

115TH CONGRESS
2D SESSION

H. R. 6026

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2018

Mr. PALLONE 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. PROHIBITIONS ON MAKING ROBOCALLS.**

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

9 (1) in subsection (a), by amending paragraph

10 (1) to read as follows:

1 “(1) The term ‘robocall’ means a call made (in-
2 cluding a text message sent)—

3 “(A) using equipment that makes a series
4 of calls to stored telephone numbers, including
5 numbers stored on a list, or to telephone num-
6 bers produced using a random or sequential
7 number generator, except for a call made using
8 only equipment that the caller demonstrates re-
9 quires substantial additional human interven-
10 tion to dial or place a call after a human initi-
11 ates the series of calls; or

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

14 (2) in subsection (b)—

15 (A) in paragraph (1)—

16 (i) in subparagraph (A)—

17 (I) by striking “any call” and in-
18 serting “any robocall”; and

19 (II) by striking “using any auto-
20 matic telephone dialing system or an
21 artificial or prerecorded voice”;

22 (ii) in subparagraph (B)—

23 (I) by striking “telephone call”
24 and inserting “robocall”; and

1 (II) by striking “using an artificial
2 cial or prerecorded voice to deliver a
3 message”; and

4 (iii) in subparagraph (D), by striking
5 “use an automatic telephone dialing system”
6 and inserting “make robocalls”; and

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

10 (3) in subsection (d)—

11 (A) in paragraph (1)(A)—

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

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

21 (B) in paragraph (3)—

22 (i) in the heading, by inserting
23 “ROBOCALL” after “VOICE”;

24 (ii) in the first sentence, by striking
25 “artificial or prerecorded voice message via

1 telephone” and inserting “robocall de-
2 scribed in subsection (a)(1)(B)”;

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

9 (4) in subsection (f)(1)—

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

12 “(B) the making of robocalls; or”;

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

15 (b) MANNER OF REVOKING PRIOR EXPRESS CON-
16 SENT.—Section 227(b) of the Communications Act of
17 1934 (47 U.S.C. 227(b)) is amended—

18 (1) by redesignating paragraph (3) as para-
19 graph (7); and

20 (2) by inserting after paragraph (2) the fol-
21 lowing:

22 “(3) MANNER OF REVOKING PRIOR EXPRESS
23 CONSENT.—For purposes of this subsection, prior
24 express consent may be revoked at any time and in

1 any reasonable manner, regardless of the context in
2 which consent was provided.”.

3 (c) DEADLINE FOR REGULATIONS.—Not later than
4 1 year after the date of the enactment of this Act, the
5 Federal Communications Commission shall prescribe such
6 regulations, or amend such existing regulations, as nec-
7 essary to implement the amendments made by this section.

8 (d) REPORT TO CONGRESS ON TEXT MESSAGES.—
9 Not later than 60 days after the date of the enactment
10 of this Act, after notice and an opportunity for public com-
11 ment, the Federal Communications Commission shall sub-
12 mit to Congress a report on how best to limit the number
13 of unwanted text messages received by consumers. Such
14 report shall contain recommendations by the Commission,
15 including recommendations for potential legislation.

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

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

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

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

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

24 “(I) shall ensure that any exemption under
25 subparagraph (B) or (C) contains requirements

1 for calls made in reliance on the exemption with
2 respect to—

3 “(i) the classes or categories of par-
4 ties that may make such calls;

5 “(ii) the classes or categories of par-
6 ties that may be called;

7 “(iii) the purposes for which such
8 calls may be made;

9 “(iv) the number of such calls that a
10 calling party may make to a particular
11 called party; and

12 “(v) the obligation of the calling
13 party—

14 “(I) to provide the called party
15 with a conspicuous consumer choice
16 mechanism that permits the called
17 party, at any time, to indicate that
18 the called party wishes to stop receiv-
19 ing such calls from the calling party;
20 and

21 “(II) to stop making such calls to
22 the called party if the called party so
23 indicates.”.

24 (b) DEADLINE FOR REGULATIONS.—In the case of
25 any exemption issued under subparagraph (B) or (C) of

1 section 227(b)(2) of the Communications Act of 1934 (47
2 U.S.C. 227(b)(2)) before the date of the enactment of this
3 Act, the Federal Communications Commission, shall, not
4 later than 1 year after such date of enactment, prescribe
5 such regulations, or amend such existing regulations, as
6 necessary to ensure that such exemption meets the re-
7 quirements of subparagraph (I) of such section, as added
8 by subsection (a).

