

**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.