

AMENDMENT TO
RULES COMMITTEE PRINT 119-33
OFFERED BY MR. MCDOWELL OF NORTH
CAROLINA

At the end of subtitle B of title XVII, add the following:

1 **SEC. 17___ . FOREIGN ROBOCALL ELIMINATION.**

2 (a) INTERAGENCY TASKFORCE ON UNLAWFUL
3 ROBOCALLS.—

4 (1) DEFINITIONS.—In this subsection:

5 (A) COMMISSION.—The term “Commis-
6 sion” means the Federal Communications Com-
7 mission.

8 (B) CONSORTIUM.—The term “Consort-
9 tium” means the consortium described in sec-
10 tion 13(d) of the Pallone-Thune TRACED Act
11 (Public Law 116–105).

12 (C) FEDERAL AGENCY.—The term “Fed-
13 eral agency” has the meaning given the term
14 “agency” in section 551 of title 5, United
15 States Code.

1 (D) TASKFORCE.—The term “taskforce”
2 means the taskforce on unlawful robocalls es-
3 tablished under paragraph (2).

4 (E) UNLAWFUL ROBOCALL.—The term
5 “unlawful robocall” means a telephone call
6 made in violation of subsection (b) or (e) of sec-
7 tion 227 of the Communications Act of 1934
8 (47 U.S.C. 227).

9 (2) ESTABLISHMENT.—Not later than 270 days
10 after the date of enactment of this Act, the Commis-
11 sion, after consultation with the Federal Trade Com-
12 mission and the Attorney General, shall establish a
13 taskforce on unlawful robocalls.

14 (3) MEMBERSHIP.—

15 (A) IN GENERAL.—The taskforce shall be
16 composed of the following members:

17 (i)(I) A representative of each Federal
18 agency that the Chairman of the Commis-
19 sion, in consultation with the Chairman of
20 the Federal Trade Commission and the At-
21 torney General, considers appropriate.

22 (II) With respect to each Federal
23 agency considered under subclause (I) to
24 be appropriate, the Chairman of the Com-
25 mission shall appoint a representative of

1 that Federal agency to the taskforce based
2 on the recommendations of the head of
3 that Federal agency.

4 (ii) Seven representatives of private
5 sector entities, to be appointed as de-
6 scribed in subparagraph (B)—

7 (I) 3 of whom shall be represent-
8 atives from private sector entities with
9 expertise in combating unlawful
10 robocalls, including—

11 (aa) voice service providers;

12 (bb) analytics providers;

13 (cc) technologists; and

14 (dd) technology experts;

15 (II) 1 of whom shall be a rep-
16 resentative from the Consortium;

17 (III) 1 of whom shall be a rep-
18 resentative of a marketing business
19 that communicates with consumers by
20 telephone as part of the normal course
21 of business of that marketing busi-
22 ness;

23 (IV) 1 of whom shall be a rep-
24 resentative of a business or nonprofit
25 organization that communicates with

1 consumers by telephone for nonmar-
2 keting purposes on a regular basis;
3 and

4 (V) 1 of whom shall be a rep-
5 resentative of an organization that ad-
6 vocates on behalf of customers and
7 who has relevant experience and ex-
8 pertise in combating unlawful
9 robocalls.

10 (B) APPOINTMENT OF REPRESENTATIVES
11 OF PRIVATE SECTOR ENTITIES.—

12 (i) IN GENERAL.—Notwithstanding
13 any provision of chapter 10 of title 5,
14 United States Code, the members of the
15 taskforce described in subparagraph (A)(ii)
16 shall be jointly appointed by the Chairman
17 of the Commission, the Chairman of the
18 Federal Trade Commission, and the Attor-
19 ney General.

20 (ii) INABILITY TO REACH AGREE-
21 MENT.—

22 (I) IN GENERAL.—Subject to
23 subclauses (II) and (III), if the Chair-
24 man of the Commission, the Chair-
25 man of the Federal Trade Commis-

1 sion, and the Attorney General cannot
2 reach agreement regarding an ap-
3 pointment described in clause (i), as
4 determined by the Chairman of the
5 Commission, the Chairman of the
6 Commission shall make that appoint-
7 ment.

8 (II) NOTICE OF APPOINT-
9 MENTS.—Not later than 48 hours be-
10 fore appointing a member to the
11 taskforce under subclause (I), the
12 Chairman of the Commission shall
13 provide notice of the proposed ap-
14 pointment to the commissioners of the
15 Commission.

16 (III) REQUEST FOR VOTE.—If,
17 after receiving notice under subclause
18 (II) of a proposed appointment under
19 subclause (I), a commissioner of the
20 Commission requests that the pro-
21 posed appointment be subject to a
22 vote of the Commission, the Chairman
23 of the Commission may not make that
24 appointment unless a majority of the

1 commissioners of the Commission vote
2 to approve the appointment.

3 (4) REPORT.—

4 (A) IN GENERAL.—The taskforce shall pre-
5 pare a report on unlawful robocalls, which shall
6 contain recommendations and advice for Fed-
7 eral agencies with jurisdiction relevant to com-
8 bating unlawful robocalls, and for Congress, re-
9 garding the most effective ways to combat un-
10 lawful robocalls made into the United States
11 from outside the United States.

