

116TH CONGRESS
1ST SESSION

H. R. 3375

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2019

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stopping Bad
5 Robocalls Act”.

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

8 Not later than 6 months after the date of the enact-
9 ment of this Act, and as appropriate thereafter to ensure
10 that the consumer protection and privacy purposes of sec-

1 tion 227 of the Communications Act of 1934 (47 U.S.C.
2 227) remain effective, the Commission shall prescribe such
3 regulations, or amend such existing regulations, as nec-
4 essary to clarify such descriptions of automatic telephone
5 dialing systems and calls made using an artificial or
6 prerecorded voice as will, in the judgment of the Commis-
7 sion, ensure that—

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

10 (2) calls made and text messages sent using
11 automatic telephone dialing systems and calls made
12 using an artificial or prerecorded voice are made or
13 sent (as the case may be) with consent, unless ex-
14 empted by paragraph (1), (2)(B), or (2)(C) of sub-
15 section (b) of such section;

16 (3) consumers can withdraw consent for such
17 calls and text messages;

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

20 (5) callers maintain records to demonstrate that
21 such callers have obtained consent, unless exempted
22 by paragraph (1), (2)(B), or (2)(C) of subsection (b)
23 of such section, for such calls and text messages, for
24 a period of time that will permit the Commission to

1 effectuate the consumer protection and privacy pur-
2 poses of such section; and

3 (6) compliance with such section is facilitated.

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

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

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

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

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

12 “(I) shall ensure that any exemption under
13 subparagraph (B) or (C) contains requirements
14 for calls made in reliance on the exemption with
15 respect to—

16 “(i) the classes of parties that may
17 make such calls;

18 “(ii) the classes of parties that may be
19 called; and

20 “(iii) the number of such calls that a
21 calling party may make to a particular
22 called party.”.

23 (b) DEADLINE FOR REGULATIONS.—In the case of
24 any exemption issued under subparagraph (B) or (C) of
25 section 227(b)(2) of the Communications Act of 1934 (47

1 U.S.C. 227(b)(2)) before the date of the enactment of this
2 Act, the Commission, shall, not later than 1 year after
3 such date of enactment, prescribe such regulations, or
4 amend such existing regulations, as necessary to ensure
5 that such exemption contains each requirement described
6 in subparagraph (I) of such section, as added by sub-
7 section (a). To the extent such an exemption contains such
8 a requirement before such date of enactment, nothing in
9 this section or the amendments made by this section shall
10 be construed to require the Commission to prescribe or
11 amend regulations relating to such requirement.

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

13 (a) REPORT TO CONGRESS.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of the enactment of this Act, the Commis-
16 sion shall submit to Congress, and make publicly
17 available on the website of the Commission, a report
18 on the status of the efforts of the Commission pur-
19 suant to the Second Report and Order in the matter
20 of Advanced Methods to Target and Eliminate Un-
21 lawful Robocalls (CG Docket No. 17–59; FCC 18–
22 177; adopted on December 12, 2018).

23 (2) CONTENTS.—The report required by para-
24 graph (1) shall describe the efforts of the Commis-

1 sion, as described in such Second Report and Order,
2 to ensure—

3 (A) the establishment of a database of tele-
4 phone numbers that have been disconnected, in
5 order to provide a person making calls subject
6 to section 227(b) of the Communications Act of
7 1934 (47 U.S.C. 227(b)) with comprehensive
8 and timely information to enable such person to
9 avoid making calls without the prior express
10 consent of the called party because the number
11 called has been reassigned;

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

20 (C) that if the person makes the dem-
21 onstration described in subparagraph (B), the
22 person will be shielded from liability under sec-
23 tion 227(b) of the Communications Act of 1934
24 (47 U.S.C. 227(b)) should the database return
25 an inaccurate result.

