

116TH CONGRESS  
1ST SESSION

# S. 1239

To require the Federal Communications Commission to establish within the Enforcement Bureau of the Commission a division that specifically addresses the issue of robocalls, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 30, 2019

Mr. MERKLEY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To require the Federal Communications Commission to establish within the Enforcement Bureau of the Commission a division that specifically addresses the issue of 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 “Regulatory Oversight  
5 Barring Obnoxious Calls and Texts Act of 2019” or the  
6 “ROBO Calls and Texts Act”.

1 **SEC. 2. ROBOCALL DIVISION IN FCC ENFORCEMENT BU-**  
2 **REAU.**

3 (a) ESTABLISHMENT.—Not later than 1 year after  
4 the date of the enactment of this Act, the Commission  
5 shall establish within the Enforcement Bureau of the  
6 Commission a division, to be known as the “Robocall Divi-  
7 sion”, that specifically addresses the issue of robocalls.

8 (b) RESPONSIBILITIES.—The Division shall have the  
9 following responsibilities:

10 (1) Ensure consumer protection and compliance  
11 with Federal laws relating to public safety and  
12 robocalls.

13 (2) Serve as a line of communication between  
14 the Federal Government and the communications in-  
15 dustry to coordinate efforts to combat robocalls on  
16 both sides.

17 (3) Actively manage consumer complaints re-  
18 garding robocalls and address those complaints in a  
19 timely manner.

20 (4) Serve as a line of communication between  
21 the Commission and other related Federal agencies,  
22 including the Federal Bureau of Investigation, the  
23 Consumer Financial Protection Bureau, the Federal  
24 Trade Commission, the Department of Justice, and  
25 the Treasury Inspector General for Tax Administra-  
26 tion, regarding the issue of robocalls.

1           (5) Any other responsibility that the Commis-  
2           sion determines—

3                   (A) is necessary to prevent robocalls; and

4                   (B) does not unnecessarily—

5                           (i) block benign calls or text mes-  
6                           sages; or

7                           (ii) complicate the user experience.

8 **SEC. 3. OTHER FCC RESPONSIBILITIES RELATING TO**  
9 **ROBOCALLS.**

10       (a) TECHNOLOGICAL STANDARDS.—

11           (1) IN GENERAL.—Not later than 90 days after  
12       the date of the enactment of this Act, the Commis-  
13       sion shall promulgate regulations under section 227  
14       of the Communications Act of 1934 (47 U.S.C. 227)  
15       that compel telecommunications providers to adopt  
16       technological standards to prevent robocalls.

17           (2) UPDATES.—The Commission shall periodi-  
18       cally update the regulations promulgated under  
19       paragraph (1) as the Commission considers appro-  
20       priate.

21       (b) RESEARCH.—The Commission shall dedicate a  
22       portion of the staff of the Commission to conducting re-  
23       search that—

24           (1) advances technology to prevent robocalls;

1           (2) investigates technology that facilitates the  
2           origination of robocalls; and

3           (3) otherwise assists the Division in carrying  
4           out its responsibilities under section 2(b).

5           (c) EDUCATIONAL RESOURCES AND MATERIALS.—

6           The Commission shall develop, and provide to the general  
7           public, educational resources and materials that inform  
8           users of a voice service or text messaging service of the  
9           risks associated with robocalls.

10   **SEC. 4. DEFINITIONS.**

11           In this Act:

12           (1) COMMISSION.—The term “Commission”  
13           means the Federal Communications Commission.

14           (2) DIVISION.—The term “Division” means the  
15           Robocall Division established under section 2(a).

16           (3) ROBOCALL.—The term “robocall” means a  
17           call made (including a text message sent)—

18                   (A) using equipment that makes a series of  
19                   calls to stored telephone numbers, including  
20                   numbers stored on a list, or to telephone num-  
21                   bers produced using a random or sequential  
22                   number generator, except for a call made using  
23                   only equipment that the caller demonstrates re-  
24                   quires substantial additional human interven-

- 1           tion to dial or place a call after a human initi-
- 2           ates the series of calls; or
- 3           (B) using an artificial or prerecorded voice.

