C. 227).*

21 (4) *VOICE SERVICE.—The term “voice service”—*

22 (A) *means any service that is inter-*
23 *connected with the public switched telephone net-*
24 *work and that furnishes voice communications to*
25 *an end user using resources from the North*

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

6 *(B) includes—*

7 *(i) transmissions from a telephone fac-*
8 *simile machine, computer, or other device to*
9 *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 customer*
14 *premises equipment (commonly known as*
15 *“CPE”) and permits out-bound calling,*
16 *whether or not the service is one-way or*
17 *two-way voice over internet protocol.*

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

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

23 *(b) MEMBERSHIP.—The Group shall be composed only*
24 *of the following members:*

1 (1) *An equal number of representatives from*
2 *each of the following:*

3 (A) *Voice service providers that serve hos-*
4 *pitals.*

5 (B) *Companies that focus on mitigating un-*
6 *lawful robocalls.*

7 (C) *Consumer advocacy organizations.*

8 (D) *Providers of one-way voice over internet*
9 *protocol services described in subsection*
10 *(e)(4)(B)(ii).*

11 (E) *Hospitals.*

12 (F) *State government officials focused on*
13 *combatting unlawful robocalls.*

14 (2) *One representative of the Commission.*

15 (3) *One representative of the Federal Trade*
16 *Commission.*

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

21 (1) *How voice service providers can better com-*
22 *bat unlawful robocalls made to hospitals.*

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

1 (3) *How the Federal Government and State gov-*
2 *ernments can help combat such calls.*

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

9 (e) *DEFINITIONS.*—*In this section:*

10 (1) *GROUP.*—*The term “Group” means the Hos-*
11 *pital Robocall Protection Group established under*
12 *subsection (a).*

13 (2) *STATE.*—*The term “State” has the meaning*
14 *given such term in section 3 of the Communications*
15 *Act of 1934 (47 U.S.C. 153).*

16 (3) *VOICE SERVICE.*—*The term “voice service”—*
17 (A) *means any service that is inter-*
18 *connected with the public switched telephone net-*
19 *work and that furnishes voice communications to*
20 *an end user using resources from the North*
21 *American Numbering Plan or any successor to*
22 *the North American Numbering Plan adopted by*
23 *the Commission under section 251(e)(1) of the*
24 *Communications Act of 1934 (47 U.S.C.*
25 *251(e)(1)); and*

1 (B) includes—

2 (i) transmissions from a telephone fac-
3 simile machine, computer, or other device to
4 a telephone facsimile machine; and

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