9 **SEC. 4. REASSIGNED NUMBER DATABASE; SAFE HARBOR.**

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

14 “(4) REASSIGNED NUMBER DATABASE; SAFE
15 HARBOR.—

16 “(A) DATABASE REQUIRED.—The Com-
17 mission shall establish a nationwide database of
18 telephone numbers that have been reassigned in
19 order to provide persons making calls subject to
20 this subsection with the comprehensive and
21 timely information that such persons need to
22 avoid making calls without the prior express
23 consent of the called party because of the reas-
24 signment of the number called to a different
25 party. The Commission shall ensure that infor-

1 mation in the database required by this sub-
2 paragraph is up-to-date.

3 “(B) PROVIDER PARTICIPATION RE-
4 QUIRED.—The Commission shall require each
5 covered provider to report to the database re-
6 quired by subparagraph (A) the reassignment
7 of any telephone number to or from a sub-
8 scriber of such provider.

9 “(C) SAFE HARBOR.—Beginning on the
10 date of the establishment of the database re-
11 quired by subparagraph (A), in the case of a
12 person who makes a call subject to this sub-
13 section to a telephone number that has been re-
14 assigned from a subscriber who had given prior
15 express consent to be called by such person,
16 such person shall not be found in violation of
17 this subsection on the basis of not having the
18 prior express consent of the called party to
19 make such call, if such person shows that—

20 “(i) such person had the prior express
21 consent of such subscriber and such con-
22 sent had not been revoked as of the time
23 of such call;

24 “(ii) such person queried such data-
25 base before making such call, the query did

1 not show such number as being reassigned
2 from such subscriber, and such person
3 made such call within a reasonable period
4 of time (as defined by the Commission)
5 after such query;

6 “(iii) such query did not show such
7 number as being reassigned from such sub-
8 scriber as a result of an inaccuracy on the
9 part of—

10 “(I) the Commission or other en-
11 tity administering such database; or

12 “(II) a covered provider in reas-
13 signing such number or in making a
14 report to such database about the re-
15 assignment of such number;

16 “(iv) such person did not otherwise
17 know or have any reason to know that
18 such number had been reassigned from
19 such subscriber;

20 “(v) such call would have complied
21 with the requirements of this subsection
22 but for the lack of the prior express con-
23 sent of the called party; and

24 “(vi) such person—

1 “(I) took affirmative steps to cor-
2 rect the internal records of such per-
3 son with respect to such number; and

4 “(II) reported to such database
5 any inaccuracy that such person dis-
6 covered with respect to such number
7 in such database.

8 “(D) RULE OF CONSTRUCTION.—Nothing
9 in this paragraph shall be construed to preclude
10 the Commission from contracting with a private
11 entity to provide the database required by sub-
12 paragraph (A).

13 “(E) COVERED PROVIDER DEFINED.—In
14 this paragraph, the term ‘covered provider’
15 means a provider of voice service or text mes-
16 saging service (as such terms are defined in
17 subsection (e)(8)).”.

18 (b) CALLED PARTY DEFINED.—

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

22 “(6) The term ‘called party’ means, with re-
23 spect to a call, the current subscriber of the tele-
24 phone number to which the call is made, determined
25 at the time when the call is made.”.

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

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

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

9 (c) DEADLINE FOR REGULATIONS AND ESTABLISH-
10 MENT OF DATABASE.—Not later than 1 year after the
11 date of the enactment of this Act, the Federal Commu-
12 nications Commission shall—

13 (1) prescribe regulations to implement the
14 amendments made by this section; and

15 (2) establish the database required by such
16 amendments.

17 (d) TRANSITIONAL RULE REGARDING DEFINITION
18 OF COVERED PROVIDER.—Subparagraph (E) of para-
19 graph (4) of subsection (b) of section 227 of the Commu-
20 nications Act of 1934 (47 U.S.C. 227), as added by sub-
21 section (a) of this section, shall apply before the effective
22 date of the amendment made to subsection (e)(8) of such
23 section 227 by subparagraph (C) of section 503(a)(2) of
24 division P of the Consolidated Appropriations Act, 2018

1 (Public Law 115–141) as if such amendment was already
2 in effect.

3 **SEC. 5. ENFORCEMENT.**

4 (a) NO CITATION REQUIRED TO SEEK FORFEITURE
5 PENALTY.—

6 (1) FOR ROBOCALL VIOLATIONS.—Section
7 227(b) of the Communications Act of 1934 (47
8 U.S.C. 227(b)), as amended by sections 2(b) and
9 4(a), is further amended by inserting after para-
10 graph (4) the following:

11 “(5) NO CITATION REQUIRED TO SEEK FOR-
12 FEITURE PENALTY.—Paragraph (5) of section
13 503(b) shall not apply in the case of a violation of
14 this subsection.”.

