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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To direct the Federal Communications Commission to establish a taskforce
on unlawful robocalls, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. McDOWELL introduced the following bill; which was referred to the
Committee on _____

A BILL

To direct the Federal Communications Commission to estab-
lish a taskforce on unlawful 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 “Foreign Robocall
5 Elimination Act”.

6 **SEC. 2. INTERAGENCY TASKFORCE ON UNLAWFUL**
7 **ROBOCALLS.**

8 (a) DEFINITIONS.—In this section:

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

3 (2) CONSORTIUM.—The term “Consortium”
4 means the consortium described in section 13(d) of
5 the Pallone-Thune TRACED Act (Public Law 116–
6 105).

7 (3) FEDERAL AGENCY.—The term “Federal
8 agency” has the meaning given the term “agency”
9 in section 551 of title 5, United States Code.

10 (4) TASKFORCE.—The term “taskforce” means
11 the taskforce on unlawful robocalls established under
12 subsection (b).

13 (5) UNLAWFUL ROBOCALL.—The term “unlaw-
14 ful robocall” means a telephone call made in viola-
15 tion of subsection (b) or (e) of section 227 of the
16 Communications Act of 1934 (47 U.S.C. 227).

17 (b) ESTABLISHMENT.—Not later than 270 days after
18 the date of enactment of this Act, the Commission, after
19 consultation with the Federal Trade Commission and the
20 Attorney General, shall establish a taskforce on unlawful
21 robocalls.

22 (c) MEMBERSHIP.—

23 (1) IN GENERAL.—The taskforce shall be com-
24 posed of the following members:

1 (A)(i) A representative of each Federal
2 agency that the Chairman of the Commission,
3 in consultation with the Chairman of the Fed-
4 eral Trade Commission and the Attorney Gen-
5 eral, considers appropriate.

6 (ii) With respect to each Federal agency
7 considered under clause (i) to be appropriate,
8 the Chairman of the Commission shall appoint
9 a representative of that Federal agency to the
10 taskforce based on the recommendations of the
11 head of that Federal agency.

12 (B) Seven representatives of private sector
13 entities, to be appointed as described in para-
14 graph (2)—

15 (i) 3 of whom shall be representatives
16 from private sector entities with expertise
17 in combating unlawful robocalls, includ-
18 ing—

19 (I) voice service providers;

20 (II) analytics providers;

21 (III) technologists; and

22 (IV) technology experts;

23 (ii) 1 of whom shall be a representa-
24 tive from the Consortium;

1 (iii) 1 of whom shall be a representa-
2 tive of a marketing business that commu-
3 nicates with consumers by telephone as
4 part of the normal course of business of
5 that marketing business;

6 (iv) 1 of whom shall be a representa-
7 tive of a business or nonprofit organization
8 that communicates with consumers by tele-
9 phone for non-marketing purposes on a
10 regular basis; and

11 (v) 1 of whom shall be a representa-
12 tive of an organization that advocates on
13 behalf of customers and who has relevant
14 experience and expertise in combating un-
15 lawful robocalls.

16 (2) APPOINTMENT OF REPRESENTATIVES OF
17 PRIVATE SECTOR ENTITIES.—

18 (A) IN GENERAL.—Notwithstanding any
19 provision of chapter 10 of title 5, United States
20 Code, the members of the taskforce described in
21 paragraph (1)(B) shall be jointly appointed by
22 the Chairman of the Commission, the Chairman
23 of the Federal Trade Commission, and the At-
24 torney General.

25 (B) INABILITY TO REACH AGREEMENT.—

1 (i) IN GENERAL.—Subject to clauses
2 (ii) and (iii), if the Chairman of the Com-
3 mission, the Chairman of the Federal
4 Trade Commission, and the Attorney Gen-
5 eral cannot reach agreement regarding an
6 appointment described in subparagraph
7 (A), as determined by the Chairman of the
8 Commission, the Chairman of the Commis-
9 sion shall make that appointment.

