116TH CONGRESS
1ST SESSION

H. R. ____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. Pallone introduced the following bill; which was referred to the
Committee on ____________________

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 Robocalls Act”.

5 SEC. 2. PROHIBITIONS ON MAKING ROBOCALLS.

6 (a) In general.—Section 227 of the Communica-
7 tions Act of 1934 (47 U.S.C. 227) is amended—
(1) in subsection (a), by amending paragraph (1) to read as follows:

“(1) The term ‘robocall’ means a call made (including a text message sent)—

“(A) using equipment that makes a series of calls to stored telephone numbers, including numbers stored on a list, or to telephone numbers produced using a random or sequential number generator, except for a call made using only equipment that the caller demonstrates requires substantial additional human intervention to dial or place a call after a human initiates the series of calls; or

“(B) using an artificial or prerecorded voice.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking “any call” and inserting “any robocall”; and

(II) by striking “using any automatic telephone dialing system or an artificial or prerecorded voice”; 

(ii) in subparagraph (B)—
(I) by striking “telephone call” and inserting “robocall”; and

(II) by striking “using an artifi-
cial or prerecorded voice to deliver a message”; and

(iii) in subparagraph (D), by striking “use an automatic telephone dialing sys-
tem” and inserting “make robocalls”; and

(B) in paragraph (2)(A), by striking “calls made using an artificial or prerecorded voice” and inserting “robocalls”;

(3) in subsection (d)—

(A) in paragraph (1)(A)—

(i) by striking “telephone call using any automatic telephone dialing system” and inserting “robocall described in sub-
section (a)(1)(A) using any equipment”; and

(ii) by striking “or automatic tele-
phone dialing system” and inserting “or to make any robocall described in subsection (a)(1)(A)”;

(B) in paragraph (3)—

(i) in the heading, by inserting “ROBOCALL” after “VOICE”;
(ii) in the first sentence, by striking “artificial or prerecorded voice message via telephone” and inserting “robocall described in subsection (a)(1)(B)”;
and

(iii) in subparagraph (A), by striking “all artificial or prerecorded telephone messages” and inserting “the artificial or prerecorded voice message contained in any robocall described in such subsection”; and

(4) in subsection (f)(1)—

(A) by striking subparagraphs (B) and (C) and inserting the following:

“(B) the making of robocalls; or”; and

(B) by redesignating subparagraph (D) as subparagraph (C).

(b) MANNER OF REVOKING PRIOR EXPRESS CONSENT.—Section 227(b) of the Communications Act of 1934 (47 U.S.C. 227(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (7); and

(2) by inserting after paragraph (2) the following:

“(3) MANNER OF REVOKING PRIOR EXPRESS CONSENT.—For purposes of this subsection, prior
express consent may be revoked at any time and in any reasonable manner, regardless of the context in which consent was provided.”.

(c) DEADLINE FOR REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall prescribe such regulations, or amend such existing regulations, as necessary to implement the amendments made by this section. Such regulations shall include such clarifications regarding descriptions of equipment and services as will, in the judgment of the Commission, effectuate the consumer protection purposes of section 227 of the Communications Act of 1934 (47 U.S.C. 227), prevent circumvention or evasion of such section, and facilitate compliance with such section.

(d) REPORT TO CONGRESS ON TEXT MESSAGES.—Not later than 60 days after the date of the enactment of this Act, after notice and an opportunity for public comment, the Federal Communications Commission shall submit to Congress a report on how best to limit the number of unwanted text messages received by consumers. Such report shall contain recommendations by the Commission, including recommendations for potential legislation.
SEC. 3. CONSUMER PROTECTIONS FOR EXEMPTIONS.

(a) In General.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)) is amended—

(1) in subparagraph (G)(ii), by striking "; and"

and inserting a semicolon;

(2) in subparagraph (H), by striking the period

at the end and inserting "; and"; and

(3) by adding at the end the following:

"(I) shall ensure that any exemption under

subparagraph (B) or (C) contains requirements

for calls made in reliance on the exemption with

respect to—

"(i) the classes or categories of par-

ties that may make such calls;

"(ii) the classes or categories of par-

ties that may be called;

"(iii) the purposes for which such

calls may be made;

"(iv) the number of such calls that a

calling party may make to a particular

called party; and

"(v) the obligation of the calling

party—

"(I) to provide the called party

with a conspicuous consumer choice

mechanism that permits the called
party, at any time, to indicate that
the called party wishes to stop receiv-
ing such calls from the calling party;
and
“(II) to stop making such calls to
the called party if the called party so
indicates.”.

