

[DISCUSSION DRAFT]

115TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend the Communications Act of 1934 to clarify the prohibitions on making autodialed calls and robocalls, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. PALLONE introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Communications Act of 1934 to clarify the prohibitions on making autodialed calls and 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 “Stopping Bad  
5 Robocalls Act”.

1 **SEC. 2. PROHIBITIONS ON MAKING AUTODIALED CALLS**  
2 **AND ROBOCALLS.**

3 (a) IN GENERAL.—Section 227 of the Communica-  
4 tions Act of 1934 (47 U.S.C. 227) is amended—

5 (1) in subsection (a)—

6 (A) by amending paragraph (1) to read as  
7 follows:

8 “(1) The term ‘autodialed call’ means a call  
9 made using equipment that makes a series of calls  
10 to telephone numbers on a list (whether in random  
11 or sequential order) or to telephone numbers pro-  
12 duced using a random or sequential number gener-  
13 ator. A call made using such equipment may only be  
14 considered an autodialed call if no additional human  
15 intervention is required to make the call after an in-  
16 dividual initiates the series of calls.”; and

17 (B) by adding at the end the following:

18 “(6) The term ‘robocall’ means any call made  
19 in which the called party is greeted by an artificial  
20 or prerecorded voice message.”;

21 (2) in subsection (b)—

22 (A) in paragraph (1)—

23 (i) in subparagraph (A)—

24 (I) by striking “any call” and in-  
25 serting “any autodialed call or  
26 robocall”; and

1 (II) by striking “using any auto-  
2 matic telephone dialing system or an  
3 artificial or prerecorded voice”;

4 (ii) in subparagraph (B)—

5 (I) by striking “telephone call”  
6 and inserting “robocall”; and

7 (II) by striking “using an artifi-  
8 cial or prerecorded voice to deliver a  
9 message”; and

10 (iii) in subparagraph (D), by striking  
11 “use an automatic telephone dialing sys-  
12 tem” and inserting “make autodialed  
13 calls”; and

14 (B) in paragraph (2)(A), by striking “calls  
15 made using an artificial or prerecorded voice”  
16 and inserting “robocalls”;

17 (3) in subsection (d)—

18 (A) in paragraph (1)(A)—

19 (i) by striking “telephone call using  
20 any automatic telephone dialing system”  
21 and inserting “autodialed call using any  
22 equipment”; and

23 (ii) by striking “automatic telephone  
24 dialing system” and inserting “to make  
25 any autodialed call”; and

1 (B) in paragraph (3)—

2 (i) in the heading, by striking “ARTI-  
3 FICIAL OR PRERECORDED VOICE” and in-  
4 sserting “ROBOCALL”;

5 (ii) in the first sentence, by striking  
6 “artificial or prerecorded voice message via  
7 telephone” and inserting “robocall”; and

8 (iii) in subparagraph (A), by striking  
9 “all artificial or prerecorded telephone  
10 messages” and inserting “the artificial or  
11 prerecorded voice message contained in  
12 any robocall”; and

13 (4) in subsection (f)(1)—

14 (A) in subparagraph (B), by striking “use  
15 of automatic telephone dialing systems” and in-  
16 sserting “making of autodialed calls”; and

17 (B) in subparagraph (C), by striking “use  
18 of artificial or prerecorded voice messages” and  
19 inserting “making of robocalls”.

20 (b) DEADLINE FOR REGULATIONS.—Not later than  
21 1 year after the date of the enactment of this Act, the  
22 Federal Communications Commission shall prescribe such  
23 regulations, or amend such existing regulations, as nec-  
24 essary to implement the amendments made by subsection  
25 (a).

1 **SEC. 3. CONSUMER PROTECTIONS FOR EXEMPTIONS.**

2 (a) IN GENERAL.—Section 227(b)(2) of the Commu-  
3 nications Act of 1934 (47 U.S.C. 227(b)(2)) is amended—

4 (1) in subparagraph (G)(ii), by striking “; and”  
5 and inserting a semicolon;

6 (2) in subparagraph (H), by striking the period  
7 at the end and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(I) shall ensure that any exemption under  
10 subparagraph (B) or (C) contains requirements  
11 for calls made in reliance on the exemption with  
12 respect to—

13 “(i) the classes or categories of par-  
14 ties that may make such calls;

15 “(ii) the classes or categories of par-  
16 ties that may be called;

17 “(iii) the purposes for which such  
18 calls may be made;

19 “(iv) the number of such calls that a  
20 calling party may make to a particular  
21 called party; and

22 “(v) the obligation of the calling  
23 party—

24 “(I) to provide the called party  
25 with a conspicuous consumer choice  
26 mechanism that permits the called

1 party, at any time, to indicate that  
2 the called party wishes to stop receiv-  
3 ing such calls from the calling party;  
4 and

5 “(II) to stop making such calls to  
6 the called party if the called party so  
7 indicates.”.