1 (b) CLARIFICATION OF DEFINITION OF CALLED
2 PARTY.—

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

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

11 (2) CONFORMING AMENDMENTS.—Section
12 227(d)(3)(B) of the Communications Act of 1934
13 (47 U.S.C. 227(d)(3)(B)) is amended—

14 (A) by striking “called party’s line” each
15 place it appears and inserting “telephone line
16 called”; and

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

19 (3) EFFECTIVE DATE.—The amendments made
20 by this subsection shall apply beginning on the date
21 on which the Commission establishes the database
22 described in the Second Report and Order in the
23 matter of Advanced Methods to Target and Eliminate
24 Unlawful Robocalls (CG Docket No. 17–59;
25 FCC 18–177; adopted on December 12, 2018).

1 **SEC. 5. ENFORCEMENT.**

2 (a) NO CITATION REQUIRED TO SEEK FORFEITURE
3 PENALTY.—

4 (1) FOR ROBOCALL VIOLATIONS.—Section
5 227(b) of the Communications Act of 1934 (47
6 U.S.C. 227(b)) is amended by adding at the end the
7 following:

8 “(4) NO CITATION REQUIRED TO SEEK FOR-
9 FEITURE PENALTY.—Paragraph (5) of section
10 503(b) shall not apply in the case of a violation
11 made with the intent to cause such violation of this
12 subsection.”.

13 (2) FOR CALLER IDENTIFICATION INFORMA-
14 TION VIOLATIONS.—Section 227(e)(5)(A)(iii) of the
15 Communications Act of 1934 (47 U.S.C.
16 227(e)(5)(A)(iii)) is amended by adding at the end
17 the following: “Paragraph (5) of section 503(b) shall
18 not apply in the case of a violation of this sub-
19 section.”.

20 (b) 4-YEAR STATUTE OF LIMITATIONS.—

21 (1) FOR ROBOCALL VIOLATIONS.—Section
22 227(b) of the Communications Act of 1934 (47
23 U.S.C. 227(b)), as amended by subsection (a), is
24 further amended by adding at the end the following:

25 “(5) 4-YEAR STATUTE OF LIMITATIONS.—Not-
26 withstanding paragraph (6) of section 503(b), no

1 forfeiture penalty for violation of this subsection
2 shall be determined or imposed against any person
3 if the violation charged occurred more than—

4 “(A) 3 years prior to the date of issuance
5 of the notice required by paragraph (3) of such
6 section or the notice of apparent liability re-
7 quired by paragraph (4) of such section (as the
8 case may be); or

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

15 (2) FOR CALLER IDENTIFICATION INFORMA-
16 TION VIOLATIONS.—Section 227(e)(5)(A)(iv) of the
17 Communications Act of 1934 (47 U.S.C.
18 227(e)(5)(A)(iv)) is amended—

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

21 (B) by striking “2 years” and inserting “4
22 years”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 7. REGULATIONS RELATING TO EFFECTIVE CALL AU-**
2 **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 six months after the date on
12 which such regulations are prescribed, an effec-
13 tive call authentication technology; and

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

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

26 (3) EXEMPTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 additional line item charge to the subscriber;
2 and

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

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

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

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

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

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

11 (2) includes—

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

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

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

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

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

3 “(j) INFORMATION SHARING.—

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

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

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

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

19 (b) ROBOCALL BLOCKING SERVICE WITH OPT-OUT
20 CUSTOMER APPROVAL.—Section 227 of the Communica-
21 tions Act of 1934 (47 U.S.C. 227), as amended by section
22 6 and subsection (a) of this section, is further amended
23 by adding at the end the following:

24 “(k) ROBOCALL BLOCKING SERVICE WITH OPT-OUT
25 CUSTOMER APPROVAL.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date of the enactment of this subsection, the
3 Commission shall take a final agency action to en-
4 sure the robocall blocking services provided on an
5 opt-out basis pursuant to the Declaratory Ruling of
6 the Commission in the matter of Advanced Methods
7 to Target and Eliminate Unlawful Robocalls (CG
8 Docket No. 17–59; FCC 19–51; adopted on June 6,
9 2019)—

10 “(A) are provided with transparency and
11 effective redress options for both—

12 “(i) consumers; and

13 “(ii) callers; and

14 “(B) are provided with no additional line
15 item charge to consumers.

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. COMMISSION DEFINED.**

13 In this Act, the term “Commission” means the Fed-
14 eral Communications Commission.

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