

# Calendar No. 94

116TH CONGRESS  
1ST SESSION

# S. 151

[Report No. 116–41]

To deter criminal robocall violations and improve enforcement of section 227(b) of the Communications Act of 1934, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2019

Mr. THUNE (for himself, Mr. MARKEY, Mr. MORAN, Mr. GARDNER, Mrs. CAPITO, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Ms. DUCKWORTH, Mr. HOEVEN, Mr. WHITEHOUSE, Mr. RUBIO, Mr. DURBIN, Mrs. FISCHER, Ms. SINEMA, Mrs. BLACKBURN, Ms. BALDWIN, Mr. CRAMER, Ms. WARREN, Mr. TILLIS, Mr. KING, Mr. YOUNG, Mr. TESTER, Mr. WICKER, Mr. UDALL, Ms. ROSEN, Mr. JOHNSON, Mr. SCOTT of Florida, Mr. GRASSLEY, Mr. CARPER, Mr. MENENDEZ, Mr. BROWN, Mr. DAINES, Ms. CORTEZ MASTO, Mr. VAN HOLLEN, Mr. BARRASSO, Mr. ROBERTS, Mr. CORNYN, Ms. HARRIS, Mr. PETERS, Ms. MCSALLY, Mr. REED, Mr. BOOZMAN, Ms. SMITH, Mr. CARDIN, Mr. ROUNDS, Mr. LANKFORD, Mrs. HYDE-SMITH, Mr. WYDEN, Mr. BLUNT, Ms. COLLINS, Mr. KENNEDY, Mrs. SHAHEEN, Ms. HASSAN, Mr. COTTON, Mr. BURR, Mr. CRAPO, Mr. MANCHIN, Ms. HIRONO, Mr. CASEY, Mr. BENNET, Mr. COONS, Mr. PERDUE, Mr. HEINRICH, Mr. MERKLEY, Mr. SCHUMER, Ms. ERNST, Mr. INHOFE, Mr. MURPHY, Mr. SANDERS, Mr. SULLIVAN, Mr. LEAHY, Mr. TOOMEY, Mr. SCOTT of South Carolina, Mr. KAINE, Mr. BOOKER, Mr. RISCH, Ms. STABENOW, Mrs. GILLIBRAND, Mr. WARNER, Mrs. FEINSTEIN, Mr. JONES, Mr. ENZI, Mr. HAWLEY, Mr. SHELBY, and Mr. ISAKSON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

MAY 21, 2019

Reported by Mr. WICKER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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## A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Telephone Robocall  
 5 ~~Abuse Criminal Enforcement and Deterrence Act~~” or the  
 6 “TRACED Act”.

7 **SEC. 2. FORFEITURE.**

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

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

12           “~~(4) CIVIL FORFEITURE.~~—

13                   “~~(A) IN GENERAL.~~—Any person that is de-  
 14 termined by the Commission, in accordance  
 15 with paragraph ~~(3)~~ or ~~(4)~~ of section 503(b), to  
 16 have violated any provision of this subsection  
 17 shall be liable to the United States for a for-  
 18 feiture penalty pursuant to section 503(b)(1).

19           The amount of the forfeiture penalty deter-

1           mined under this subparagraph shall be deter-  
2           mined in accordance with subparagraphs (A)  
3           through (F) of section 503(b)(2).

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

16          “(C) RECOVERY.—Any forfeiture penalty  
17          determined under subparagraph (A) or (B)  
18          shall be recoverable under section 504(a).

19          “(D) PROCEDURE.—No forfeiture liability  
20          shall be determined under subparagraph (A) or  
21          (B) against any person unless such person re-  
22          ceives the notice required by paragraph (3) or  
23          (4) of section 503(b).

1           “(E) STATUTE OF LIMITATIONS.—No for-  
 2           feiture penalty shall be determined or imposed  
 3           against any person—

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

9                   “(ii) under subparagraph (B) if the  
 10                   violation charged occurred more than 3  
 11                   years prior to the date of issuance of the  
 12                   required notice or notice of apparent liabil-  
 13                   ity.

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

20           (b) APPLICABILITY.—The amendments made by this  
 21           section shall not affect any action or proceeding com-  
 22           menced before and pending on the date of enactment of  
 23           this Act.