8 (b) DEADLINE FOR REGULATIONS.—In the case of  
9 any exemption issued under subparagraph (B) or (C) of  
10 section 227(b)(2) of the Communications Act of 1934 (47  
11 U.S.C. 227(b)(2)) before the date of the enactment of this  
12 Act, the Federal Communications Commission, shall, not  
13 later than 1 year after such date of enactment, prescribe  
14 such regulations, or amend such existing regulations, as  
15 necessary to ensure that such exemption meets the re-  
16 quirements of subparagraph (I) of such section, as added  
17 by subsection (a).

18 **SEC. 4. REASSIGNED NUMBER DATABASE; SAFE HARBOR.**

19 (a) IN GENERAL.—Section 227(b) of the Commu-  
20 nications Act of 1934 (47 U.S.C. 227(b)) is amended—

21 (1) by redesignating paragraph (3) as para-  
22 graph (6); and

23 (2) by inserting after paragraph (2) the fol-  
24 lowing:

1           “(3) REASSIGNED NUMBER DATABASE; SAFE  
2 HARBOR.—

3           “(A) DATABASE REQUIRED.—The Com-  
4 mission shall establish a nationwide database of  
5 telephone numbers that have been reassigned in  
6 order to provide persons making calls subject to  
7 this subsection with the comprehensive and  
8 timely information that such persons need to  
9 avoid making calls without the prior express  
10 consent of the called party because of the reas-  
11 signment of the number called to a different  
12 party. The Commission shall ensure that infor-  
13 mation in the database required by this sub-  
14 paragraph is up-to-date.

15           “(B) SAFE HARBOR.—Beginning on the  
16 date of the establishment of the database re-  
17 quired by subparagraph (A), in the case of a  
18 person who makes a call subject to this sub-  
19 section with respect to which such person would  
20 have had the prior express consent of the called  
21 party but for the reassignment of the telephone  
22 number called to a different party, such person  
23 shall not be found in violation of this subsection  
24 on the basis of not having the prior express  
25 consent of the called party to make the call, if

1           such person provides evidence that such person  
2           queried such database before making the call  
3           and did not find such number in such data-  
4           base.”.

5           (b) CALLED PARTY DEFINED.—

6           (1) IN GENERAL.—Section 227(a) of the Com-  
7           munications Act of 1934 (47 U.S.C. 227(a)), as  
8           amended by section 2(a)(1), is further amended by  
9           adding at the end the following:

10           “(7) The term ‘called party’ means, with re-  
11           spect to a call, the current subscriber of the tele-  
12           phone number to which the call is made, determined  
13           at the time when the call is made.”.

14           (2) CONFORMING AMENDMENTS.—Section  
15           227(d)(3)(B) of the Communications Act of 1934  
16           (47 U.S.C. 227(d)(3)(B)) is amended—

17           (A) by striking “called party’s line” each  
18           place it appears and inserting “telephone line  
19           called”; and

20           (B) by striking “called party has hung up”  
21           and inserting “answering party has hung up”.

22           (c) DEADLINE FOR REGULATIONS AND ESTABLISH-  
23           MENT OF DATABASE.—Not later than 1 year after the  
24           date of the enactment of this Act, the Federal Commu-  
25           nications Commission shall—



1 (1) prescribe regulations to implement the  
2 amendments made by this section; and

3 (2) establish the database required by such  
4 amendments.

5 **SEC. 5. ENFORCEMENT.**

6 (a) NO CITATION REQUIRED TO SEEK FORFEITURE  
7 PENALTY.—

8 (1) FOR AUTODIALED CALL AND ROBOCALL  
9 VIOLATIONS.—Section 227(b) of the Communica-  
10 tions Act of 1934 (47 U.S.C. 227(b)), as amended  
11 by section 4(a), is further amended by inserting  
12 after paragraph (3) the following:

13 “(4) NO CITATION REQUIRED TO SEEK FOR-  
14 FEITURE PENALTY.—Paragraph (5) of section  
15 503(b) shall not apply in the case of a violation of  
16 this subsection.”.

17 (2) FOR CALLER IDENTIFICATION INFORMA-  
18 TION VIOLATIONS.—Section 227(e)(5)(A)(iii) of the  
19 Communications Act of 1934 (47 U.S.C.  
20 227(e)(5)(A)(iii)) is amended by adding at the end  
21 the following: “Paragraph (5) of section 503(b) shall  
22 not apply in the case of a violation of this sub-  
23 section.”.

