

Calendar No. 687

114TH CONGRESS
2^D SESSION

S. 827

[Report No. 114–383]

To amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

IN THE SENATE OF THE UNITED STATES

MARCH 19, 2015

Ms. KLOBUCHAR (for herself, Mr. TESTER, Mr. MERKLEY, Mr. FRANKEN, Mr. KING, Mr. HEINRICH, Ms. BALDWIN, Mr. GRASSLEY, Mrs. ERNST, Mr. LEAHY, and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 28, 2016

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

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 “Improving Rural Call
3 Quality and Reliability Act of 2015”.

4 **SEC. 2. ENSURING THE INTEGRITY OF VOICE COMMUNICA-**
5 **TIONS.**

6 Part H of title H of the Communications Act of 1934
7 (47 U.S.C. 251 et seq.) is amended by adding at the end
8 the following:

9 **“SEC. 262. ENSURING THE INTEGRITY OF VOICE COMMU-**
10 **NICATIONS.**

11 **“(a) REGISTRATION AND COMPLIANCE BY INTER-**
12 **MEDIATE PROVIDERS.**—An intermediate provider that of-
13 fers or holds itself out as offering the capability to trans-
14 mit covered voice communications from one destination to
15 another and that charges any rate to any other entity (in-
16 cluding an affiliated entity) for the transmission shall—

17 **“(1) register with the Commission; and**

18 **“(2) comply with the service quality standards**
19 **for such transmission to be established by the Com-**
20 **mission under subsection (c)(1)(B).**

21 **“(b) REQUIRED USE OF REGISTERED INTER-**
22 **MEDIATE PROVIDERS.**—A covered provider may not use
23 an intermediate provider to transmit covered voice com-
24 munications unless such intermediate provider is reg-
25 istered under subsection (a)(1).

26 **“(c) COMMISSION RULES.—**

1 “(1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this section, the
3 Commission shall promulgate rules to establish—

4 “(A) a registry to record registrations
5 under subsection (a)(1); and

6 “(B) service quality standards for the
7 transmission of covered voice communications
8 by intermediate providers.

9 “(2) REQUIREMENTS.—In promulgating the
10 rules required by paragraph (1), the Commission
11 shall—

12 “(A) ensure the integrity of the trans-
13 mission of covered voice communications to all
14 customers in the United States; and

15 “(B) prevent unjust or unreasonable dis-
16 crimination among areas of the United States
17 in the delivery of covered voice communications.

18 “(d) PUBLIC AVAILABILITY OF REGISTRY.—The
19 Commission shall make the registry established under sub-
20 section (e)(1)(A) publicly available on the website of the
21 Commission.

22 “(e) SCOPE OF APPLICATION.—The requirements of
23 this section shall apply regardless of the format by which
24 any communication or service is provided, the protocol or
25 format by which the transmission of such communication

1 or service is achieved, or the regulatory classification of
 2 such communication or service.

3 “(f) **RULE OF CONSTRUCTION.**—Nothing in this sec-
 4 tion shall be construed to affect the regulatory classifica-
 5 tion of any communication or service.

6 “(g) **EFFECT ON OTHER LAWS.**—Nothing in this sec-
 7 tion shall be construed to preempt the authority of a State
 8 public utility commission or other relevant State agency
 9 to collect data, or investigate and enforce State law and
 10 regulations, regarding the completion of intrastate voice
 11 communications, regardless of the format by which any
 12 communication or service is provided, the protocol or for-
 13 mat by which the transmission of such communication or
 14 service is achieved, or the regulatory classification of such
 15 communication or service.

16 “(h) **DEFINITIONS.**—In this section:

17 “(1) **COVERED PROVIDER.**—The term ‘covered
 18 provider’ has the meaning given the term in section
 19 64.2101 of title 47, Code of Federal Regulations, or
 20 any successor thereto.

21 “(2) **COVERED VOICE COMMUNICATION.**—The
 22 term ‘covered voice communication’ means a voice
 23 communication (including any related signaling in-
 24 formation) that is generated—

1 “(A) from the placement of a call from a
2 connection using a North American Numbering
3 Plan resource or a call placed to a connection
4 using such a numbering resource; and

5 “(B) through any service provided by a
6 covered provider.

7 “(3) INTERMEDIATE PROVIDER.—The term ‘in-
8 termediate provider’ means any entity that—

9 “(A) carries or processes traffic that is
10 generated from the placement of a call from a
11 connection using a North American Numbering
12 Plan resource or a call placed to a connection
13 using such a numbering resource; and

14 “(B) does not itself originate or terminate
15 such traffic in the context of the carriage or
16 processing.”.