(b) DEADLINE FOR REGULATIONS.—In the case of
any exemption issued under subparagraph (B) or (C) of
section 227(b)(2) of the Communications Act of 1934 (47
U.S.C. 227(b)(2)) before the date of the enactment of this
Act, the Federal Communications Commission, shall, not
later than 1 year after such date of enactment, prescribe
such regulations, or amend such existing regulations, as
necessary to ensure that such exemption meets the re-
quirements of subparagraph (I) of such section, as added
by subsection (a).

SEC. 4. REASSIGNED NUMBER DATABASE; SAFE HARBOR.

(a) IN GENERAL.—Section 227(b) of the Commu-
ications Act of 1934 (47 U.S.C. 227(b)), as amended by
section 2(b), is further amended by inserting after para-
graph (3) the following:

“(4) REASSIGNED NUMBER DATABASE; SAFE
HARBOR.—
“(A) DATABASE REQUIRED.—The Commission shall establish a nationwide database of telephone numbers that have been reassigned in order to provide persons making calls subject to this subsection with the comprehensive and timely information that such persons need to avoid making calls without the prior express consent of the called party because of the reassignment of the number called to a different party. The Commission shall ensure that information in the database required by this subparagraph is up-to-date.

“(B) PROVIDER PARTICIPATION REQUIRED.—The Commission shall require each covered provider to report to the database required by subparagraph (A) the reassignment of any telephone number to or from a subscriber of such provider.

“(C) SAFE HARBOR.—Beginning on the date of the establishment of the database required by subparagraph (A), in the case of a person who makes a call subject to this subsection to a telephone number that has been reassigned from a subscriber who had given prior express consent to be called by such person,
such person shall not be found in violation of this subsection on the basis of not having the prior express consent of the called party to make such call, if such person shows that—

“(i) such person had the prior express consent of such subscriber and such consent had not been revoked as of the time of such call;

“(ii) such person queried such database before making such call, the query did not show such number as being reassigned from such subscriber, and such person made such call within a reasonable period of time (as defined by the Commission) after such query;

“(iii) the failure of such query to show such number as being reassigned from such subscriber resulted from an inaccuracy on the part of—

“(I) the Commission or other entity administering such database; or

“(II) a covered provider in reassigning such number or in making a report to such database about the reassignment of such number;
“(iv) such person did not otherwise know or have any reason to know that such number had been reassigned from such subscriber;

“(v) such call would have complied with the requirements of this subsection but for the lack of the prior express consent of the called party; and

“(vi) such person—

“(I) took affirmative steps to correct the internal records of such person with respect to such number; and

“(II) reported to such database any inaccuracy that such person discovered with respect to such number in such database.

“(D) Rule of Construction.—Nothing in this paragraph shall be construed to preclude the Commission from contracting with a private entity to provide the database required by subparagraph (A).

“(E) Covered Provider Defined.—In this paragraph, the term ‘covered provider’ means a provider of voice service or text mes-
(b) **Clarification of Definition of Called Party.**

(1) **In General.**—Section 227(a) of the Communications Act of 1934 (47 U.S.C. 227(a)) is amended by adding at the end the following:

“(6) The term ‘called party’ means, with respect to a call, the current subscriber of the telephone number to which the call is made, determined at the time when the call is made.”

(2) **Conforming Amendments.**—Section 227(d)(3)(B) of the Communications Act of 1934 (47 U.S.C. 227(d)(3)(B)) is amended—

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

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

(e) **Deadline for Regulations and Establishment of Database.**—Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall—

(1) prescribe regulations to implement the amendments made by this section; and
(2) establish the database required by such amendments.

(d) Transitional Rule Regarding Definition of Covered Provider.—Subparagraph (E) of paragraph (4) of subsection (b) of section 227 of the Communications Act of 1934 (47 U.S.C. 227), as added by subsection (a) of this section, shall apply before the effective date of the amendment made to subsection (e)(8) of such section 227 by subparagraph (C) of section 503(a)(2) of division P of the Consolidated Appropriations Act, 2018 (Public Law 115–141) as if such amendment was already in effect.

SEC. 5. ENFORCEMENT.

(a) No Citation Required to Seek Forfeiture Penalty.—

(1) For Robocall Violations.—Section 227(b) of the Communications Act of 1934 (47 U.S.C. 227(b)), as amended by sections 2(b) and 4(a), is further amended by inserting after paragraph (4) the following:

“(5) No Citation Required to Seek Forfeiture Penalty.—Paragraph (5) of section 503(b) shall not apply in the case of a violation of this subsection.”.
(2) **For caller identification information violations.**—Section 227(e)(5)(A)(iii) of the Communications Act of 1934 (47 U.S.C. 227(e)(5)(A)(iii)) is amended by adding at the end the following: “Paragraph (5) of section 503(b) shall not apply in the case of a violation of this subsection.”