10 (ii) NOTICE OF APPOINTMENTS.—Not
11 later than 48 hours before appointing a
12 member to the taskforce under clause (i),
13 the Chairman of the Commission shall pro-
14 vide notice of the proposed appointment to
15 the commissioners of the Commission.

16 (iii) REQUEST FOR VOTE.—If, after
17 receiving notice under clause (ii) of a pro-
18 posed appointment under clause (i), a com-
19 missioner of the Commission requests that
20 the proposed appointment be subject to a
21 vote of the Commission, the Chairman of
22 the Commission may not make that ap-
23 pointment unless a majority of the com-
24 missioners of the Commission vote to ap-
25 prove the appointment.

1 (d) REPORT.—

2 (1) IN GENERAL.—The taskforce shall prepare
3 a report on unlawful robocalls, which shall contain
4 recommendations and advice for Federal agencies
5 with jurisdiction relevant to combating unlawful
6 robocalls, and for Congress, regarding the most ef-
7 fective ways to combat unlawful robocalls made into
8 the United States from outside the United States.

9 (2) MATTERS TO BE STUDIED.—In preparing
10 the report required under paragraph (1), the
11 taskforce shall—

12 (A) compare the estimated number of sus-
13 pected unlawful robocalls made within the
14 United States with the estimated number of un-
15 lawful robocalls made into the United States
16 from outside the United States;

17 (B) determine which foreign countries
18 serve as the foreign points of departure for the
19 highest volume of unlawful robocalls made into
20 the United States;

21 (C) determine the magnitude of financial
22 loss and the number of instances of stolen iden-
23 tity that occur within the United States each
24 year as a result of unlawful robocalls made
25 from outside the United States;

1 (D) examine methods for encouraging the
2 adoption of caller identification authentication
3 technology in foreign countries;

4 (E) examine and provide information on
5 options for how countries can collaborate on so-
6 lutions to authenticate and verify international
7 calls, including relevant analytics relating to un-
8 lawful robocalls and technical options that can
9 be used with respect to that authentication and
10 verification;

11 (F) examine how better implementation of
12 technical solutions, such as traceback and caller
13 identification authentication technology in for-
14 eign originating countries, would improve co-
15 ordination between the United States and for-
16 eign countries in combating unlawful robocalls;

17 (G) determine whether—

18 (i) the technical standards commonly
19 known as “STIR/SHAKEN” adequately
20 provide call authentication for unlawful
21 robocalls from foreign originating providers
22 or foreign intermediate providers through
23 gateway providers in the United States;
24 and

1 (ii) it would be desirable to encourage
2 other countries to adopt the standards de-
3 scribed in clause (i);

4 (H) examine ways to provide incentives to
5 foreign countries to cooperate with law enforce-
6 ment efforts in the United States to combat un-
7 lawful robocalls;

8 (I) examine whether any Federal agency,
9 or any other organization, that combats unlaw-
10 ful robocalls needs additional resources in order
11 to more effectively combat unlawful robocalls
12 made into the United States from outside the
13 United States;

14 (J) specifically consider whether the ability
15 of the Attorney General to conduct enforcement
16 activities with respect to unlawful robocalls
17 would be increased through the establishment of
18 an office within the Department of Justice dedi-
19 cated to those enforcement activities;

20 (K) examine how increased criminal pen-
21 alties based on the volume of unlawful robocalls
22 could help prevent unlawful robocalls made into
23 the United States;

24 (L) examine how many enforcement activi-
25 ties the Attorney General has undertaken in the

1 year preceding the date on which the prepara-
2 tion of the report begins, including in response
3 to referrals made by the Commission;

4 (M) specifically determine how the Attor-
5 ney General has pursued forfeiture amounts in
6 enforcement activities with respect to unlawful
7 robocalls;

8 (N) seek input, as appropriate, from tech-
9 nologists and private sector innovators to find
10 solutions for combating unlawful robocalls;

11 (O) identify a list of best practices regard-
12 ing the identification and blocking of unlawful
13 robocalls that telephone service providers and
14 providers of technology solutions can voluntarily
15 implement to improve the effectiveness of miti-
16 gating unlawful robocalls made into the United
17 States from outside the United States;