24           (c) DEADLINE FOR REGULATIONS.—The Federal  
 25           Communications Commission shall prescribe regulations

1 to implement the amendments made by this section not  
2 later than 270 days after the date of enactment of this  
3 Act.

4 **SEC. 3. CALL AUTHENTICATION.**

5 (a) DEFINITIONS.—In this section:

6 (1) STIR/SHAKEN AUTHENTICATION FRAME-  
7 WORK.—The term “STIR/SHAKEN authentication  
8 framework” means the secure telephone identity re-  
9 visited and signature-based handling of asserted in-  
10 formation using tokens standards proposed by the  
11 information and communications technology industry  
12 to attach a certificate of authenticity to each phone  
13 to verify the source of each call.

14 (2) 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 (b) AUTHENTICATION FRAMEWORK.—

14 (1) IN GENERAL.—Subject to paragraphs (2)  
 15 and (3), not later than 18 months after the date of  
 16 enactment of this Act, the Federal Communications  
 17 Commission shall require a provider of voice service  
 18 to implement the STIR/SHAKEN authentication  
 19 framework in the internet protocol networks of voice  
 20 service providers.

21 (2) IMPLEMENTATION.—The Federal Commu-  
 22 nications Commission shall not take the action de-  
 23 scribed in paragraph (1) if the Commission deter-  
 24 mines that a provider of voice service, not later than  
 25 12 months after the date of enactment of this Act—

1           (A) has adopted the STIR/SHAKEN au-  
2           thentication framework for calls on the internet  
3           protocol networks of voice service providers;

4           (B) has agreed voluntarily to participate  
5           with other providers of voice service in the  
6           STIR/SHAKEN authentication framework;

7           (C) has begun to implement the STIR/  
8           SHAKEN authentication framework; and

9           (D) will be capable of fully implementing  
10          the STIR/SHAKEN authentication framework  
11          not later than 18 months after the date of en-  
12          actment of this Act.

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

21                 (A) an analysis of the extent to which pro-  
22                 viders of a voice service have implemented the  
23                 STIR/SHAKEN authentication framework; and

24                 (B) an assessment of the efficacy of the  
25                 STIR/SHAKEN authentication framework, as

1           being implemented under this section, in ad-  
2           dressing all aspects of call authentication.

3           (4) REVIEW AND REVISION OR REPLACE-  
4           MENT.—Not later than 3 years after the date of en-  
5           actment of this Act, and every 3 years thereafter,  
6           the Federal Communications Commission, after pub-  
7           lic notice and an opportunity for comment, shall—

8                   (A) assess the efficacy of the call authen-  
9                   tication framework implemented under this sec-  
10                  tion;

11                  (B) based on the assessment under sub-  
12                  paragraph (A), revise or replace the call au-  
13                  thentication framework under this section if the  
14                  Commission determines it is in the public inter-  
15                  est to do so; and

16                  (C) submit to the Committee on Com-  
17                  merce, Science, and Transportation of the Sen-  
18                  ate and the Committee on Energy and Com-  
19                  merce of the House of Representatives a report  
20                  on the findings of the assessment under sub-  
21                  paragraph (A) and on any actions to revise or  
22                  replace the call authentication framework under  
23                  subparagraph (B).

24           (5) EXTENSION OF IMPLEMENTATION DEAD-  
25           LINE.—The Federal Communications Commission



1 may extend any deadline for the implementation of  
2 a call authentication framework required under this  
3 section by 12 months or such further amount of  
4 time as the Commission determines necessary if the  
5 Commission determines that purchasing or upgrad-  
6 ing equipment to support call authentication would  
7 constitute a substantial hardship for a provider or  
8 category of providers.