12 (B) MATTERS TO BE STUDIED.—In pre-
13 paring the report required under subparagraph
14 (A), the taskforce shall—

15 (i) compare the estimated number of
16 suspected unlawful robocalls made within
17 the United States with the estimated num-
18 ber of unlawful robocalls made into the
19 United States from outside the United
20 States;

21 (ii) determine which foreign countries
22 serve as the foreign points of departure for
23 the highest volume of unlawful robocalls
24 made into the United States;

1 (iii) determine the magnitude of fi-
2 nancial loss and the number of instances of
3 stolen identity that occur within the
4 United States each year as a result of un-
5 lawful robocalls made from outside the
6 United States;

7 (iv) examine methods for encouraging
8 the adoption of caller identification authen-
9 tication technology in foreign countries;

10 (v) examine and provide information
11 on options for how countries can collabo-
12 rate on solutions to authenticate and verify
13 international calls, including relevant ana-
14 lytics relating to unlawful robocalls and
15 technical options that can be used with re-
16 spect to that authentication and
17 verification;

18 (vi) examine how better implementa-
19 tion of technical solutions, such as
20 traceback and caller identification authen-
21 tication technology in foreign originating
22 countries, would improve coordination be-
23 tween the United States and foreign coun-
24 tries in combating unlawful robocalls;

25 (vii) determine whether—

1 (I) the technical standards com-
2 monly known as “STIR/SHAKEN”
3 adequately provide call authentication
4 for unlawful robocalls from foreign
5 originating providers or foreign inter-
6 mediate providers through gateway
7 providers in the United States; and

8 (II) it would be desirable to en-
9 courage other countries to adopt the
10 standards described in subclause (I);

11 (viii) examine ways to provide incen-
12 tives to foreign countries to cooperate with
13 law enforcement efforts in the United
14 States to combat unlawful robocalls;

15 (ix) examine whether any Federal
16 agency, or any other organization, that
17 combats unlawful robocalls needs addi-
18 tional resources in order to more effectively
19 combat unlawful robocalls made into the
20 United States from outside the United
21 States;

22 (x) specifically consider whether the
23 ability of the Attorney General to conduct
24 enforcement activities with respect to un-
25 lawful robocalls would be increased

1 through the establishment of an office
2 within the Department of Justice dedicated
3 to those enforcement activities;

4 (xi) examine how increased criminal
5 penalties based on the volume of unlawful
6 robocalls could help prevent unlawful
7 robocalls made into the United States;

8 (xii) examine how many enforcement
9 activities the Attorney General has under-
10 taken in the year preceding the date on
11 which the preparation of the report begins,
12 including in response to referrals made by
13 the Commission;

14 (xiii) specifically determine how the
15 Attorney General has pursued forfeiture
16 amounts in enforcement activities with re-
17 spect to unlawful robocalls;

18 (xiv) seek input, as appropriate, from
19 technologists and private sector innovators
20 to find solutions for combating unlawful
21 robocalls;

22 (xv) identify a list of best practices re-
23 garding the identification and blocking of
24 unlawful robocalls that telephone service
25 providers and providers of technology solu-

1 tions can voluntarily implement to improve
2 the effectiveness of mitigating unlawful
3 robocalls made into the United States from
4 outside the United States;

5 (xvi) evaluate whether requiring peri-
6 odic public disclosure, in whole or in part,
7 of the results of trace backs conducted by
8 the Consortium would impact the integrity
9 and effectiveness of the trace back process
10 of the Consortium, including by—

11 (I) revealing investigative meth-
12 ods;

13 (II) allowing consumers and busi-
14 nesses to avoid providers with a track
15 record of making unlawful robocalls;

16 (III) exposing proprietary, com-
17 petitively sensitive, or confidential in-
18 formation of legitimate providers or
19 entities;

20 (IV) strengthening accountability
21 and deterrence;

22 (V) enabling the initiators of un-
23 lawful robocalls to evade detection,
24 adapt tactics, or exploit system
25 vulnerabilities;

1 (VI) improving the efforts of
2 voice service providers to block calls
3 that are determined to be unwanted
4 based on reasonable analytics;

5 (VII) impeding cooperation with
6 future law enforcement investigations
7 or future consumer protection efforts;
8 or

9 (VIII) ensuring fairness in the
10 reporting of trace back information;
11 and

12 (xvii) examine mechanisms for im-
13 proving compliance with the requirements
14 imposed pursuant to sections 6 and 7 of
15 the Pallone-Thune TRACED Act (47
16 U.S.C. 227b-1, 227 note).

17 (C) REPORT TO CONGRESS.—Not later
18 than 360 days after the date on which the
19 taskforce is established under paragraph (2),
20 the taskforce shall submit to Congress the re-
21 port prepared under this paragraph.

22 (5) TERMINATION.—The taskforce shall termi-
23 nate on the date that is 90 days after the date on
24 which the taskforce submits to Congress the report

1 prepared under paragraph (4), as required under
2 subparagraph (C) of that paragraph.

