

Suspend the Rules and Pass the Bill, H.R. 3375, With an Amendment

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

116TH CONGRESS
1ST SESSION

H. R. 3375

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

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
5 Robocalls Act”.

1 **SEC. 2. CONSUMER PROTECTION REGULATIONS RELATING**
2 **TO MAKING ROBOCALLS.**

3 Not later than 6 months after the date of the enact-
4 ment of this Act, and as appropriate thereafter to ensure
5 that the consumer protection and privacy purposes of sec-
6 tion 227 of the Communications Act of 1934 (47 U.S.C.
7 227) remain effective, the Commission shall prescribe such
8 regulations, or amend such existing regulations, regarding
9 calls made or text messages sent using automatic tele-
10 phone dialing systems and calls made using an artificial
11 or prerecorded voice as will, in the judgment of the Com-
12 mission, clarify descriptions of automatic telephone dialing
13 systems and ensure that—

14 (1) the consumer protection and privacy pur-
15 poses of such section are effectuated;

16 (2) calls made and text messages sent using
17 automatic telephone dialing systems and calls made
18 using an artificial or prerecorded voice are made or
19 sent (as the case may be) with consent, unless con-
20 sent is not required under or the call or text mes-
21 sage is exempted by paragraph (1), (2)(B), or (2)(C)
22 of subsection (b) of such section;

23 (3) consumers can withdraw consent for such
24 calls and text messages;

25 (4) circumvention or evasion of such section is
26 prevented;

1 (5) callers maintain records to demonstrate that
2 such callers have obtained consent, unless consent is
3 not required under or the call or text message is ex-
4 empted by paragraph (1), (2)(B), or (2)(C) of sub-
5 section (b) of such section, for such calls and text
6 messages, for a period of time that will permit the
7 Commission to effectuate the consumer protection
8 and privacy purposes of such section; and

9 (6) compliance with such section is facilitated.

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

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

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

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

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

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

22 “(i) the classes of parties that may
23 make such calls;

24 “(ii) the classes of parties that may be
25 called; and

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

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

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

19 (a) REPORT TO CONGRESS.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date of the enactment of this Act, the Commis-
22 sion shall submit to Congress, and make publicly
23 available on the website of the Commission, a report
24 on the status of the efforts of the Commission pur-
25 suant to the Second Report and Order in the matter

1 of Advanced Methods to Target and Eliminate Un-
2 lawful Robocalls (CG Docket No. 17–59; FCC 18–
3 177; adopted on December 12, 2018).

4 (2) CONTENTS.—The report required by para-
5 graph (1) shall describe the efforts of the Commis-
6 sion, as described in such Second Report and Order,
7 to ensure—

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

17 (B) that a person who wishes to use any
18 safe harbor provided pursuant to such Second
19 Report and Order with respect to making calls
20 must demonstrate that, before making the call,
21 the person appropriately checked the most re-
22 cent update of the database and the database
23 reported that the number had not been discon-
24 nected; and

1 (C) that if the person makes the dem-
2 onstration described in subparagraph (B), the
3 person will be shielded from liability under sec-
4 tion 227(b) of the Communications Act of 1934
5 (47 U.S.C. 227(b)) should the database return
6 an inaccurate result.

7 (b) CLARIFICATION OF DEFINITION OF CALLED
8 PARTY.—

9 (1) IN GENERAL.—Section 227(a) of the Com-
10 munications Act of 1934 (47 U.S.C. 227(a)) is
11 amended by adding at the end the following:

12 “(6) The term ‘called party’ means, with re-
13 spect to a call, the current subscriber or customary
14 user of the telephone number to which the call is
15 made, determined at the time when the call is
16 made.”.

17 (2) CONFORMING AMENDMENTS.—Section
18 227(d)(3)(B) of the Communications Act of 1934
19 (47 U.S.C. 227(d)(3)(B)) is amended—

20 (A) by striking “called party’s line” each
21 place it appears and inserting “telephone line
22 called”; and

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

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

13 **SEC. 5. ENFORCEMENT.**

14 (a) **NO CITATION REQUIRED TO SEEK FORFEITURE**
15 **PENALTY.**—

16 (1) **FOR ROBOCALL VIOLATIONS.**—Section
17 227(b) of the Communications Act of 1934 (47
18 U.S.C. 227(b)) is amended by adding at the end the
19 following:

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

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

8 (b) 4-YEAR STATUTE OF LIMITATIONS.—

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

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

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

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

1 graph (3) of such section or the notice of ap-
2 parent liability required by paragraph (4) of
3 such section (as the case may be).”.

