

116TH CONGRESS
1ST SESSION

H. R. 3434

To require the Federal Communications Commission to publish an annual report on suspected unlawful robocalls, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2019

Mr. BUTTERFIELD (for himself, Mr. JOHNSON of Ohio, Mr. SOTO, and Mr. GIANFORTE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the Federal Communications Commission to publish an annual report on suspected 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 “Tracing Back and
5 Catching Unlawful Robocallers Act of 2019”.

6 **SEC. 2. ANNUAL ROBOCALL REPORT.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of enactment of this Act, and annually thereafter,
9 the Commission shall make publicly available on the

1 website of the Commission, and submit to the Committee
2 on Energy and Commerce of the House of Representatives
3 and the Committee on Commerce, Science and Transpor-
4 tation of the Senate, a report on the status of private-
5 led efforts to trace back the origin of suspected unlawful
6 robocalls by the registered consortium and the participa-
7 tion of voice service providers in such efforts.

8 (b) CONTENTS OF REPORT.—The report required
9 under subsection (a) shall include, at minimum, the fol-
10 lowing:

11 (1) A description of private-led efforts to trace
12 back the origin of suspected unlawful robocalls by
13 the registered consortium and the actions taken by
14 the registered consortium to coordinate with the
15 Commission.

16 (2) A list of voice service providers identified by
17 the registered consortium that participated in pri-
18 vate-led efforts to trace back the origin of suspected
19 unlawful robocalls through the registered consor-
20 tium.

21 (3) A list of each voice service provider that re-
22 ceived a request from the registered consortium to
23 participate in private-led efforts to trace back the or-
24 igin of suspected unlawful robocalls and refused to

1 participate, as identified by the registered consor-
2 tium.

3 (4) The reason, if any, each voice service pro-
4 vider identified by the registered consortium pro-
5 vided for not participating in private-led efforts to
6 trace back the origin of suspected unlawful robocalls.

7 (5) A description of how the Commission may
8 use the information provided to the Commission by
9 voice service providers or the registered consortium
10 that have participated in private-led efforts to trace
11 back the origin of suspected unlawful robocalls in
12 the enforcement efforts by the Commission.

13 (c) ADDITIONAL INFORMATION.—Not later than 210
14 days after the date of the enactment of this Act, and annu-
15 ally thereafter, the Commission shall issue a notice to the
16 public seeking additional information from voice service
17 providers and the registered consortium of private-led ef-
18 forts to trace back the origin of suspected unlawful
19 robocalls necessary for the report by the Commission re-
20 quired under subsection (a).

21 (d) REGISTRATION OF CONSORTIUM OF PRIVATE-
22 LED EFFORTS TO TRACE BACK THE ORIGIN OF SUS-
23 PECTED UNLAWFUL ROBOCALLS.—

24 (1) IN GENERAL.—Not later than 90 days after
25 the date of enactment of this Act, the Commission

1 shall issue rules to establish a registration process
2 for the registration of a single consortium that con-
3 ducts private-led efforts to trace back the origin of
4 suspected unlawful robocalls. The consortium shall
5 meet the following requirements:

6 (A) Be a neutral third-party competent to
7 manage the private-led effort to trace back the
8 origin of suspected unlawful robocalls in the
9 judgement of the Commission.

10 (B) Maintain a set of written best prac-
11 tices about the management of such efforts and
12 regarding providers of voice services' participa-
13 tion in private-led efforts to trace back the ori-
14 gin of suspected unlawful robocalls.

15 (C) Consistent with section 222(d)(2) of
16 the Communications Act of 1934 (47 U.S.C.
17 222(d)(2)), any private-led efforts to trace back
18 the origin of suspected unlawful robocalls con-
19 ducted by the third-party focus on “fraudulent,
20 abusive, or unlawful” traffic.

21 (D) File a notice with the Commission that
22 the consortium intends to conduct private-led
23 efforts to trace back in advance of such reg-
24 istration.

1 (2) ANNUAL NOTICE BY THE COMMISSION
2 SEEKING REGISTRATIONS.—Not later than 120 days
3 after the date of enactment of this Act, and annually
4 thereafter, the Commission shall issue a notice to
5 the public seeking the registration described in para-
6 graph (1).

7 (e) LIST OF VOICE SERVICE PROVIDERS.—The Com-
8 mission may publish a list of voice service providers from
9 which other voice service providers may refuse to accept
10 calls, based on information obtained from the consortium
11 about voice service providers that refuse to participate in
12 private-led efforts to trace back the origin of suspected
13 unlawful robocalls, and other information the Commission
14 may collect about service providers that are found to origi-
15 nate or transmit substantial amounts of illegal calls.

16 (f) DEFINITIONS.—In this section:

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

19 (2) PRIVATE-LED EFFORT TO TRACE BACK.—
20 The term “private-led effort to trace back” means
21 an effort made by the registered consortium of voice
22 service providers to establish a methodology for de-
23 termining the origin of a suspected unlawful
24 robocall.

1 (3) REGISTERED CONSORTIUM.—The term
2 “registered consortium” means the consortium reg-
3 istered under subsection (d).

4 (4) SUSPECTED UNLAWFUL ROBOCALL.—The
5 term “suspected unlawful robocall” means a call
6 that the Commission or a voice service provider rea-
7 sonably believes was made in violation of subsection
8 (b) or (e) of section 227 of the Communications Act
9 of 1934 (47 U.S.C. 227).

10 (5) VOICE SERVICE.—The term “voice serv-
11 ice”—

12 (A) means any service that is inter-
13 connected with the public switched telephone
14 network and that furnishes voice communica-
15 tions to an end user using resources from the
16 North American Numbering Plan or any suc-
17 cessor to the North American Numbering Plan
18 adopted by the Commission under section
19 251(e)(1) of the Communications Act of 1934
20 (47 U.S.C. 251(e)(1)); and

21 (B) includes—

22 (i) transmissions from a telephone
23 facsimile machine, computer, or other de-
24 vice to a telephone facsimile machine; and

1 (ii) without limitation, any service
2 that enables real-time, two-way voice com-
3 munications, including any service that re-
4 quires internet protocol-compatible cus-
5 tomer premises equipment (commonly
6 known as “CPE”) and permits out-bound
7 calling, whether or not the service is one-
8 way or two-way voice over internet pro-
9 tocol.

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