9 ~~(c) SAFE HARBOR AND OTHER REGULATIONS.—~~

10 ~~(1) IN GENERAL.—~~The Federal Communica-  
11 tions Commission shall promulgate rules—

12 ~~(A) establishing when a provider of voice~~  
13 ~~service may block a voice call based, in whole or~~  
14 ~~in part, on information provided by the call au-~~  
15 ~~thentication framework under subsection (b);~~

16 ~~(B) establishing a safe harbor for a pro-~~  
17 ~~vider of voice service from liability for unin-~~  
18 ~~tended or inadvertent blocking of calls or for~~  
19 ~~the unintended or inadvertent misidentification~~  
20 ~~of the level of trust for individual calls based,~~  
21 ~~in whole or in part, on information provided by~~  
22 ~~the call authentication framework under sub-~~  
23 ~~section (b); and~~

24 ~~(C) establishing a process to permit a call-~~  
25 ~~ing party adversely affected by the information~~

1 provided by the call authentication framework  
 2 under subsection (b) to verify the authenticity  
 3 of the calling party's calls.

4 (2) CONSIDERATIONS.—In establishing the safe  
 5 harbor under paragraph (1), the Federal Commu-  
 6 nications Commission shall consider limiting the li-  
 7 ability of a provider based on the extent to which the  
 8 provider—

9 (A) blocks or identifies calls based, in  
 10 whole or in part, on the information provided  
 11 by the call authentication framework under sub-  
 12 section (b);

13 (B) implemented procedures based, in  
 14 whole or in part, on the information provided  
 15 by the call authentication framework under sub-  
 16 section (b); and

17 (C) used reasonable care.

18 (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
 19 tion shall preclude the Federal Communications Commis-  
 20 sion from initiating a rulemaking pursuant to its existing  
 21 statutory authority.

22 **SEC. 4. PROTECTIONS FROM SPOOFED CALLS.**

23 (a) IN GENERAL.—Not later than 1 year after the  
 24 date of enactment of this Act, and consistent with the call  
 25 authentication framework under section 3, the Federal

1 Communications Commission shall initiate a rulemaking  
2 to help protect a subscriber from receiving unwanted calls  
3 or text messages from a caller using an unauthenticated  
4 number.

5 (b) CONSIDERATIONS.—In promulgating rules under  
6 subsection (a), the Federal Communications Commission  
7 shall consider—

8 (1) the Government Accountability Office report  
9 on combating the fraudulent provision of misleading  
10 or inaccurate caller identification required by section  
11 503(e) of division P of the Consolidated Appropria-  
12 tions Act 2018 (Public Law 115–141);

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

17 (3) the impact on the privacy of a subscriber  
18 from unauthenticated calls;

19 (4) the effectiveness in verifying the accuracy of  
20 caller identification information; and

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

1 **SEC. 5. INTERAGENCY WORKING GROUP.**

2 (a) IN GENERAL.—The Attorney General, in con-  
3 sultation with the Chairman of the Federal Communica-  
4 tions Commission, shall convene an interagency working  
5 group to study Government prosecution of violations of  
6 section 227(b) of the Communications Act of 1934 (47  
7 U.S.C. 227(b)).

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

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

14 (2) identify existing and potential Federal poli-  
15 cies and programs that encourage and improve co-  
16 ordination among Federal departments and agencies  
17 and States, and between States, in the prevention  
18 and prosecution of such violations;

19 (3) identify existing and potential international  
20 policies and programs that encourage and improve  
21 coordination between countries in the prevention and  
22 prosecution of such violations; and

23 (4) consider—

24 (A) the benefit and potential sources of ad-  
25 ditional resources for the Federal prevention

1 and prosecution of criminal violations of that  
2 section;

3 ~~(B)~~ whether to establish memoranda of un-  
4 derstanding regarding the prevention and pros-  
5 ecution of such violations between—

6 (i) the States;

7 (ii) the States and the Federal Gov-  
8 ernment; and

9 (iii) the Federal Government and a  
10 foreign government;

11 ~~(C)~~ whether to establish a process to allow  
12 States to request Federal subpoenas from the  
13 Federal Communications Commission;

14 ~~(D)~~ whether extending civil enforcement  
15 authority to the States would assist in the suc-  
16 cessful prevention and prosecution of such vio-  
17 lations;

18 ~~(E)~~ whether increased forfeiture and im-  
19 prisonment penalties are appropriate, such as  
20 extending imprisonment for such a violation to  
21 a term longer than 2 years;

22 ~~(F)~~ whether regulation of any entity that  
23 enters into a business arrangement with a com-  
24 mon carrier regulated under title II of the Com-  
25 munications Act of 1934 (47 U.S.C. 201 et

1           seq.) for the specific purpose of carrying, rout-  
 2           ing, or transmitting a call that constitutes such  
 3           a violation would assist in the successful pre-  
 4           vention and prosecution of such violations; and

5           (G) the extent to which, if any, Depart-  
 6           ment of Justice policies to pursue the prosecu-  
 7           tion of violations causing economic harm, phys-  
 8           ical danger, or erosion of an inhabitant's peace  
 9           of mind and sense of security inhibits the pre-  
 10          vention or prosecution of such violations.

