

119TH CONGRESS
1ST SESSION

S. _____

To direct the Federal Communications Commission to establish a taskforce
on unlawful robocalls, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BUDD (for himself and Mr. WELCH) introduced the following bill; which
was read twice and referred to the Committee on _____

A BILL

To direct the Federal Communications Commission to establish a taskforce on 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 “Foreign Robocall
5 Elimination Act”.

6 **SEC. 2. INTERAGENCY TASKFORCE ON UNLAWFUL**
7 **ROBOCALLS.**

8 (a) DEFINITIONS.—In this section:

9 (1) COMMISSION.—The term “Commission”
10 means the Federal Communications Commission.

1 (2) CONSORTIUM.—The term “Consortium”
2 means the consortium described in section 13(d) of
3 the Pallone-Thune TRACED Act (Public Law 116–
4 105).

5 (3) FEDERAL AGENCY.—The term “Federal
6 agency” has the meaning given the term “agency”
7 in section 551 of title 5, United States Code.

8 (4) TASKFORCE.—The term “taskforce” means
9 the taskforce on unlawful robocalls established under
10 subsection (b).

11 (5) UNLAWFUL ROBOCALL.—The term “unlaw-
12 ful robocall” means a telephone call made in viola-
13 tion of subsection (b) or (e) of section 227 of the
14 Communications Act of 1934 (47 U.S.C. 227).

15 (b) ESTABLISHMENT.—Not later than 270 days after
16 the date of enactment of this Act, the Commission, after
17 consultation with the Federal Trade Commission and the
18 Attorney General, shall establish a taskforce on unlawful
19 robocalls.

20 (c) MEMBERSHIP.—

21 (1) IN GENERAL.—The taskforce shall be com-
22 posed of the following members:

23 (A)(i) A representative of each Federal
24 agency that the Chairman of the Commission,
25 in consultation with the Chairman of the Fed-

1 eral Trade Commission and the Attorney Gen-
2 eral, considers appropriate.

3 (ii) With respect to each Federal agency
4 considered under clause (i) to be appropriate,
5 the Chairman of the Commission shall appoint
6 a representative of that Federal agency to the
7 taskforce based on the recommendations of the
8 head of that Federal agency.

9 (B) Seven representatives of private sector
10 entities, to be appointed as described in para-
11 graph (2)—

12 (i) 3 of whom shall be representatives
13 from private sector entities with expertise
14 in combating unlawful robocalls, includ-
15 ing—

16 (I) voice service providers;

17 (II) analytics providers;

18 (III) technologists; and

19 (IV) technology experts;

20 (ii) 1 of whom shall be a representa-
21 tive from the Consortium;

22 (iii) 1 of whom shall be a representa-
23 tive of a marketing business that commu-
24 nicates with consumers by telephone as

1 part of the normal course of business of
2 that marketing business;

3 (iv) 1 of whom shall be a representa-
4 tive of a business or nonprofit organization
5 that communicates with consumers by tele-
6 phone for non-marketing purposes on a
7 regular basis; and

8 (v) 1 of whom shall be a representa-
9 tive of an organization that advocates on
10 behalf of customers and who has relevant
11 experience and expertise in combating un-
12 lawful robocalls.

13 (2) APPOINTMENT OF REPRESENTATIVES OF
14 PRIVATE SECTOR ENTITIES.—

15 (A) IN GENERAL.—Notwithstanding any
16 provision of chapter 10 of title 5, United States
17 Code, the members of the taskforce described in
18 paragraph (1)(B) shall be jointly appointed by
19 the Chairman of the Commission, the Chairman
20 of the Federal Trade Commission, and the At-
21 torney General.

22 (B) INABILITY TO REACH AGREEMENT.—

23 (i) IN GENERAL.—Subject to clauses
24 (ii) and (iii), if the Chairman of the Com-
25 mission, the Chairman of the Federal

1 Trade Commission, and the Attorney Gen-
2 eral cannot reach agreement regarding an
3 appointment described in subparagraph
4 (A), as determined by the Chairman of the
5 Commission, the Chairman of the Commis-
6 sion shall make that appointment.

7 (ii) NOTICE OF APPOINTMENTS.—Not
8 later than 48 hours before appointing a
9 member to the taskforce under clause (i),
10 the Chairman of the Commission shall pro-
11 vide notice of the proposed appointment to
12 the commissioners of the Commission.

13 (iii) REQUEST FOR VOTE.—

14 (I) IN GENERAL.—Except as pro-
15 vided in subclause (II), if, after receiv-
16 ing notice under clause (ii) of a pro-
17 posed appointment under clause (i),
18 not fewer than 2 commissioners of the
19 Commission request that the proposed
20 appointment be subject to a vote of
21 the Commission, the Chairman of the
22 Commission may not make that ap-
23 pointment unless a majority of the
24 commissioners of the Commission vote
25 to approve the appointment.