(b) **4-Year Statute of Limitations.**—

(1) **For robocall violations.**—Section 227(b) of the Communications Act of 1934 (47 U.S.C. 227(b)), as amended by sections 2(b) and 4(a) and subsection (a)(1) of this section, is further amended by inserting after paragraph (5) the following:

“(6) **4-Year Statute of Limitations.**—Notwithstanding paragraph (6) of section 503(b), no forfeiture penalty for violation of this subsection shall be determined or imposed against any person if the violation charged occurred more than 4 years prior to the date of issuance of the notice required by paragraph (3) of such section or the notice of apparent liability required by paragraph (4) of such section (as the case may be).”.

(2) **For caller identification information violations.**—Section 227(e)(5)(A)(iv) of the
Communications Act of 1934 (47 U.S.C. 227(e)(5)(A)(iv)) is amended—
(A) in the heading, by striking “2-YEAR” and inserting “4-YEAR”; and
(B) by striking “2 years” and inserting “4 years”.

SEC. 6. ANNUAL REPORT TO CONGRESS.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is further amended by adding at the end the following:

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

“(1) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of the Stopping Bad Robocalls Act, and annually thereafter, the Commission, after consultation with the Federal Trade Commission, shall submit to Congress a report regarding enforcement by the Commission of subsections (b), (d), and (e) during the preceding calendar year.

“(2) MATTERS FOR INCLUSION.—Each report required by paragraph (1) shall include the following:
“(A) The number of complaints received by
the Commission during each of the preceding
five calendar years, for each of the following
categories:

“(i) Complaints alleging that a con-
sumer received a robocall in violation of
subsection (b).

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

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

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

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

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

“(E) The amount of forfeiture penalties or criminal fines collected, during the preceding calendar year, by the Commission or the Attorney General for violations of such subsections, and details of each case in which such a forfeiture penalty or criminal fine was collected.

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

“(G) An analysis of the contribution by providers of interconnected VoIP service and non-interconnected VoIP service that discount high-volume, short-duration calls to the total number of robocalls, and recommendations on how to address such contribution in order to decrease the total number of robocalls.”.
SEC. 7. REGULATIONS RELATING TO CALLER IDENTIFICATION INFORMATION AUTHENTICATION STANDARDS.

(a) In general.—Not later than 1 year after the date of the enactment of this Act, the Commission shall prescribe regulations in WC Docket No. 17–97.

(b) Requirements for caller identification information authentication technology.—

(1) In general.—The regulations required by subsection (a) shall require providers of voice service to implement, by a date specified by the Commission, caller identification information authentication technology that has the ability to—

(A) verify that any caller identification information transmitted in connection with a call (including a call originating outside the United States if the recipient is within the United States) is—

(i) accurate; or

(ii) exempted under the regulations promulgated under paragraph (3) of section 227(e) of the Communications Act of 1934 (47 U.S.C. 227(e)) from the prohibition under paragraph (1) of such section; and
(B) prevent a subscriber from receiving a call unless—

(i) any caller identification information transmitted in connection with such call is verified as described in subparagraph (A); or

(ii) no caller identification information is transmitted in connection with such call, whether because a person has blocked the capability of a caller identification service to transmit such information in accordance with paragraph (2) of section 227(e) of the Communications Act of 1934 (47 U.S.C. 227(e)) or otherwise.

(2) UNBLOCKING REQUESTS.—Such regulations shall require a provider of voice service to—

(A) accept a request from a subscriber of such service, a calling party, or another provider of voice service for the caller identification information authentication technology required under paragraph (1) to allow the completion of a call in connection with which caller identification information is transmitted but not verified as described in subparagraph (A) of such paragraph; and
(B) if such request meets criteria prescribed by the Commission in such regulations, grant such request.

(3) NO ADDITIONAL COST TO SUBSCRIBERS.—Such regulations shall prohibit providers of voice service from making any additional charge to subscribers for the caller identification information authentication technology required under paragraph (1).

(c) DEFINITIONS.—In this section:

(1) CALLER IDENTIFICATION INFORMATION.—The term “caller identification information” has the meaning given such term in section 227(e)(8) of the Communications Act of 1934 (47 U.S.C. 227(e)(8)).

(2) CALLER IDENTIFICATION SERVICE.—The term “caller identification service” has the meaning given such term in section 227(e)(8) of the Communications Act of 1934 (47 U.S.C. 227(e)(8)).

(3) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(4) VOICE SERVICE.—The term “voice service” has the meaning given such term in section 227(e)(8) of the Communications Act of 1934 (47 U.S.C. 227(e)(8)). This paragraph shall apply before the effective date of the amendment made to such
section by subparagraph (C) of section 503(a)(2) of division P of the Consolidated Appropriations Act, 2018 (Public Law 115–141) as if such amendment was already in effect.