11          (c) MEMBERS.—The interagency working group shall  
 12          be composed of such representatives of Federal depart-  
 13          ments and agencies as the Attorney General considers ap-  
 14          propriate, such as—

15               (1) the Department of Commerce;

16               (2) the Department of State;

17               (3) the Department of Homeland Security;

18               (4) the Federal Communications Commission;

19               (5) the Federal Trade Commission; and

20               (6) the Bureau of Consumer Financial Protec-  
 21          tion.

22          (d) NON-FEDERAL STAKEHOLDERS.—In carrying  
 23          out the study under subsection (a), the interagency work-  
 24          ing group shall consult with such non-Federal stake-  
 25          holders as the Attorney General determines have the rel-

1 evant expertise, including the National Association of At-  
2 torneys General.

3 (c) ~~REPORT TO CONGRESS.~~—Not later than 270 days  
4 after the date of enactment of this Act, the interagency  
5 working group shall submit to the Committee on Com-  
6 merce, Science, and Transportation of the Senate and the  
7 Committee on Energy and Commerce of the House of  
8 Representatives a report on the findings of the study  
9 under subsection (a), including—

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

12 (2) a description of what progress, if any, rel-  
13 evant Federal departments and agencies have made  
14 in implementing the recommendations under para-  
15 graph (1).

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

17 (a) ~~IN GENERAL.~~—

18 (1) ~~EXAMINATION OF FCC POLICIES.~~—Not later  
19 than 180 days after the date of enactment of this  
20 Act, the Federal Communications Commission shall  
21 commence a proceeding to determine whether Fed-  
22 eral Communications Commission policies regarding  
23 access to number resources, including number re-  
24 sources for toll free and non-toll free telephone num-  
25 bers, could be modified, including by establishing

1 registration and compliance obligations, to help re-  
2 duce access to numbers by potential perpetrators of  
3 violations of section 227(b) of the Communications  
4 Act of 1934 (47 U.S.C. 227(b)).

5 (2) REGULATIONS.—If the Federal Commu-  
6 nications Commission determines under paragraph  
7 (1) that modifying the policies described in that  
8 paragraph could help achieve the goal described in  
9 that paragraph, the Commission shall prescribe reg-  
10 ulations to implement those policy modifications.

11 (b) AUTHORITY.—Any person who knowingly,  
12 through an employee, agent, officer, or otherwise, directly  
13 or indirectly, by or through any means or device whatso-  
14 ever, is a party to obtaining number resources, including  
15 number resources for toll free and non-toll free telephone  
16 numbers, from a common carrier regulated under title II  
17 of the Communications Act of 1934 (47 U.S.C. 201 et  
18 seq.); in violation of a regulation prescribed under sub-  
19 section (a) of this section, shall, notwithstanding section  
20 503(b)(5) of the Communications Act of 1934 (47 U.S.C.  
21 503(b)(5)), be subject to a forfeiture penalty under section  
22 503 of that Act. A forfeiture penalty under this subsection  
23 shall be in addition to any other penalty provided for by  
24 law.