4 (2) FOR CALLER IDENTIFICATION INFORMA-
5 TION VIOLATIONS.—Section 227(e)(5)(A)(iv) of the
6 Communications Act of 1934 (47 U.S.C.
7 227(e)(5)(A)(iv)) is amended—

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

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

12 (c) INCREASED PENALTY FOR ROBOCALL VIOLA-
13 TIONS WITH INTENT.—Section 227(b) of the Communica-
14 tions Act of 1934 (47 U.S.C. 227(b)), as amended by sub-
15 sections (a) and (b), is further amended by adding at the
16 end the following:

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

5 “(i) ANNUAL REPORT TO CONGRESS ON ROBOCALLS
6 AND TRANSMISSION OF MISLEADING OR INACCURATE
7 CALLER IDENTIFICATION INFORMATION.—

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

15 “(2) MATTERS FOR INCLUSION.—Each report
16 required by paragraph (1) shall include the fol-
17 lowing:

18 “(A) The number of complaints received by
19 the Commission during each of the preceding
20 five calendar years, for each of the following
21 categories:

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

1 “(ii) Complaints alleging that a con-
2 sumer received a call in violation of the
3 standards prescribed under subsection (d).

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

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

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

19 “(D) The number of final orders imposing
20 forfeiture penalties issued pursuant to section
21 503(b) during the preceding calendar year to
22 enforce such subsections, and details of each
23 such order including the forfeiture imposed.

24 “(E) The amount of forfeiture penalties or
25 criminal fines collected, during the preceding

1 calendar year, by the Commission or the Attor-
2 ney General for violations of such subsections,
3 and details of each case in which such a for-
4 feiture penalty or criminal fine was collected.

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

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

16 “(3) NO ADDITIONAL REPORTING REQUIRED.—
17 The Commission shall prepare the report required by
18 paragraph (1) without requiring the provision of ad-
19 ditional information from providers of telecommuni-
20 cations service or voice service (as defined in section
21 7(d) of the Stopping Bad Robocalls Act).”.

1 **SEC. 7. REGULATIONS RELATING TO EFFECTIVE CALL AU-**
2 **TENTICATION TECHNOLOGY.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Commission shall pre-
5 scribe regulations in WC Docket No. 17–97.

6 (b) REQUIREMENTS FOR EFFECTIVE CALL AUTHEN-
7 TICATION TECHNOLOGY.—

8 (1) IN GENERAL.—The regulations required by
9 subsection (a) shall—

10 (A) require providers of voice service to im-
11 plement, within six months after the date on
12 which such regulations are prescribed, an effec-
13 tive call authentication technology; and

14 (B) ensure that voice service providers that
15 have implemented the effective authentication
16 technology attest that such provider has deter-
17 mined, when originating calls on behalf of a
18 calling party, that the calling party number
19 transmitted with such calls has been appro-
20 priately authenticated.

21 (2) REASSESSMENT OF REGULATIONS.—The
22 Commission shall reassess such regulations, at least
23 once every two years, to ensure the regulations re-
24 main effective and up to date with technological ca-
25 pabilities.

26 (3) EXEMPTION.—

1 (A) BURDENS AND BARRIERS TO IMPLE-
2 MENTATION.—The Commission—

3 (i) shall include findings on any bur-
4 dens or barriers to the implementation re-
5 quired in paragraph (1), including—

6 (I) for providers of voice service
7 to the extent the networks of such
8 providers use time-division multi-
9 plexing; and

10 (II) for small providers of voice
11 service and those in rural areas; and

12 (ii) in connection with such findings,
13 may exempt from the 6-month time period
14 described in paragraph (1)(A), for a rea-
15 sonable period of time a class of providers
16 of voice service, or type of voice calls, as
17 necessary for that class of providers or
18 type of calls to participate in the imple-
19 mentation in order to address the identi-
20 fied burdens and barriers.