18 (P) evaluate whether requiring periodic
19 public disclosure, in whole or in part, of the re-
20 sults of trace backs conducted by the Consor-
21 tium would impact the integrity and effective-
22 ness of the trace back process of the Consor-
23 tium, including by—

24 (i) revealing investigative methods;

- 1 (ii) allowing consumers and businesses
2 to avoid providers with a track record of
3 making unlawful robocalls;
- 4 (iii) exposing proprietary, competi-
5 tively sensitive, or confidential information
6 of legitimate providers or entities;
- 7 (iv) strengthening accountability and
8 deterrence;
- 9 (v) enabling the initiators of unlawful
10 robocalls to evade detection, adapt tactics,
11 or exploit system vulnerabilities;
- 12 (vi) improving the efforts of voice
13 service providers to block calls that are de-
14 termined to be unwanted based on reason-
15 able analytics;
- 16 (vii) impeding cooperation with future
17 law enforcement investigations or future
18 consumer protection efforts; or
- 19 (viii) ensuring fairness in the report-
20 ing of trace back information; and
- 21 (Q) examine mechanisms for improving
22 compliance with the requirements imposed pur-
23 suant to sections 6 and 7 of the Pallone-Thune
24 TRACED Act (47 U.S.C. 227b–1, 227 note).

1 (3) REPORT TO CONGRESS.—Not later than
2 360 days after the date on which the taskforce is es-
3 tablished under subsection (b), the taskforce shall
4 submit to Congress the report prepared under this
5 subsection.

6 (e) USE OF FUNDS.—Notwithstanding section 1346
7 of title 31, United States Code, funds made available by
8 this or any other Act to the Commission, the Federal
9 Trade Commission, or the Department of Justice may be
10 used by the applicable Federal agency for coordination
11 with, participation in, or recommendations involving the
12 taskforce, as required under this section.

13 (f) TERMINATION.—The taskforce shall terminate on
14 the date that is 90 days after the date on which the
15 taskforce submits to Congress the report prepared under
16 subsection (d), as required under paragraph (3) of that
17 subsection.

18 **SEC. 3. FCC NOTICE PROVISION.**

19 Section 13(d)(2) of the Pallone-Thune TRACED Act
20 (Public Law 116–105) is amended by striking “annually”
21 and inserting “once every 3 years”.

22 **SEC. 4. ROBOCALL MITIGATION DATABASE.**

23 (a) DEFINITIONS.—In this section:

24 (1) COMMISSION.—The term “Commission”
25 means the Federal Communications Commission.

1 (2) ROBOCALL MITIGATION DATABASE.—The
2 term “Robocall Mitigation Database” has the mean-
3 ing given the term in section 64.6300 of title 47,
4 Code of Federal Regulations, or any successor regu-
5 lation.

6 (3) UNLAWFUL ROBOCALL.—The term “unlaw-
7 ful robocall” has the meaning given the term in sec-
8 tion 2(a).

9 (b) BOND REQUIREMENT.—

10 (1) IN GENERAL.—The Commission shall issue
11 rules to require that, subject to the other provisions
12 of this section, before a provider may file a certifi-
13 cation to the Robocall Mitigation Database, the pro-
14 vider shall post a bond in an amount that is not
15 more than \$100,000, if the Commission determines
16 that posting such a bond is necessary to preserve the
17 integrity of the Robocall Mitigation Database.

18 (2) EXCEPTED PROVIDERS.—

19 (A) IN GENERAL.—In issuing rules under
20 paragraph (1), the Commission shall establish
21 criteria to exempt a provider from the require-
22 ment to post a bond described in that para-
23 graph if that requirement, as applied to the
24 provider, is not necessary to deter unlawful
25 robocall activity.