1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Telephone Robocall*  
 3 *Abuse Criminal Enforcement and Deterrence Act” or the*  
 4 *“TRACED Act”.*

5 **SEC. 2. FORFEITURE.**

6 *(a) IN GENERAL.—Section 227 of the Communications*  
 7 *Act of 1934 (47 U.S.C. 227) is amended—*

8 *(1) in subsection (b), by adding at the end the*  
 9 *following:*

10 *“(4) CIVIL FORFEITURE.—*

11 *“(A) IN GENERAL.—Any person that is de-*  
 12 *termined by the Commission, in accordance with*  
 13 *paragraph (3) or (4) of section 503(b), to have*  
 14 *violated any provision of this subsection shall be*  
 15 *liable to the United States for a forfeiture pen-*  
 16 *alty pursuant to section 503(b)(1). The amount*  
 17 *of the forfeiture penalty determined under this*  
 18 *subparagraph shall be determined in accordance*  
 19 *with subparagraphs (A) through (F) of section*  
 20 *503(b)(2).*

21 *“(B) VIOLATION WITH INTENT.—Any per-*  
 22 *son that is determined by the Commission, in ac-*  
 23 *cordance with paragraph (3) or (4) of section*  
 24 *503(b), to have violated this subsection with the*  
 25 *intent to cause such violation shall be liable to*  
 26 *the United States for a forfeiture penalty. The*

1           *amount of the forfeiture penalty determined*  
2           *under this subparagraph shall be equal to an*  
3           *amount determined in accordance with subpara-*  
4           *graphs (A) through (F) of section 503(b)(2) plus*  
5           *an additional penalty not to exceed \$10,000.*

6           “(C) *RECOVERY.*—*Any forfeiture penalty*  
7           *determined under subparagraph (A) or (B) shall*  
8           *be recoverable under section 504(a).*

9           “(D) *PROCEDURE.*—*No forfeiture liability*  
10           *shall be determined under subparagraph (A) or*  
11           *(B) against any person unless such person re-*  
12           *ceives the notice required by paragraph (3) or*  
13           *(4) of section 503(b).*

14           “(E) *STATUTE OF LIMITATIONS.*—*No for-*  
15           *feiture penalty shall be determined or imposed*  
16           *against any person—*

17                   “(i) *under subparagraph (A) if the vio-*  
18                   *lation charged occurred more than 1 year*  
19                   *prior to the date of issuance of the required*  
20                   *notice or notice of apparent liability; and*

21                   “(ii) *under subparagraph (B) if the*  
22                   *violation charged occurred more than 3*  
23                   *years prior to the date of issuance of the re-*  
24                   *quired notice or notice of apparent liability.*

1           “(F) *RULE OF CONSTRUCTION.*—Notwith-  
2           standing any law to the contrary, the Commis-  
3           sion may not determine or impose a forfeiture  
4           penalty on a person under both subparagraphs  
5           (A) and (B) based on the same conduct.”; and  
6           (2) by striking subsection (h) and inserting the  
7           following:

8           “(h) *TCPA ENFORCEMENT REPORT.*—The Commis-  
9           sion shall submit an annual report to Congress regarding  
10          the enforcement during the preceding year of laws, regula-  
11          tions, and policies relating to robocalls and spoofed calls,  
12          which report shall include—

13           “(1) the number of complaints received by the  
14          Commission during the year alleging that a consumer  
15          received a robocall or spoofed call;

16           “(2) the number of citations issued by the Com-  
17          mission pursuant to section 503 during the year to  
18          enforce any law, regulation, or policy relating to a  
19          robocall or spoofed call;

20           “(3) the number of notices of apparent liability  
21          issued by the Commission pursuant to section 503  
22          during the year to enforce any law, regulation, or  
23          policy relating to a robocall or spoofed call; and

24           “(4) for each notice referred to in paragraph  
25          (3)—

1           “(A) the amount of the proposed forfeiture  
2           penalty involved;

3           “(B) the person to whom the notice was  
4           issued; and

5           “(C) the status of the proceeding.”.

6           (b) *APPLICABILITY.*—The amendments made by this  
7           section shall not affect any action or proceeding commenced  
8           before and pending on the date of enactment of this Act.

9           (c) *DEADLINE FOR REGULATIONS.*—The Federal Com-  
10          munications Commission shall prescribe regulations to im-  
11          plement the amendments made by this section not later than  
12          270 days after the date of enactment of this Act.