21 (B) FULL PARTICIPATION.—The Commis-
22 sion shall take all steps necessary to address
23 any issues in the findings and enable as
24 promptly as possible full participation of all
25 classes of providers of voice service and types of

1 voice calls to receive the highest level of attesta-
2 tion.

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

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

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

1 (5) NO ADDITIONAL COST TO CONSUMERS OR
2 SMALL BUSINESS CUSTOMERS.—The regulations re-
3 quired by subsection (a) shall prohibit providers of
4 voice service from making any additional line item
5 charges to consumer or small business customer sub-
6 scribers for the effective call authentication tech-
7 nology required under paragraph (1).

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

14 (7) UNAUTHENTICATED CALLS.—The Commis-
15 sion shall—

16 (A) in the regulations required by sub-
17 section (a), consistent with the regulations pre-
18 scribed under subsection (k) of section 227 of
19 the Communications Act of 1934 (47 U.S.C.
20 227), as added by section 8, help protect sub-
21 scribers from receiving unwanted calls from a
22 caller using an unauthenticated number,
23 through effective means of enabling the sub-
24 scriber or provider to block such calls, with no

1 additional line item charge to the subscriber;
2 and

3 (B) take appropriate steps to ensure that
4 calls originating from a provider of service in
5 an area where the provider is exempt from the
6 6-month time period described in paragraph
7 (1)(A) are not wrongly blocked because the calls
8 are not able to be authenticated.

9 (c) REPORT.—Not later than 6 months after the date
10 on which the regulations under subsection (a) are pre-
11 scribed, the Commission shall submit to the Committee
12 on Energy and Commerce of the House of Representatives
13 and the Committee on Commerce, Science, and Transpor-
14 tation of the Senate, and make publicly available on its
15 website, a report on the implementation of subsection (b),
16 which shall include—

17 (1) an analysis of the extent to which providers
18 of a voice service have implemented the effective call
19 authentication technology, including whether the
20 availability of necessary equipment and equipment
21 upgrades has impacted such implementation; and

22 (2) an assessment of the effective call authen-
23 tication technology, as being implemented under
24 subsection (b), in addressing all aspects of call au-
25 thentication.

1 (d) VOICE SERVICE DEFINED.—In this section, the
2 term “voice service”—

3 (1) means any service that is interconnected
4 with the public switched telephone network and that
5 furnishes voice communications to an end user using
6 resources from the North American Numbering Plan
7 or any successor to the North American Numbering
8 Plan adopted by the Commission under section
9 251(e)(1) of the Communications Act of 1934 (47
10 U.S.C. 251(e)(1)); and

11 (2) includes—

12 (A) transmissions from a telephone fac-
13 simile machine, computer, or other device to a
14 telephone facsimile machine; and

15 (B) without limitation, any service that en-
16 ables real-time, two-way voice communications,
17 including any service that requires internet pro-
18 tocol-compatible customer premises equipment
19 (commonly known as “CPE”) and permits out-
20 bound calling, whether or not the service is one-
21 way or two-way voice over internet protocol.

22 **SEC. 8. STOP ROBOCALLS.**

23 (a) INFORMATION SHARING REGARDING ROBOCALL
24 AND SPOOFING VIOLATIONS.—Section 227 of the Commu-
25 nications Act of 1934 (47 U.S.C. 227), as amended by

1 section 6, is further amended by adding at the end the
2 following:

3 “(j) INFORMATION SHARING.—

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

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

12 “(B) a call or text message for which mis-
13 leading or inaccurate caller identification infor-
14 mation was caused to be transmitted in viola-
15 tion of subsection (e).