1 (B) CONSIDERATIONS.—In establishing
2 criteria under subparagraph (A), the Commis-
3 sion shall require consideration of whether a
4 provider—

5 (i) is registered with the Commission
6 under section 64.1195 of title 47, Code of
7 Federal Regulations (or any successor reg-
8 ulation) and makes contributions under
9 section 254(d) of the Communications Act
10 of 1934 (47 U.S.C. 254(d));

11 (ii) holds a certificate of authority, li-
12 cense, or registration with a State public
13 utility commission;

14 (iii) is an issuer, the securities of
15 which are listed on a national securities ex-
16 change; and

17 (iv) otherwise presents indicia of being
18 a bona fide, established communications
19 service provider, such that requiring the
20 provider to post a bond under paragraph
21 (1) would impose unnecessary burdens
22 without materially improving enforcement
23 of section 227 of the Communications Act
24 of 1934 (47 U.S.C. 227).

1 (c) IMPLEMENTATION.—In implementing this sec-
2 tion, the Commission shall—

3 (1) require the posting of a bond under sub-
4 section (b)(1) from providers that do not dem-
5 onstrate—

6 (A) legitimate, ongoing operations;

7 (B) regulatory oversight sufficient to en-
8 sure accountability; or

9 (C) the ability to pay fines or forfeitures
10 imposed by the Commission or other govern-
11 mental enforcement authorities with respect to
12 violations of Federal or State laws or regula-
13 tions;

14 (2) establish categorical exemptions for identifi-
15 able classes of legitimate providers that satisfy the
16 criteria established under subsection (b)(2); and

17 (3) minimize administrative and financial bur-
18 dens on compliant, established, and regulated pro-
19 viders while ensuring effective enforcement of section
20 227 of the Communications Act of 1934 (47 U.S.C.
21 227).

1 **SEC. 5. REGISTERED CONSORTIUM CONDUCTING PRIVATE-**
2 **LED EFFORTS TO TRACE BACK THE ORIGIN**
3 **OF SUSPECTED UNLAWFUL ROBOCALLS.**

4 (a) IMMUNITY FOR RECEIVING, SHARING, AND PUB-
5 LISHING TRACE BACK INFORMATION.—Section 13(d) of
6 the Pallone-Thune TRACED Act (Public Law 116–105;
7 133 Stat. 3287) is amended by adding at the end the fol-
8 lowing:

9 “(3) IMMUNITY FOR RECEIVING, SHARING, AND
10 PUBLISHING TRACE BACK INFORMATION.—

11 “(A) DEFINITION.—In this paragraph, the
12 term ‘covered information’—

13 “(i) means information regarding sus-
14 pected—

15 “(I) fraudulent, abusive, or un-
16 lawful robocalls;

17 “(II) illegally spoofed calls; and

18 “(III) other illegal calls; and

19 “(ii) includes—

20 “(I) call detail records of calls
21 described in clause (i);

22 “(II) the names of, and other
23 identifying information concerning,
24 the voice service providers that origi-
25 nated, carried, routed, and trans-

1 mitted calls described in clause (i);
2 and
3 “(III) information about the enti-
4 ties that made calls described in
5 clause (i), including any contact infor-
6 mation of individuals that such an en-
7 tity provided to the voice service pro-
8 vider that originated the call.

9 “(B) TRACE BACK IMMUNITY.—No cause
10 of action shall lie or be maintained in any court
11 against the registered consortium for receiving,
12 sharing, or publishing covered information or
13 information derived from covered information.”.

14 (b) PUBLICATION OF LIST OF VOICE SERVICE PRO-
15 VIDERS.—Section 13(e) of the Pallone-Thune TRACED
16 Act (Public Law 116–105; 133 Stat. 3288) is amended
17 to read as follows:

18 “(e) LIST OF VOICE SERVICE PROVIDERS.—

19 “(1) PUBLICATION OF LIST.—The Commission,
20 or the registered consortium in consultation with the
21 Commission, may publish a list of voice service pro-
22 viders based on—

23 “(A) information obtained by the consor-
24 tium about voice service providers that refuse to

1 participate in private-led efforts to trace back
2 the origin of suspected unlawful robocalls; and

3 “(B) other information the Commission or
4 the consortium may collect about voice service
5 providers that are found to originate or trans-
6 mit substantial amounts of unlawful robocalls.

7 “(2) ENFORCEMENT.—The Commission may
8 take enforcement action based on the information
9 described in paragraph (1).”.