13       **SEC. 3. CALL AUTHENTICATION.**

14          (a) *DEFINITIONS.*—In this section:

15               (1) *STIR/SHAKEN AUTHENTICATION FRAME-*  
16               *WORK.*—The term “*STIR/SHAKEN authentication*  
17               *framework*” means the secure telephone identity revis-  
18               *ited and signature-based handling of asserted infor-*  
19               *mation using tokens standards proposed by the infor-*  
20               *mation and communications technology industry.*

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

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

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

6           *(B) includes—*

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

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

18           *(b) AUTHENTICATION FRAMEWORK.—*

19                   *(1) IN GENERAL.—Subject to paragraphs (2) and*  
20                   *(3), not later than 18 months after the date of enact-*  
21                   *ment of this Act, the Federal Communications Com-*  
22                   *mission shall require a provider of voice service to*  
23                   *implement the STIR/SHAKEN authentication frame-*  
24                   *work in the internet protocol networks of the voice*  
25                   *service provider.*

1           (2) *IMPLEMENTATION.*—*The Federal Commu-*  
2           *nications Commission shall not take the action de-*  
3           *scribed in paragraph (1) if the Commission deter-*  
4           *mines that a provider of voice service, not later than*  
5           *12 months after the date of enactment of this Act—*

6                     *(A) has adopted the STIR/SHAKEN au-*  
7                     *thentication framework for calls on the internet*  
8                     *protocol networks of the voice service provider;*

9                     *(B) has agreed voluntarily to participate*  
10                    *with other providers of voice service in the*  
11                    *STIR/SHAKEN authentication framework;*

12                    *(C) has begun to implement the STIR/*  
13                    *SHAKEN authentication framework; and*

14                    *(D) will be capable of fully implementing*  
15                    *the STIR/SHAKEN authentication framework*  
16                    *not later than 18 months after the date of enact-*  
17                    *ment of this Act.*

18           (3) *IMPLEMENTATION REPORT.*—*Not later than*  
19           *12 months after the date of enactment of this Act, the*  
20           *Federal Communications Commission shall submit to*  
21           *the Committee on Commerce, Science, and Transpor-*  
22           *tation of the Senate and the Committee on Energy*  
23           *and Commerce of the House of Representatives a re-*  
24           *port on the determination required under paragraph*  
25           *(2), which shall include—*

1           (A) an analysis of the extent to which pro-  
2           viders of a voice service have implemented the  
3           *STIR/SHAKEN* authentication framework, in-  
4           cluding whether the availability of necessary  
5           equipment and equipment upgrades has im-  
6           pacted such implementation; and

7           (B) an assessment of the efficacy of the  
8           *STIR/SHAKEN* authentication framework, as  
9           being implemented under this section, in ad-  
10          dressing all aspects of call authentication.

11          (4) *REVIEW AND REVISION OR REPLACEMENT.*—

12          Not later than 3 years after the date of enactment of  
13          this Act, and every 3 years thereafter, the Federal  
14          Communications Commission, after public notice and  
15          an opportunity for comment, shall—

16                (A) assess the efficacy of the call authentica-  
17                tion framework implemented under this section;

18                (B) based on the assessment under subpara-  
19                graph (A), revise or replace the call authentica-  
20                tion framework under this section if the Commis-  
21                sion determines it is in the public interest to do  
22                so; and

23                (C) submit to the Committee on Commerce,  
24                Science, and Transportation of the Senate and  
25                the Committee on Energy and Commerce of the

1           *House of Representatives a report on the find-*  
2           *ings of the assessment under subparagraph (A)*  
3           *and on any actions to revise or replace the call*  
4           *authentication framework under subparagraph*  
5           *(B).*

6           (5) *EXTENSION OF IMPLEMENTATION DEAD-*  
7           *LINE.—The Federal Communications Commission*  
8           *may extend any deadline for the implementation of a*  
9           *call authentication framework required under this*  
10          *section by 12 months or such further amount of time*  
11          *as the Commission determines necessary if the Com-*  
12          *mission determines that purchasing or upgrading*  
13          *equipment to support call authentication, or lack of*  
14          *availability of such equipment, would constitute a*  
15          *substantial hardship in meeting such deadline for a*  
16          *provider or category of providers of voice service.*

17          (c) *SAFE HARBOR AND OTHER REGULATIONS.—*

18                 (1) *IN GENERAL.—The Federal Communications*  
19                 *Commission shall promulgate rules—*

20                         (A) *establishing when a provider of voice*  
21                         *service may block a voice call based, in whole or*  
22                         *in part, on information provided by the call au-*  
23                         *thentication framework under subsection (b);*

