

Budd Substitute



AMENDMENT NO. _____

Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.**S. 2666**

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. BUDD

Viz:

1 Strike all after the enacting clause and insert the following:
2

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.—If, after
14 receiving notice under clause (ii) of a pro-
15 posed appointment under clause (i), a com-
16 missioner of the Commission requests that
17 the proposed appointment be subject to a
18 vote of the Commission, the Chairman of
19 the Commission may not make that ap-
20 pointment unless a majority of the com-
21 missioners of the Commission vote to ap-
22 prove the appointment.

23 (d) REPORT.—

24 (1) IN GENERAL.—The taskforce shall prepare
25 a report on unlawful robocalls, which shall contain

1 recommendations and advice for Federal agencies
2 with jurisdiction relevant to combating unlawful
3 robocalls, and for Congress, regarding the most ef-
4 fective ways to combat unlawful robocalls made into
5 the United States from outside the United States.

6 (2) MATTERS TO BE STUDIED.—In preparing
7 the report required under paragraph (1), the
8 taskforce shall—

9 (A) compare the estimated number of sus-
10 pected unlawful robocalls made within the
11 United States with the estimated number of un-
12 lawful robocalls made into the United States
13 from outside the United States;

14 (B) determine which foreign countries
15 serve as the foreign points of departure for the
16 highest volume of unlawful robocalls made into
17 the United States;

18 (C) determine the magnitude of financial
19 loss and the number of instances of stolen iden-
20 tity that occur within the United States each
21 year as a result of unlawful robocalls made
22 from outside the United States;

23 (D) examine methods for encouraging the
24 adoption of caller identification authentication
25 technology in foreign countries;

1 (E) examine and provide information on
2 options for how countries can collaborate on so-
3 lutions to authenticate and verify international
4 calls, including relevant analytics relating to un-
5 lawful robocalls and technical options that can
6 be used with respect to that authentication and
7 verification;

8 (F) examine how better implementation of
9 technical solutions, such as traceback and caller
10 identification authentication technology in for-
11 eign originating countries, would improve co-
12 ordination between the United States and for-
13 eign countries in combating unlawful robocalls;

14 (G) determine whether—

15 (i) the technical standards commonly
16 known as “STIR/SILAKEN” adequately
17 provide call authentication for unlawful
18 robocalls from foreign originating providers
19 or foreign intermediate providers through
20 gateway providers in the United States;
21 and

22 (ii) it would be desirable to encourage
23 other countries to adopt the standards de-
24 scribed in clause (i);

1 (II) determine if coordination with respect
2 to technologies and incentives to combat unlaw-
3 ful robocalls placed from outside the United
4 States into the United States can help inform
5 strategies to combat potentially fraudulent, or
6 otherwise unlawful, text messages sent from
7 persons outside the United States to persons
8 within the United States;

9 (I) examine ways to provide incentives to
10 foreign countries to cooperate with law enforce-
11 ment efforts in the United States to combat un-
12 lawful robocalls;

13 (J) examine whether any Federal agency,
14 or any other organization, that combats unlaw-
15 ful robocalls needs additional resources in order
16 to more effectively combat unlawful robocalls
17 made into the United States from outside the
18 United States;

19 (K) specifically consider whether the ability
20 of the Attorney General to conduct enforcement
21 activities with respect to unlawful robocalls
22 would be increased through the establishment of
23 an office within the Department of Justice dedi-
24 cated to those enforcement activities;

1 (L) examine how increased criminal pen-
2 alties based on the volume of unlawful robocalls
3 could help prevent unlawful robocalls made into
4 the United States;

5 (M) examine how many enforcement activi-
6 ties the Attorney General has undertaken in the
7 year preceding the date on which the prepara-
8 tion of the report begins, including in response
9 to referrals made by the Commission;

10 (N) specifically determine how the Attor-
11 ney General has pursued forfeiture amounts in
12 enforcement activities with respect to unlawful
13 robocalls;

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

17 (P) identify a list of best practices regard-
18 ing the identification and blocking of unlawful
19 robocalls that telephone service providers and
20 providers of technology solutions can voluntarily
21 implement to improve the effectiveness of miti-
22 gating unlawful robocalls made into the United
23 States from outside the United States.

24 (3) REPORT TO CONGRESS.—Not later than
25 360 days after the date on which the taskforce is es-

1 tablished under subsection (b), the taskforce shall
2 submit to Congress the report prepared under this
3 subsection.

4 (e) USE OF FUNDS.—Notwithstanding section 1346
5 of title 31, United States Code, funds made available by
6 this or any other Act to the Commission, the Federal
7 Trade Commission, or the Department of Justice may be
8 used by the applicable Federal agency for coordination
9 with, participation in, or recommendations involving the
10 taskforce, as required under this section.

11 (f) TERMINATION.—The taskforce shall terminate on
12 the date that is 90 days after the date on which the
13 taskforce submits to Congress the report prepared under
14 subsection (d), as required under paragraph (3) of that
15 subsection.

16 **SEC. 3. FCC NOTICE PROVISION.**

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