

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3375

---

## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stopping Bad  
3 Robocalls Act”.

4 **SEC. 2. CONSUMER PROTECTION REGULATIONS RELATING**  
5 **TO MAKING ROBOCALLS.**

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

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

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

1           (3) consumers can withdraw consent for such  
2 calls and text messages;

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

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

13           (6) compliance with such section is facilitated.

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

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

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

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

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

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

1 “(i) the classes of parties that may  
2 make such calls;

3 “(ii) the classes of parties that may be  
4 called; and

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

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

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

23 (a) REPORT TO CONGRESS.—

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

1 sion shall submit to Congress, and make publicly  
2 available on the website of the Commission, a report  
3 on the status of the efforts of the Commission pur-  
4 suant to the Second Report and Order in the matter  
5 of Advanced Methods to Target and Eliminate Un-  
6 lawful Robocalls (CG Docket No. 17–59; FCC 18–  
7 177; adopted on December 12, 2018).

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

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

21 (B) that a person who wishes to use any  
22 safe harbor provided pursuant to such Second  
23 Report and Order with respect to making calls  
24 must demonstrate that, before making the call,  
25 the person appropriately checked the most re-

1 cent update of the database and the database  
2 reported that the number had not been discon-  
3 nected; and

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

10 (b) CLARIFICATION OF DEFINITION OF CALLED  
11 PARTY.—

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

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

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

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

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

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

15 **SEC. 5. ENFORCEMENT.**

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

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

22 “(4) NO CITATION REQUIRED TO SEEK FOR-  
23 FEITURE PENALTY.—Paragraph (5) of section  
24 503(b) shall not apply in the case of a violation

1 made with the intent to cause such violation of this  
2 subsection.”.

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

10 (b) FOUR-YEAR STATUTE OF LIMITATIONS.—

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

15 “(5) FOUR-YEAR STATUTE OF LIMITATIONS.—  
16 Notwithstanding paragraph (6) of section 503(b), no  
17 forfeiture penalty for violation of this subsection  
18 shall be determined or imposed against any person  
19 if the violation charged occurred more than—

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

1           “(B) if the violation was made with the in-  
2           tent to cause such violation, 4 years prior to the  
3           date of issuance of the notice required by para-  
4           graph (3) of such section or the notice of ap-  
5           parent liability required by paragraph (4) of  
6           such section (as the case may be).”.

7           (2) FOR CALLER IDENTIFICATION INFORMA-  
8           TION VIOLATIONS.—Section 227(e)(5)(A)(iv) of the  
9           Communications Act of 1934 (47 U.S.C.  
10          227(e)(5)(A)(iv)) is amended—

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

13                   (B) by striking “2 years” and inserting “4  
14                   years”.

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

20                   “(6) INCREASED PENALTY FOR VIOLATIONS  
21                   WITH INTENT.—In the case of a forfeiture penalty  
22                   for violation of this subsection that is determined or  
23                   imposed under section 503(b), if such violation was  
24                   made with the intent to cause such violation, the  
25                   amount of such penalty shall be equal to an amount

1 determined in accordance with subparagraphs (A)  
2 through (F) of section 503(b)(2) plus an additional  
3 penalty not to exceed \$10,000.”.

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

5 Section 227 of the Communications Act of 1934 (47  
6 U.S.C. 227) is amended by adding at the end the fol-  
7 lowing:

8 “(i) ANNUAL REPORT TO CONGRESS ON ROBOCALLS  
9 AND TRANSMISSION OF MISLEADING OR INACCURATE  
10 CALLER IDENTIFICATION INFORMATION.—

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

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

21 “(A) The number of complaints received by  
22 the Commission during each of the preceding 5  
23 calendar years, for each of the following cat-  
24 egories:

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

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

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

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

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

22          “(D) The number of final orders imposing  
23          forfeiture penalties issued pursuant to section  
24          503(b) during the preceding calendar year to

1 enforce such subsections, and details of each  
2 such order including the forfeiture imposed.

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

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

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

20 “(3) NO ADDITIONAL REPORTING REQUIRED.—  
21 The Commission shall prepare the report required by  
22 paragraph (1) without requiring the provision of ad-  
23 ditional information from providers of telecommuni-  
24 cations service or voice service (as defined in section  
25 7(d) of the Stopping Bad Robocalls Act).”.

1 **SEC. 7. REGULATIONS RELATING TO EFFECTIVE CALL AU-**  
2 **THENTICATION 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 6 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 2 years, to ensure the regulations remain  
24 effective and up to date with technological capabili-  
25 ties.

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.

          Passed the House of Representatives July 24, 2019.

          Attest:

*Clerk.*



116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# **H. R. 3375**

---

## **AN ACT**

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