24                         (B) *establishing a safe harbor for a provider*  
25                         *of voice service from liability for unintended or*



1           *inadvertent blocking of calls or for the unin-*  
2           *tended or inadvertent misidentification of the*  
3           *level of trust for individual calls based, in whole*  
4           *or in part, on information provided by the call*  
5           *authentication framework under subsection (b);*  
6           *and*

7           *(C) establishing a process to permit a call-*  
8           *ing party adversely affected by the information*  
9           *provided by the call authentication framework*  
10          *under subsection (b) to verify the authenticity of*  
11          *the calling party's calls.*

12          (2) *CONSIDERATIONS.—In establishing the safe*  
13          *harbor under paragraph (1), the Federal Communica-*  
14          *tions Commission shall consider limiting the liability*  
15          *of a provider of voice service based on the extent to*  
16          *which the provider of voice service—*

17                *(A) blocks or identifies calls based, in whole*  
18                *or in part, on the information provided by the*  
19                *call authentication framework under subsection*  
20                *(b);*

21                *(B) implemented procedures based, in whole*  
22                *or in part, on the information provided by the*  
23                *call authentication framework under subsection*  
24                *(b); and*

25                *(C) used reasonable care.*

1       (d) *RULE OF CONSTRUCTION.*—*Nothing in this section*  
2 *shall preclude the Federal Communications Commission*  
3 *from initiating a rulemaking pursuant to its existing statu-*  
4 *tory authority.*

5 **SEC. 4. PROTECTIONS FROM SPOOFED CALLS.**

6       (a) *IN GENERAL.*—*Not later than 1 year after the date*  
7 *of enactment of this Act, and consistent with the call au-*  
8 *thentication framework under section 3, the Federal Com-*  
9 *munications Commission shall initiate a rulemaking to*  
10 *help protect a subscriber from receiving unwanted calls or*  
11 *text messages from a caller using an unauthenticated num-*  
12 *ber.*

13       (b) *CONSIDERATIONS.*—*In promulgating rules under*  
14 *subsection (a), the Federal Communications Commission*  
15 *shall consider—*

16           (1) *the Government Accountability Office report*  
17 *on combating the fraudulent provision of misleading*  
18 *or inaccurate caller identification required by section*  
19 *503(c) of division P of the Consolidated Appropria-*  
20 *tions Act 2018 (Public Law 115–141);*

21           (2) *the best means of ensuring that a subscriber*  
22 *or provider has the ability to block calls from a caller*  
23 *using an unauthenticated North American Numbering*  
24 *Plan number;*

1           (3) *the impact on the privacy of a subscriber*  
2           *from unauthenticated calls;*

3           (4) *the effectiveness in verifying the accuracy of*  
4           *caller identification information; and*

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

8   **SEC. 5. INTERAGENCY WORKING GROUP.**

9           (a) *IN GENERAL.*—*The Attorney General, in consulta-*  
10          *tion with the Chairman of the Federal Communications*  
11          *Commission, shall convene an interagency working group*  
12          *to study Government prosecution of violations of section*  
13          *227(b) of the Communications Act of 1934 (47 U.S.C.*  
14          *227(b)).*

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

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

21                 (2) *identify existing and potential Federal poli-*  
22                 *cies and programs that encourage and improve co-*  
23                 *ordination among Federal departments and agencies*  
24                 *and States, and between States, in the prevention and*  
25                 *prosecution of such violations;*

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

5           (4) *consider—*

6                 (A) *the benefit and potential sources of ad-*  
7                 *ditional resources for the Federal prevention and*  
8                 *prosecution of criminal violations of that section;*

9                 (B) *whether to establish memoranda of un-*  
10                *derstanding regarding the prevention and pros-*  
11                *ecution of such violations between—*

12                     (i) *the States;*

13                     (ii) *the States and the Federal Govern-*  
14                     *ment; and*

15                     (iii) *the Federal Government and a*  
16                     *foreign government;*

17                 (C) *whether to establish a process to allow*  
18                 *States to request Federal subpoenas from the*  
19                 *Federal Communications Commission;*