3 (b) FCC NOTICE PROVISION.—Section 13(d)(2) of
4 the Pallone-Thune TRACED Act (Public Law 116–105)
5 is amended by striking “annually” and inserting “once
6 every 3 years”.

7 (c) ROBOCALL MITIGATION DATABASE.—

8 (1) DEFINITIONS.—In this subsection:

9 (A) COMMISSION.—The term “Commis-
10 sion” means the Federal Communications Com-
11 mission.

12 (B) ROBOCALL MITIGATION DATABASE.—
13 The term “Robocall Mitigation Database” has
14 the meaning given the term in section 64.6300
15 of title 47, Code of Federal Regulations, or any
16 successor regulation.

17 (C) UNLAWFUL ROBOCALL.—The term
18 “unlawful robocall” has the meaning given the
19 term in subsection (a)(1).

20 (2) BOND REQUIREMENT.—

21 (A) IN GENERAL.—The Commission shall
22 issue rules to require that, subject to the other
23 provisions of this subsection, before a provider
24 may file a certification to the Robocall Mitiga-
25 tion Database, the provider shall post a bond in

1 an amount that is not more than \$100,000, if
2 the Commission determines that posting such a
3 bond is necessary to preserve the integrity of
4 the Robocall Mitigation Database.

5 (B) EXCEPTED PROVIDERS.—

6 (i) IN GENERAL.—In issuing rules
7 under subparagraph (A), the Commission
8 shall establish criteria to exempt a provider
9 from the requirement to post a bond de-
10 scribed in that subparagraph if that re-
11 quirement, as applied to the provider, is
12 not necessary to deter unlawful robocall ac-
13 tivity.

14 (ii) CONSIDERATIONS.—In estab-
15 lishing criteria under clause (i), the Com-
16 mission shall require consideration of
17 whether a provider—

18 (I) is registered with the Com-
19 mission under section 64.1195 of title
20 47, Code of Federal Regulations (or
21 any successor regulation) and makes
22 contributions under section 254(d) of
23 the Communications Act of 1934 (47
24 U.S.C. 254(d));

1 (II) holds a certificate of author-
2 ity, license, or registration with a
3 State public utility commission;

4 (III) is an issuer, the securities
5 of which are listed on a national secu-
6 rities exchange; and

7 (IV) otherwise presents indicia of
8 being a bona fide, established commu-
9 nications service provider, such that
10 requiring the provider to post a bond
11 under subparagraph (A) would impose
12 unnecessary burdens without materi-
13 ally improving enforcement of section
14 227 of the Communications Act of
15 1934 (47 U.S.C. 227).

16 (3) IMPLEMENTATION.—In implementing this
17 subsection, the Commission shall—

18 (A) require the posting of a bond under
19 paragraph (2)(A) from providers that do not
20 demonstrate—

- 21 (i) legitimate, ongoing operations;
22 (ii) regulatory oversight sufficient to
23 ensure accountability; or
24 (iii) the ability to pay fines or forfeit-
25 ures imposed by the Commission or other

1 governmental enforcement authorities with
2 respect to violations of Federal or State
3 laws or regulations;

4 (B) establish categorical exemptions for
5 identifiable classes of legitimate providers that
6 satisfy the criteria established under paragraph
7 (2)(B); and

8 (C) minimize administrative and financial
9 burdens on compliant, established, and regu-
10 lated providers while ensuring effective enforce-
11 ment of section 227 of the Communications Act
12 of 1934 (47 U.S.C. 227).

13 (d) REGISTERED CONSORTIUM CONDUCTING PRI-
14 VATE-LED EFFORTS TO TRACE BACK THE ORIGIN OF
15 SUSPECTED UNLAWFUL ROBOCALLS.—

16 (1) IMMUNITY FOR RECEIVING, SHARING, AND
17 PUBLISHING TRACE BACK INFORMATION.—Section
18 13(d) of the Pallone-Thune TRACED Act (Public
19 Law 116–105; 133 Stat. 3287) is amended by add-
20 ing at the end the following:

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

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

1 “(i) means information regarding sus-
2 pected—

3 “(I) fraudulent, abusive, or un-
4 lawful robocalls;

5 “(II) illegally spoofed calls; and

6 “(III) other illegal calls; and

7 “(ii) includes—

8 “(I) call detail records of calls
9 described in clause (i);

10 “(II) the names of, and other
11 identifying information concerning,
12 the voice service providers that origi-
13 nated, carried, routed, and trans-
14 mitted calls described in clause (i);
15 and

16 “(III) information about the enti-
17 ties that made calls described in
18 clause (i), including any contact infor-
19 mation of individuals that such an en-
20 tity provided to the voice service pro-
21 vider that originated the call.

22 “(B) TRACE BACK IMMUNITY.—No cause
23 of action shall lie or be maintained in any court
24 against the registered consortium for receiving,

1 sharing, or publishing covered information or
2 information derived from covered information.”.

3 (2) PUBLICATION OF LIST OF VOICE SERVICE
4 PROVIDERS.—Section 13(e) of the Pallone-Thune
5 TRACED Act (Public Law 116–105; 133 Stat.
6 3288) is amended to read as follows:

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

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

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

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

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