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

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

23 (1) FOR ROBOCALL VIOLATIONS.—Section
24 227(b) of the Communications Act of 1934 (47
25 U.S.C. 227(b)), as amended by sections 2(b) and

1 4(a) and subsection (a)(1) of this section, is further
2 amended by inserting after paragraph (5) the fol-
3 lowing:

4 “(6) 4-YEAR STATUTE OF LIMITATIONS.—Not-
5 withstanding paragraph (6) of section 503(b), no
6 forfeiture penalty for violation of this subsection
7 shall be determined or imposed against any person
8 if the violation charged occurred more than 4 years
9 prior to the date of issuance of the notice required
10 by paragraph (3) of such section or the notice of ap-
11 parent liability required by paragraph (4) of such
12 section (as the case may be).”.

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

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

19 (B) by striking “2 years” and inserting “4
20 years”.

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

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

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

4 “(1) REPORT REQUIRED.—Not later than 1
5 year after the date of the enactment of the Stopping
6 Bad Robocalls Act, and annually thereafter, the
7 Commission, after consultation with the Federal
8 Trade Commission, shall submit to Congress a re-
9 port regarding enforcement by the Commission of
10 subsections (b), (d), and (e) during the preceding
11 calendar year.

12 “(2) MATTERS FOR INCLUSION.—Each report
13 required by paragraph (1) shall include the fol-
14 lowing:

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

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

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

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

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

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

16 “(D) The number of final orders imposing
17 forfeiture penalties issued pursuant to section
18 503(b) during the preceding calendar year to
19 enforce such subsections, and details of each
20 such order including the total forfeiture im-
21 posed.

22 “(E) The amount of forfeiture penalties or
23 criminal fines collected, during the preceding
24 calendar year, by the Commission or the Attor-
25 ney General for violations of such subsections,

1 and details of each case in which such a for-
2 feiture penalty or criminal fine was collected.

3 “(F) Proposals for reducing by half the
4 number of calls made in violation of such sub-
5 sections.

6 “(G) An analysis of the contribution by
7 providers of interconnected VoIP service and
8 non-interconnected VoIP service that discount
9 high-volume, short-duration calls to the total
10 number of robocalls, and recommendations on
11 how to address such contribution in order to de-
12 crease the total number of robocalls.”.

13 **SEC. 7. REGULATIONS RELATING TO CALLER IDENTIFICA-**
14 **TION INFORMATION AUTHENTICATION**
15 **STANDARDS.**

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

19 (b) REQUIREMENTS FOR CALLER IDENTIFICATION
20 INFORMATION AUTHENTICATION TECHNOLOGY.—

21 (1) IN GENERAL.—The regulations required by
22 subsection (a) shall require providers of voice service
23 to implement, by a date specified by the Commis-
24 sion, caller identification information authentication
25 technology that has the ability to—

1 (A) verify that any caller identification in-
2 formation transmitted in connection with a call
3 (including a call originating outside the United
4 States if the recipient is within the United
5 States) is—

6 (i) accurate; or

7 (ii) exempted under the regulations
8 promulgated under paragraph (3) of sec-
9 tion 227(e) of the Communications Act of
10 1934 (47 U.S.C. 227(e)) from the prohibi-
11 tion under paragraph (1) of such section;
12 and

13 (B) prevent a subscriber from receiving a
14 call unless—

15 (i) any caller identification informa-
16 tion transmitted in connection with such
17 call is verified as described in subpara-
18 graph (A); or

19 (ii) no caller identification information
20 is transmitted in connection with such call,
21 whether because a person has blocked the
22 capability of a caller identification service
23 to transmit such information in accordance
24 with paragraph (2) of section 227(e) of the

1 Communications Act of 1934 (47 U.S.C.
2 227(e)) or otherwise.

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

5 (A) accept a request from a subscriber of
6 such service, a calling party, or another pro-
7 vider of voice service for the caller identification
8 information authentication technology required
9 under paragraph (1) to allow the completion of
10 a call in connection with which caller identifica-
11 tion information is transmitted but not verified
12 as described in subparagraph (A) of such para-
13 graph; and

14 (B) if such request meets criteria pre-
15 scribed by the Commission in such regulations,
16 grant such request.

17 (3) NO ADDITIONAL COST TO SUBSCRIBERS.—
18 Such regulations shall prohibit providers of voice
19 service from making any additional charge to sub-
20 scribers for the caller identification information au-
21 thentication technology required under paragraph
22 (1).

23 (c) DEFINITIONS.—In this section:

24 (1) CALLER IDENTIFICATION INFORMATION.—
25 The term “caller identification information” has the

1 meaning given such term in section 227(e)(8) of the
2 Communications Act of 1934 (47 U.S.C. 227(e)(8)).

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

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

9 (4) VOICE SERVICE.—The term “voice service”
10 has the meaning given such term in section
11 227(e)(8) of the Communications Act of 1934 (47
12 U.S.C. 227(e)(8)). This paragraph shall apply before
13 the effective date of the amendment made to such
14 section by subparagraph (C) of section 503(a)(2) of
15 division P of the Consolidated Appropriations Act,
16 2018 (Public Law 115–141) as if such amendment
17 was already in effect.

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