20                 (D) *whether extending civil enforcement au-*  
21                 *thority to the States would assist in the success-*  
22                 *ful prevention and prosecution of such violations;*

23                 (E) *whether increased forfeiture and im-*  
24                 *prisonment penalties are appropriate, such as*

1           *extending imprisonment for such a violation to*  
2           *a term longer than 2 years;*

3           *(F) whether regulation of any entity that*  
4           *enters into a business arrangement with a com-*  
5           *mon carrier regulated under title II of the Com-*  
6           *munications Act of 1934 (47 U.S.C. 201 et seq.)*  
7           *for the specific purpose of carrying, routing, or*  
8           *transmitting a call that constitutes such a viola-*  
9           *tion would assist in the successful prevention*  
10          *and prosecution of such violations; and*

11          *(G) the extent to which, if any, Department*  
12          *of Justice policies to pursue the prosecution of*  
13          *violations causing economic harm, physical dan-*  
14          *ger, or erosion of an inhabitant's peace of mind*  
15          *and sense of security inhibits the prevention or*  
16          *prosecution of such violations.*

17          *(c) MEMBERS.—The interagency working group shall*  
18          *be composed of such representatives of Federal departments*  
19          *and agencies as the Attorney General considers appropriate,*  
20          *such as—*

21                 *(1) the Department of Commerce;*

22                 *(2) the Department of State;*

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

24                 *(4) the Federal Communications Commission;*

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

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

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

8           (e) *REPORT TO CONGRESS.*—*Not later than 270 days*  
9 *after the date of enactment of this Act, the interagency*  
10 *working group shall submit to the Committee on Commerce,*  
11 *Science, and Transportation of the Senate and the Com-*  
12 *mittee on Energy and Commerce of the House of Represent-*  
13 *atives a report on the findings of the study under subsection*  
14 *(a), including—*

15           (1) *any recommendations regarding the preven-*  
16 *tion and prosecution of such violations; and*

17           (2) *a description of what progress, if any, rel-*  
18 *evant Federal departments and agencies have made in*  
19 *implementing the recommendations under paragraph*  
20 *(1).*

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

22           (a) *IN GENERAL.*—

23           (1) *EXAMINATION OF FCC POLICIES.*—*Not later*  
24 *than 180 days after the date of enactment of this Act,*  
25 *the Federal Communications Commission shall com-*

1        *mence a proceeding to determine whether Federal*  
2        *Communications Commission policies regarding ac-*  
3        *cess to number resources, including number resources*  
4        *for toll free and non-toll free telephone numbers, could*  
5        *be modified, including by establishing registration*  
6        *and compliance obligations, to help reduce access to*  
7        *numbers by potential perpetrators of violations of sec-*  
8        *tion 227(b) of the Communications Act of 1934 (47*  
9        *U.S.C. 227(b)).*

10            (2) *REGULATIONS.—If the Federal Communica-*  
11        *tions Commission determines under paragraph (1)*  
12        *that modifying the policies described in that para-*  
13        *graph could help achieve the goal described in that*  
14        *paragraph, the Commission shall prescribe regula-*  
15        *tions to implement those policy modifications.*

16            (b) *AUTHORITY.—Any person who knowingly, through*  
17        *an employee, agent, officer, or otherwise, directly or indi-*  
18        *rectly, by or through any means or device whatsoever, is*  
19        *a party to obtaining number resources, including number*  
20        *resources for toll free and non-toll free telephone numbers,*  
21        *from a common carrier regulated under title II of the Com-*  
22        *munications Act of 1934 (47 U.S.C. 201 et seq.), in viola-*  
23        *tion of a regulation prescribed under subsection (a) of this*  
24        *section, shall, notwithstanding section 503(b)(5) of the Com-*  
25        *munications Act of 1934 (47 U.S.C. 503(b)(5)), be subject*

1 *to a forfeiture penalty under section 503 of that Act. A for-*  
2 *feiture penalty under this subsection shall be in addition*  
3 *to any other penalty provided for by law.*





**Calendar No. 94**

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

**S. 151**

[Report No. 116-41]

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**A BILL**

To deter criminal roboeall violations and improve enforcement of section 227(b) of the Communications Act of 1934, and for other purposes.

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MAY 21, 2019

Reported with an amendment