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

19 (b) ROBOCALL BLOCKING SERVICE.—Section 227 of
20 the Communications Act of 1934 (47 U.S.C. 227), as
21 amended by section 6 and subsection (a) of this section,
22 is further amended by adding at the end the following:

23 “(k) ROBOCALL BLOCKING SERVICE.—

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

1 Commission shall take a final agency action to en-
2 sure the robocall blocking services provided on an
3 opt-out or opt-in basis pursuant to the Declaratory
4 Ruling of the Commission in the matter of Advanced
5 Methods to Target and Eliminate Unlawful
6 Robocalls (CG Docket No. 17–59; FCC 19–51;
7 adopted on June 6, 2019)—

8 “(A) are provided with transparency and
9 effective redress options for both—

10 “(i) consumers; and

11 “(ii) callers; and

12 “(B) are provided with no additional line
13 item charge to consumers and no additional
14 charge to callers for resolving complaints re-
15 lated to erroneously blocked calls.

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

19 (c) STUDY ON INFORMATION REQUIREMENTS FOR
20 CERTAIN VOIP SERVICE PROVIDERS.—

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

1 (A) provide to the Commission contact in-
2 formation for such provider and keep such in-
3 formation current; and

4 (B) retain records relating to each call
5 transmitted over the covered VoIP service of
6 such provider that are sufficient to trace such
7 call back to the source of such call.

8 (2) REPORT TO CONGRESS.—Not later than 18
9 months after the date of the enactment of this Act,
10 the Commission shall submit to Congress a report
11 on the results of the study conducted under para-
12 graph (1).

13 (3) COVERED VOIP SERVICE DEFINED.—In this
14 subsection, the term “covered VoIP service” means
15 a service that—

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

19 (B) would be an interconnected VoIP serv-
20 ice (as so defined) except that the service per-
21 mits users to terminate calls to the public
22 switched telephone network but does not permit
23 users to receive calls that originate on the pub-
24 lic switched telephone network.

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

12 **SEC. 9. PROVISION OF EVIDENCE OF CERTAIN ROBOCALL**
13 **VIOLATIONS TO ATTORNEY GENERAL.**

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

20 (b) REPORT TO CONGRESS.—Not later than 1 year
21 after the date of the enactment of this Act, and annually
22 thereafter, the Commission shall publish on its website
23 and submit to the Committee on Energy and Commerce
24 of the House of Representatives and the Committee on

1 Commerce, Science, and Transportation of the Senate a
2 report that—

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

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

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

13 (1) to refer a matter to the Attorney General;
14 or

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

20 (d) ROBOCALL VIOLATION DEFINED.—In this sec-
21 tion, the term “robocall violation” means a violation of
22 subsection (b) or (e) of section 227 of the Communications
23 Act of 1934 (47 U.S.C. 227).

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

2 (a) INITIATION OF PROCEEDING.—Not later than
3 120 days after the date of the enactment of this Act, the
4 Commission shall initiate a proceeding to protect called
5 parties from one-ring scams.

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

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

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

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

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

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

24 (6) establish obligations on international gate-
25 way providers that are the first point of entry for
26 these calls into the United States, including poten-

1 tial requirements that such providers verify with the
2 foreign originator the nature or purpose of calls be-
3 fore initiating service.

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

11 (d) DEFINITIONS.—In this section:

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

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

21 (3) VOICE SERVICE.—The term “voice service”
22 has the meaning given such term in section
23 227(e)(8) of the Communications Act of 1934 (47
24 U.S.C. 227(e)(8)). This paragraph shall apply before
25 the effective date of the amendment made to such

1 section by subparagraph (C) of section 503(a)(2) of
2 division P of the Consolidated Appropriations Act,
3 2018 (Public Law 115–141) as if such amendment
4 was already in effect.

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

6 (a) IN GENERAL.—The Attorney General, in con-
7 sultation with the Commission, shall convene an inter-
8 agency working group to study the enforcement of section
9 227(b) of the Communications Act of 1934 (47 U.S.C.
10 227(b)).

