

117TH CONGRESS
1ST SESSION

S. 3335

To provide liability protection for the sharing of information regarding suspected fraudulent, abusive, or unlawful robocalls, illegally spoofed calls, and other illegal calls by or with the registered consortium that conducts private-led efforts to trace back the origin of suspected unlawful robocalls, and for the receipt of such information by that registered consortium, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2021

Mr. THUNE (for himself and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide liability protection for the sharing of information regarding suspected fraudulent, abusive, or unlawful robocalls, illegally spoofed calls, and other illegal calls by or with the registered consortium that conducts private-led efforts to trace back the origin of suspected unlawful robocalls, and for the receipt of such information by that registered consortium, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Robocall Trace Back
3 Enhancement Act”.

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

7 (a) IMMUNITY FOR RECEIVING, SHARING, AND PUB-
8 LISHING TRACE BACK INFORMATION.—Section 13(d) of
9 the Pallone-Thune Telephone Robocall Abuse Criminal
10 Enforcement and Deterrence Act (Public Law 116–105;
11 133 Stat. 3287) is amended by adding at the end the fol-
12 lowing:

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

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

17 “(i) means information regarding sus-
18 pected—

19 “(I) fraudulent, abusive, or un-
20 lawful robocalls;

21 “(II) illegally spoofed calls; and

22 “(III) other illegal calls; and

23 “(ii) includes—

24 “(I) call detail records of calls
25 described in clause (i);

1 “(II) the names of, and other
2 identifying information concerning,
3 the voice service providers that origi-
4 nated, carried, routed, and trans-
5 mitted calls described in clause (i);
6 and

7 “(III) information about the enti-
8 ties that made calls described in
9 clause (i), including any contact infor-
10 mation of individuals that such an en-
11 tity provided to the voice service pro-
12 vider that originated the call.

13 “(B) TRACE BACK IMMUNITY.—No cause
14 of action shall lie or be maintained in any court
15 against—

16 “(i) the registered consortium for re-
17 ceiving, sharing, or publishing covered in-
18 formation or information derived from cov-
19 ered information; or

20 “(ii) any voice service provider or
21 other person or entity for sharing covered
22 information with the registered consortium.

23 “(C) RULE OF CONSTRUCTION.—Nothing
24 in subparagraph (B)(ii) shall be construed to
25 provide immunity for any act other than the act

1 of sharing covered information with the reg-
2 istered consortium.”.

3 (b) PUBLICATION OF LIST OF VOICE SERVICE PRO-
4 VIDERS.—Section 13(e) of the Pallone-Thune Telephone
5 Robocall Abuse Criminal Enforcement and Deterrence Act
6 (Public Law 116–105; 133 Stat. 3287) is amended to read
7 as follows:

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

9 “(1) PUBLICATION OF LIST.—The Commission,
10 or the registered consortium in consultation with the
11 Commission, may publish a list of voice service pro-
12 viders based on—

13 “(A) information obtained by the consor-
14 tium about voice service providers that refuse to
15 participate in private-led efforts to trace back
16 the origin of suspected unlawful robocalls; and

17 “(B) other information the Commission or
18 the consortium may collect about voice service
19 providers that are found to originate or trans-
20 mit substantial amounts of unlawful robocalls.

21 “(2) ENFORCEMENT.—The Commission may
22 take enforcement action based on the information
23 described in paragraph (1).”.

○