



April 2018

Section-by-Section Summary of the Stopping Bad Robocalls Act

Stopping Bad Robocalls Act

Committee on Energy and Commerce, Democratic Staff

SECTION 2 – PROHIBITIONS ON MAKING AUTODIALED CALLS AND ROBOCALLS

- This section is drafted in response to a recent D.C. Circuit Court of Appeals Case striking down the Federal Communications Commission’s (FCC) definition of an “automatic telephone dialing system.” This section resolves the issue in that case by prohibiting the making of an autodialed call instead of the use of an automatic telephone dialing system.
- An “autodialed call” is defined as:
 - Any call made using equipment that makes a series of calls to telephone numbers on a list, or to telephone numbers produced using a random or sequential number generator.
 - But a call made using such equipment may only be considered an autodialed call if no additional human intervention is required to make the call after initiating the series of calls.
- This section also labels calls made using an artificial or prerecorded voice as “robocalls.”

SECTION 3 – CONSUMER PROTECTIONS FOR EXEMPTIONS.

- This section requires the FCC to implement consumer protections on the FCC’s exempted classes of robocalls or autodialed calls. These exemptions should mirror those the FCC voted on to govern calls for federal debt collection. For exempted calls, the consumer protections would require the FCC to specifically delineate:
 - (1) the classes or categories of parties that may make such calls;
 - (2) the classes or categories of parties that may be called;
 - (3) the purposes for which such calls may be made;
 - (4) the number of calls allowed under the exemption; and
 - (5) the obligation of the calling party to provide consumers with a conspicuous mechanism to stop receiving calls.

SECTION 4 – REASSIGNED NUMBER DATABASE; SAFE HARBOR.

- This section requires the FCC to establish a nationwide database of consumer telephone numbers that have been reassigned to other consumers. This provision also includes a safe harbor in the event that there is an error in the reassigned number database.

SECTION 5 – STATUTE OF LIMITATIONS.

- This section extends the statute of limitations to three years for callers violating the prohibitions on autodialed calls, robocalls, or spoofing. This section would also allow the FCC to immediately go after bad actors, rather than requiring the FCC to wait for a second offense.

SECTION 6 – ANNUAL REPORT TO CONGRESS

- This section requires the FCC, after consultation with the Federal Trade Commission, to submit annual reports to Congress detailing the Commission’s progress in stopping autodialed calls and robocalls. The report requires the Commission to provide recommendations for how to reduce nuisance calls by at least 50 percent year-over-year.

SECTION 7 – DEADLINE FOR REGULATIONS RELATING TO CALL AUTHENTICATION

- This section requires that within a year after the date of enactment of this Act, the FCC must prescribe consumer protections to authenticate the source of a call.