



July 2019

Section-by-Section Summary Stopping Bad Robocalls Act

COMMITTEE ON ENERGY & COMMERCE

Chairman Pallone, Ranking Member Walden, Subcommittee on Communications and Technology Chairman Doyle and Ranking Member Latta introduced the Stopping Bad Robocalls Act to turn back the tide of illegal robocalls.

According to many statistics, Americans are receiving more illegal robocalls than ever before. For example, the Federal Communications Commission (FCC) received 232,000 consumer complaints of unwanted calls in 2018, a more than 34 percent increase since 2015. YouMail estimates that there were nearly 48 billion robocalls in 2018, up over 64 percent since 2016. First Orion predicts that this year 44.6 percent of all calls to mobile phones will be scam calls.

Section 1

This section names the bill the Stopping Bad Robocalls Act.

Section 2

Consumers need to be able to put a stop to incoming robocalls, and robocalls should not be made without a consumer's consent.

This section will require the FCC to complete a rulemaking within six months to put consumers first. Specifically, the FCC would be required to revise its rules under the Telephone Consumer Protection Act to:

- (1) protect consumers and their privacy,
- (2) ensure that robocalls are only made with consent,
- (3) ensure that consumers can withdraw consent,
- (4) prevent circumvention or evasion of the law,
- (5) ensure robocallers are keeping records to prove they have the consent of the people they are calling, and
- (6) help ensure robocallers are following the law.

Section 3

Under current law, some robocalls can be made without consent such as calls from financial institutions, with regard to transactions that suggest fraud, but consumers need to be protected from receiving too many calls from too many people.

Section 3 requires the FCC to implement consumer protections on the FCC's exempted classes of robocalls. These consumer protections must specifically include limits on:

- (1) the classes of parties that may make such calls,
- (2) the classes of parties that may be called, and
- (3) the number of calls allowed under the exemption.

Section 4

Too often consumers receive a torrent of robocalls that are intended for the person that had their phone number previously.

This section requires the FCC to issue a report to Congress to ensure the FCC is quickly making available the reassigned number database it agreed to implement in December. This section also clarifies that when a consumer gets a new phone number, robocallers cannot keep calling to look for the person that had that phone number before.

Section 5

Under the law today, the FCC has a short statute of limitations to bring robocall violations and greater fines may help deter bad actors.

This section extends the statute of limitations by up to four years in some cases, to give the FCC and law enforcement agencies enough time to prosecute illegal robocallers. This section also adds an additional penalty for intentional violations to up to \$10,000.

Section 6

Consistent sustained enforcement is key for making sure illegal robocallers stop their practices.

This section requires the FCC to issue an annual report to Congress on illegal robocallers detailing its enforcement activities so Congress can make sure the robocalling problem is being addressed. The report also requires the FCC to provide Congress with proposals for decreasing the number of robocalls through additional legislation.

Section 7

Many of the illegal robocalls that are made today are done using disguised caller-ID, so the call looks like it is coming from a trusted source.

This section requires all carriers, over time, to implement a new technology to make sure that caller-ID information is appropriately authenticated with no additional line item charge for consumers on their bill. It also helps ensure rural parts of the country with older technology are not left behind. Specifically, this section requires the FCC to recognize the burdens and barriers to adopting this technology across the country and to address those barriers. To the extent some carriers need additional time to implement this technology, the FCC will need to find alternative methodologies for authenticating calls.

Section 8

Consumers need to have access to robocall blocking at no additional line item charge on their bill and there needs to be transparency and redress for consumers and callers when a call is blocked. The FCC recently adopted a ruling to allow carriers to offer robocall blocking as a default for consumers but did not address consumer charges or consumer transparency and redress.

This section makes sure those services are offered with no additional line item charge on their bill and that consumer and callers have transparency as to when a number has been blocked and effective redress.

Section 9

Many robocallers have not been deterred by civil penalties against unlawful robocalls. There are criminal penalties against certain types of robocalling, and the Department of Justice (DOJ) should take a more active role in prosecuting scammers and fraudsters.

This section requires the FCC to submit evidence of certain criminal robocall violations to the DOJ for criminal prosecution and would require the FCC to publish a report annually disclosing how frequently the FCC submitted such evidence in an effort to increase criminal prosecutions by the DOJ.

Section 10

One-ring scams are when an overseas scammer makes a call to a consumer's number in an attempt to induce the consumer to call the scammer's number back, potentially resulting in hefty charges.

This section requires the FCC to initiate a proceeding to protect consumers from one-ring scams, including by working with foreign governments to address one-ring scams and by incentivizing carriers to stop calls made to perpetrate one-ring scams, among other things.

Section 11

Robocalls are on the rise, and the government must be better coordinated in enforcing the important laws that protect consumers from unlawful calls.

This section, therefore, requires the Attorney General, in consultation with the FCC, to convene an interagency task force to study the enforcement of the Telephone Consumer Protection Act (TCPA). Among other things, the task force will: (1) determine how federal law and budgetary constraints inhibit enforcement of the TCPA; (2) identify existing and additional policies and programs to increase coordination between federal department and agencies and the states for enforcing and preventing violations of the TCPA; and (3) identify existing and potential international policies and programs to improve coordination between countries in enforcing the TCPA and similar laws.

Section 12

The section defines the term "Commission" to mean the Federal Communications Commission.

Section 13

In recent years, carriers have banded together to coordinate and traceback the origin of unlawful robocalls. However, many carriers still do not participate and the process could be better used to enforce laws that protect us from unlawful calls.

This section requires the FCC to register a consortium of companies engaged in private-led efforts to trace back the origin of suspected unlawful robocalls. It also creates a certification process for when carriers have

or have not participated in a private-led effort to traceback the origin of a suspected unlawful robocall. This section also requires the FCC to publish a report on the participation by carriers in private-led efforts to traceback the origin of suspected unlawful robocalls and take appropriate enforcement action.

Section 14

Robocalls have particularly plagued hospitals recently, including by robocalling doctors while they are on-call and calling patients disguised as hospital officials to solicit sensitive information about the patient or family.

This section requires the FCC to establish a Hospital Robocall Working Group to, among other things, issue best practices to help voice service providers combat unlawful robocalls made to hospitals and to help hospitals protect themselves from robocalls. It also requires the FCC to initiate a proceeding to determine whether the voluntary adoption of the practices can be facilitated.