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

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

17 (2) identify existing and potential Federal poli-
18 cies and programs that encourage and improve co-
19 ordination among Federal departments and agencies
20 and States, and between States, in the enforcement
21 and prevention of the violation of such section;

22 (3) identify existing and potential international
23 policies and programs that encourage and improve
24 coordination between countries in the enforcement
25 and prevention of the violation of such section (and

1 laws of foreign countries prohibiting similar con-
2 duct); and

3 (4) consider—

4 (A) the benefit and potential sources of ad-
5 ditional resources for the Federal enforcement
6 and prevention of the violation of such section;

7 (B) whether memoranda of understanding
8 regarding the enforcement and prevention of
9 the violation of such section should be estab-
10 lished between—

11 (i) the States;

12 (ii) the States and the Federal Gov-
13 ernment; and

14 (iii) the Federal Government and for-
15 eign governments;

16 (C) whether a process should be estab-
17 lished to allow States to request Federal sub-
18 poenas from the Commission with respect to the
19 enforcement of such section;

20 (D) whether increased criminal penalties
21 for the violation of such section (including in-
22 creasing the amount of fines and increasing the
23 maximum term of imprisonment that may be
24 imposed to a period greater than 2 years) are
25 appropriate;

1 (E) whether regulation of any entity that
2 enters into a business arrangement with a car-
3 rier for the specific purpose of carrying, rout-
4 ing, or transmitting a call that constitutes a
5 violation of such section would assist in the suc-
6 cessful enforcement and prevention of the viola-
7 tion of such section; and

8 (F) the extent to which the prosecution of
9 certain violations of such section (which result
10 in economic, physical, or emotional harm) pur-
11 suant to any Department of Justice policy may
12 inhibit or otherwise interfere with the prosecu-
13 tion of other violations of such section.

14 (c) MEMBERS.—The interagency working group shall
15 be composed of such representatives of Federal depart-
16 ments and agencies as the Attorney General considers ap-
17 propriate, which may include—

18 (1) the Department of Commerce (including the
19 National Telecommunications and Information Ad-
20 ministration);

21 (2) the Department of State;

22 (3) the Department of Homeland Security;

23 (4) the Commission;

24 (5) the Federal Trade Commission; and

1 (6) the Bureau of Consumer Financial Protec-
2 tion.

3 (d) NON-FEDERAL STAKEHOLDERS.—In carrying
4 out the study under subsection (a), the interagency work-
5 ing group shall consult with such non-Federal stake-
6 holders as the Attorney General determines have relevant
7 expertise, including the National Association of Attorneys
8 General.

9 (e) REPORT TO CONGRESS.—Not later than 9
10 months after the date of the enactment of this Act, the
11 interagency working group shall submit to the Committee
12 on Commerce, Science, and Transportation and the Com-
13 mittee on the Judiciary of the Senate and the Committee
14 on Energy and Commerce and the Committee on the Judi-
15 ciary of the House of Representatives a report on the find-
16 ings of the study under subsection (a), including—

17 (1) any recommendations regarding the enforce-
18 ment and prevention of the violation of such section;
19 and

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

1 **SEC. 12. COMMISSION DEFINED.**

2 In this Act, the term “Commission” means the Fed-
3 eral Communications Commission.

4 **SEC. 13. ANNUAL ROBOCALL REPORT.**

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

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

18 (1) A description of private-led efforts to trace
19 back the origin of suspected unlawful robocalls by
20 the registered consortium and the actions taken by
21 the registered consortium to coordinate with the
22 Commission.

23 (2) A list of voice service providers identified by
24 the registered consortium that participated in pri-
25 vate-led efforts to trace back the origin of suspected

1 unlawful robocalls through the registered consor-
2 tium.

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

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

13 (5) A description of how the Commission may
14 use the information provided to the Commission by
15 voice service providers or the registered consortium
16 that have participated in private-led efforts to trace
17 back the origin of suspected unlawful robocalls in
18 the enforcement efforts by the Commission.

19 (c) ADDITIONAL INFORMATION.—Not later than 210
20 days after the date of the enactment of this Act, and annu-
21 ally thereafter, the Commission shall issue a notice to the
22 public seeking additional information from voice service
23 providers and the registered consortium of private-led ef-
24 forts to trace back the origin of suspected unlawful

1 robocalls necessary for the report by the Commission re-
2 quired under subsection (a).

3 (d) REGISTRATION OF CONSORTIUM OF PRIVATE-
4 LED EFFORTS TO TRACE BACK THE ORIGIN OF SUS-
5 PECTED UNLAWFUL ROBOCALLS.—

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

13 (A) Be a neutral third-party competent to
14 manage the private-led effort to trace back the
15 origin of suspected unlawful robocalls in the
16 judgement of the Commission.