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Improving Rural Call*
19 *Quality and Reliability Act of 2016”.*

20 **SEC. 2. ENSURING THE INTEGRITY OF VOICE COMMUNICA-**
21 **TIONS.**

22 *Part II of title II of the Communications Act of 1934*
23 *(47 U.S.C. 251 et seq.) is amended by adding at the end*
24 *the following:*

1 **“SEC. 262. ENSURING THE INTEGRITY OF VOICE COMMU-**
 2 **NICATIONS.**

3 “(a) *REGISTRATION AND COMPLIANCE BY INTER-*
 4 *MEDIATE PROVIDERS.—An intermediate provider that of-*
 5 *fers or holds itself out as offering the capability to transmit*
 6 *covered voice communications from one destination to an-*
 7 *other and that charges any rate to any other entity (includ-*
 8 *ing an affiliated entity) for the transmission shall—*

9 “(1) *register with the Commission; and*

10 “(2) *comply with the service quality standards*
 11 *for such transmission to be established by the Com-*
 12 *mission under subsection (c)(1)(B).*

13 “(b) *REQUIRED USE OF REGISTERED INTERMEDIATE*
 14 *PROVIDERS.—A covered provider may not use an inter-*
 15 *mediate provider to transmit covered voice communications*
 16 *unless such intermediate provider is registered under sub-*
 17 *section (a)(1).*

18 “(c) *COMMISSION RULES.—*

19 “(1) *IN GENERAL.—*

20 “(A) *REGISTRY.—Not later than 180 days*
 21 *after the date of enactment of this section, the*
 22 *Commission shall promulgate rules to establish a*
 23 *registry to record registrations under subsection*
 24 *(a)(1).*

25 “(B) *SERVICE QUALITY STANDARDS.—Not*
 26 *later than 1 year after the date of enactment of*

1 *this section, the Commission shall promulgate*
2 *rules to establish service quality standards for*
3 *the transmission of covered voice communica-*
4 *tions by intermediate providers.*

5 “(2) *REQUIREMENTS.—In promulgating the*
6 *rules required by paragraph (1), the Commission*
7 *shall—*

8 “(A) *ensure the integrity of the trans-*
9 *mission of covered voice communications to all*
10 *customers in the United States; and*

11 “(B) *prevent unjust or unreasonable dis-*
12 *crimination among areas of the United States in*
13 *the delivery of covered voice communications.*

14 “(d) *PUBLIC AVAILABILITY OF REGISTRY.—The Com-*
15 *mission shall make the registry established under subsection*
16 *(c)(1)(A) publicly available on the website of the Commis-*
17 *sion.*

18 “(e) *SCOPE OF APPLICATION.—The requirements of*
19 *this section shall apply regardless of the format by which*
20 *any communication or service is provided, the protocol or*
21 *format by which the transmission of such communication*
22 *or service is achieved, or the regulatory classification of*
23 *such communication or service.*

1 “(f) *RULE OF CONSTRUCTION.*—Nothing in this sec-
2 tion shall be construed to affect the regulatory classification
3 of any communication or service.

4 “(g) *EFFECT ON OTHER LAWS.*—Nothing in this sec-
5 tion shall be construed to preempt or expand the authority
6 of a State public utility commission or other relevant State
7 agency to collect data, or investigate and enforce State law
8 and regulations, regarding the completion of intrastate
9 voice communications, regardless of the format by which
10 any communication or service is provided, the protocol or
11 format by which the transmission of such communication
12 or service is achieved, or the regulatory classification of
13 such communication or service.

14 “(h) *EXCEPTION.*—The requirement under subsection
15 (a)(2) to comply with the service quality standards estab-
16 lished under subsection (c)(1)(B) shall not apply to a cov-
17 ered provider that—

18 “(1) on or before the date that is 1 year after the
19 date of enactment of this section, has certified as a
20 Safe Harbor provider under section 64.2107(a) of title
21 47, Code of Federal Regulations, or any successor reg-
22 ulation; and

23 “(2) continues to meet the requirements under
24 such section 64.2107(a).

25 “(i) *DEFINITIONS.*—In this section:

1 “(1) *COVERED PROVIDER.*—*The term ‘covered*
2 *provider’ has the meaning given the term in section*
3 *64.2101 of title 47, Code of Federal Regulations, or*
4 *any successor thereto.*

5 “(2) *COVERED VOICE COMMUNICATION.*—*The*
6 *term ‘covered voice communication’ means a voice*
7 *communication (including any related signaling in-*
8 *formation) that is generated—*

9 “(A) *from the placement of a call from a*
10 *connection using a North American Numbering*
11 *Plan resource or a call placed to a connection*
12 *using such a numbering resource; and*

13 “(B) *through any service provided by a cov-*
14 *ered provider.*

15 “(3) *INTERMEDIATE PROVIDER.*—*The term ‘in-*
16 *termediate provider’ means any entity that—*

17 “(A) *enters into a business arrangement*
18 *with a covered provider or other intermediate*
19 *provider for the specific purpose of carrying,*
20 *routing, or transmitting voice traffic that is gen-*
21 *erated from the placement of a call placed—*

22 “(i) *from an end user connection using*
23 *a North American Numbering Plan re-*
24 *source; or*

1 “(ii) to an end user connection using
2 such a numbering resource; and
3 “(B) does not itself, either directly or in
4 conjunction with an affiliate, serve as a covered
5 provider in the context of originating or termi-
6 nating a given call.”.

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