1 (II) INAPPLICABILITY.—Sub-
2 clause (I) shall have no force or effect
3 during any period in which there has
4 been a vacancy with respect to a posi-
5 tion as commissioner of the Commis-
6 sion for more than 180 days.

7 (d) REPORT.—

8 (1) IN GENERAL.—The taskforce shall prepare
9 a report on unlawful robocalls, which shall contain
10 recommendations and advice for Federal agencies
11 with jurisdiction relevant to combating unlawful
12 robocalls, and for Congress, regarding the most ef-
13 fective ways to combat unlawful robocalls made into
14 the United States from outside the United States.

15 (2) MATTERS TO BE STUDIED.—In preparing
16 the report required under paragraph (1), the
17 taskforce shall—

18 (A) compare the estimated number of sus-
19 pected unlawful robocalls made within the
20 United States with the estimated number of un-
21 lawful robocalls made into the United States
22 from outside the United States;

23 (B) determine which foreign countries
24 serve as the foreign points of departure for the

1 highest volume of unlawful robocalls made into
2 the United States;

3 (C) determine the magnitude of financial
4 loss and the number of instances of stolen iden-
5 tity that occur within the United States each
6 year as a result of unlawful robocalls made
7 from outside the United States;

8 (D) examine methods for encouraging the
9 adoption of caller identification authentication
10 technology in foreign countries;

11 (E) examine and provide information on
12 options for how countries can collaborate on so-
13 lutions to authenticate and verify international
14 calls, including relevant analytics relating to un-
15 lawful robocalls and technical options that can
16 be used with respect to that authentication and
17 verification;

18 (F) examine how better implementation of
19 technical solutions, such as traceback and caller
20 identification authentication technology in for-
21 eign originating countries, would improve co-
22 ordination between the United States and for-
23 eign countries in combating unlawful robocalls;

24 (G) determine whether—

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

8 (ii) it would be desirable to encourage
9 other countries to adopt the standards de-
10 scribed in clause (i);

11 (H) determine if coordination with respect
12 to technologies and incentives to combat unlaw-
13 ful robocalls placed from outside the United
14 States into the United States can help inform
15 strategies to combat potentially fraudulent, or
16 otherwise unlawful, text messages sent from
17 persons outside the United States to persons
18 within the United States;

19 (I) examine ways to provide incentives to
20 foreign countries to cooperate with law enforce-
21 ment efforts in the United States to combat un-
22 lawful robocalls;

23 (J) examine whether any Federal agency,
24 or any other organization, that combats unlaw-
25 ful robocalls needs additional resources in order

1 to more effectively combat unlawful robocalls
2 made into the United States from outside the
3 United States;

4 (K) specifically consider whether the ability
5 of the Attorney General to conduct enforcement
6 activities with respect to unlawful robocalls
7 would be increased through the establishment of
8 an office within the Department of Justice dedi-
9 cated to those enforcement activities;

10 (L) examine how increased criminal pen-
11 alties based on the volume of unlawful robocalls
12 could help prevent unlawful robocalls made into
13 the United States;

14 (M) examine how many enforcement activi-
15 ties the Attorney General has undertaken in the
16 year preceding the date on which the prepara-
17 tion of the report begins, including in response
18 to referrals made by the Commission;

19 (N) specifically determine how the Attor-
20 ney General has pursued forfeiture amounts in
21 enforcement activities with respect to unlawful
22 robocalls;

23 (O) seek input, as appropriate, from tech-
24 nologists and private sector innovators to find
25 solutions for combating unlawful robocalls; and

1 (P) identify a list of best practices regard-
2 ing the identification and blocking of unlawful
3 robocalls that telephone service providers and
4 providers of technology solutions can voluntarily
5 implement to improve the effectiveness of miti-
6 gating unlawful robocalls made into the United
7 States from outside the United States.

8 (3) REPORT TO CONGRESS.—Not later than
9 360 days after the date on which the taskforce is es-
10 tablished under subsection (b), the taskforce shall
11 submit to Congress the report prepared under this
12 subsection.

13 (e) USE OF FUNDS.—Notwithstanding section 1346
14 of title 31, United States Code, funds made available by
15 this or any other Act to the Commission, the Federal
16 Trade Commission, or the Department of Justice may be
17 used by the applicable Federal agency for coordination
18 with, participation in, or recommendations involving the
19 taskforce, as required under this section.

20 (f) TERMINATION.—The taskforce shall terminate on
21 the date that is 90 days after the date on which the
22 taskforce submits to Congress the report prepared under
23 subsection (d), as required under paragraph (3) of that
24 subsection.

1 **SEC. 3. FCC NOTICE PROVISION.**

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