SECTION 2 – PROHIBITIONS ON MAKING ROBOCALLS

- This section is drafted in response to a recent D.C. Circuit Court of Appeals Case striking down the Federal Communications Commission's (FCC) definition of an "automatic telephone dialing system." This section resolves the issue in that case by prohibiting the making of robocall.

- A "robocall" is defined as:

  - A call or text message made using equipment that makes a series of calls to stored telephone numbers, included telephone numbers stored on a list, or to telephone numbers produced using a random or sequential number generator; or a call made using an artificial or prerecorded voice.

  - The definition includes an exception for calls made on equipment that requires substantial human intervention, as demonstrated by the caller, to dial or place a call after a human initiates the series of calls.

- This section also allows consumers to revoke prior express consent for receiving calls at any time and in any reasonable manner.

SECTION 3 – CONSUMER PROTECTIONS FOR EXEMPTIONS.

- This section requires the Federal Communications Commission (FCC) to implement consumer protections on the FCC's exempted classes of robocalls. These exemptions should mirror those the FCC voted on to govern calls for student debt collection. For exempted calls, the consumer protections would require the FCC to specifically delineate:

  (1) the classes or categories of parties that may make such calls;

  (2) the classes or categories of parties that may be called;

  (3) the purposes for which such calls may be made;

  (4) the number of calls allowed under the exemption; and

  (5) the obligation of the calling party to provide consumers with a conspicuous mechanism to stop receiving calls.

SECTION 4 – REASSIGNED NUMBER DATABASE; SAFE HARBOR.

- This section requires the FCC to establish, including by contract with a private entity, a nationwide database of consumer telephone numbers that have been reassigned to other consumers. All telephone service providers would be required to report to the database. This provision also includes a safe harbor in the event that there is an error in the reassigned number database, provided the caller can make a number of showings, including that the previous subscriber had given their express consent, that the caller had searched the reassigned database within a reasonable time prior to making the call, and that the database did not show that the number had been reassigned.

SECTION 5 – STATUTE OF LIMITATIONS.

- This section extends the statute of limitations to four years for callers violating the prohibitions on autodialed calls, robocalls, or spoofing. This section would also allow the FCC to immediately go after bad actors, rather than requiring the FCC to wait for a second offense.

SECTION 6 – ANNUAL REPORT TO CONGRESS

- This section requires the FCC, after consultation with the Federal Trade Commission (FTC), to submit annual reports to Congress detailing the Commission's progress in stopping robocalls. The report requires the Commission to provide recommendations for how to reduce nuisance calls by at least 50 percent year-over-year.

SECTION 7 – DEADLINE FOR REGULATIONS RELATING TO CALL AUTHENTICATION

- This section requires that within a year after the date of enactment of this Act, the FCC must prescribe consumer protections to require telephone service providers to authenticate the source of calls. Calls that have not been authenticated should not be completed unless subscribers chose to unblock such calls. Telephone service providers cannot charge subscribers for this service.