24 (b) 3-YEAR STATUTE OF LIMITATIONS.—

1           (1) FOR AUTODIALED CALL AND ROBOCALL  
2 VIOLATIONS.—Section 227(b) of the Communica-  
3 tions Act of 1934 (47 U.S.C. 227(b)), as amended  
4 by section 4(a) and subsection (a)(1) of this section,  
5 is further amended by inserting after paragraph (4)  
6 the following:

7           “(5) 3-YEAR STATUTE OF LIMITATIONS.—Not-  
8 withstanding paragraph (6) of section 503(b), no  
9 forfeiture penalty for violation of this subsection  
10 shall be determined or imposed against any person  
11 if the violation charged occurred more than 3 years  
12 prior to the date of issuance of the notice required  
13 by paragraph (3) of such section or the notice of ap-  
14 parent liability required by paragraph (4) of such  
15 section (as the case may be).”.

16           (2) FOR CALLER IDENTIFICATION INFORMA-  
17 TION VIOLATIONS.—Section 227(e)(5)(A)(iv) of the  
18 Communications Act of 1934 (47 U.S.C.  
19 227(e)(5)(A)(iv)) is amended—

20           (A) in the heading, by striking “2-YEAR”  
21 and inserting “3-YEAR”; and

22           (B) by striking “2 years” and inserting “3  
23 years”.

1 **SEC. 6. ANNUAL REPORT TO CONGRESS.**

2 Section 227 of the Communications Act of 1934 (47  
3 U.S.C. 227) is further amended by adding at the end the  
4 following:

5 “(i) ANNUAL REPORT TO CONGRESS ON  
6 AUTODIALED CALLS, ROBOCALLS, AND TRANSMISSION OF  
7 MISLEADING OR INACCURATE CALLER IDENTIFICATION  
8 INFORMATION.—

9 “(1) REPORT REQUIRED.—Not later than 1  
10 year after the date of the enactment of the Stopping  
11 Bad Robocalls Act, and annually thereafter, the  
12 Commission, after consultation with the Federal  
13 Trade Commission, shall submit to Congress a re-  
14 port regarding enforcement by the Commission of  
15 subsections (b), (d), and (e) during the preceding  
16 calendar year.

17 “(2) MATTERS FOR INCLUSION.—Each report  
18 required by paragraph (1) shall include the fol-  
19 lowing:

20 “(A) The number of complaints received by  
21 the Commission during each of the preceding  
22 five calendar years, for each of the following  
23 categories:

24 “(i) Complaints alleging that a con-  
25 sumer received an autodialed call in viola-  
26 tion of subsection (b).

1           “(ii) Complaints alleging that a con-  
2           sumer received a robocall call in violation  
3           of subsection (b).

4           “(iii) Complaints alleging that a con-  
5           sumer received an autodialed call in viola-  
6           tion of the standards prescribed under sub-  
7           section (d).

8           “(iv) Complaints alleging that a con-  
9           sumer received a robocall in violation of  
10          the standards prescribed under subsection  
11          (d).

12          “(v) Complaints alleging that a con-  
13          sumer received a call in connection with  
14          which misleading or inaccurate caller iden-  
15          tification information was transmitted in  
16          violation of subsection (e).

17          “(B) The number of citations issued by the  
18          Commission pursuant to section 503(b) during  
19          the preceding calendar year to enforce sub-  
20          section (d), and details of each such citation.

21          “(C) The number of notices of apparent li-  
22          ability issued by the Commission pursuant to  
23          section 503(b) during the preceding calendar  
24          year to enforce subsections (b), (d), and (e),

1 and details of each such notice including the  
2 proposed forfeiture amount.

3 “(D) The number of final orders imposing  
4 forfeiture penalties issued pursuant to section  
5 503(b) during the preceding calendar year to  
6 enforce such subsections, and details of each  
7 such order including the total forfeiture im-  
8 posed.

9 “(E) The amount of forfeiture penalties or  
10 criminal fines collected, during the preceding  
11 calendar year, by the Commission or the Attor-  
12 ney General for violations of such subsections,  
13 and details of each case in which such a for-  
14 feiture penalty or criminal fine was collected.

15 “(F) Proposals for reducing by half the  
16 number of calls made in violation of such sub-  
17 sections.

18 “(G) An analysis of the contribution by  
19 providers of interconnected VoIP service and  
20 non-interconnected VoIP service that discount  
21 high-volume, short-duration calls to the total  
22 number of autodialed calls and robocalls, and  
23 recommendations on how to address such con-  
24 tribution in order to decrease the total number  
25 of autodialed calls and robocalls.”.

1 **SEC. 7. DEADLINE FOR REGULATIONS RELATING TO TELE-**  
2 **PHONE CALL AUTHENTICATION STANDARDS.**

3 Not later than 1 year after the date of the enactment  
4 of this Act, the Federal Communications Commission shall  
5 prescribe regulations in WC Docket No. 17–97.