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

22 (C) Consistent with section 222(d)(2) of
23 the Communications Act of 1934 (47 U.S.C.
24 222(d)(2)), any private-led efforts to trace back
25 the origin of suspected unlawful robocalls con-

1 ducted by the third-party focus on “fraudulent,
2 abusive, or unlawful” traffic.

3 (D) File a notice with the Commission that
4 the consortium intends to conduct private-led
5 efforts to trace back in advance of such reg-
6 istration.

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

13 (e) LIST OF VOICE SERVICE PROVIDERS.—The Com-
14 mission may publish a list of voice service providers and
15 take appropriate enforcement action based on information
16 obtained from the consortium about voice service providers
17 that refuse to participate in private-led efforts to trace
18 back the origin of suspected unlawful robocalls, and other
19 information the Commission may collect about service pro-
20 viders that are found to originate or transmit substantial
21 amounts of illegal calls.

22 (f) DEFINITIONS.—In this section:

23 (1) PRIVATE-LED EFFORT TO TRACE BACK.—
24 The term “private-led effort to trace back” means
25 an effort made by the registered consortium of voice

1 service providers to establish a methodology for de-
2 termining the origin of a suspected unlawful
3 robocall.

4 (2) REGISTERED CONSORTIUM.—The term
5 “registered consortium” means the consortium reg-
6 istered under subsection (d).

7 (3) SUSPECTED UNLAWFUL ROBOCALL.—The
8 term “suspected unlawful robocall” means a call
9 that the Commission or a voice service provider rea-
10 sonably believes was made in violation of subsection
11 (b) or (e) of section 227 of the Communications Act
12 of 1934 (47 U.S.C. 227).

13 (4) VOICE SERVICE.—The term “voice serv-
14 ice”—

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

24 (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. 14. HOSPITAL ROBOCALL PROTECTION GROUP.**

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

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

20 (1) An equal number of representatives from
21 each of the following:

22 (A) Voice service providers that serve hos-
23 pitals.

24 (B) Companies that focus on mitigating
25 unlawful robocalls.

1 (C) Consumer advocacy organizations.

2 (D) Providers of one-way voice over inter-
3 net protocol services described in subsection
4 (e)(4)(B)(ii).

5 (E) Hospitals.

6 (F) State government officials focused on
7 combatting unlawful robocalls.

8 (2) One representative of the Commission.

9 (3) One representative of the Federal Trade
10 Commission.

11 (c) ISSUANCE OF BEST PRACTICES.—Not later than
12 180 days after the date on which the Group is established
13 under subsection (a), the Group shall issue best practices
14 regarding the following:

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

17 (2) How hospitals can better protect themselves
18 from such calls, including by using unlawful robocall
19 mitigation techniques.

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

22 (d) PROCEEDING BY FCC.—Not later than 180 days
23 after the date on which the best practices are issued by
24 the Group under subsection (c), the Commission shall con-
25 clude a proceeding to assess the extent to which the vol-

1 untary adoption of such best practices can be facilitated
2 to protect hospitals and other institutions.

3 (e) DEFINITIONS.—In this section:

4 (1) GROUP.—The term “Group” means the
5 Hospital Robocall Protection Group established
6 under subsection (a).

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

10 (3) VOICE SERVICE.—The term “voice serv-
11 ice”—

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

21 (B) includes—

22 (i) transmissions from a telephone
23 facsimile machine, computer, or other de-
24 vice to a telephone facsimile machine; and

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

10 **SEC. 15. DETERMINATION OF BUDGETARY EFFECTS.**

11 The budgetary effects of this Act, for the purpose of
12 complying with the Statutory Pay-As-You-Go Act of 2010,
13 shall be determined by reference to the latest statement
14 titled “Budgetary Effects of PAYGO Legislation” for this
15 Act, submitted for printing in the Congressional Record
16 by the Chairman of the House Budget Committee, pro-
17 vided that such statement has been submitted prior to the
18 vote on passage.