

AMENDMENT NO. _____

Calendar No. _____

Purpose: To improve the bill.

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 intended to be proposed by Mr. LUJÁN *and Mr. Markey*

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. ____ . ROBOCALL MITIGATION DATABASE.**
- 3 (a) DEFINITIONS.—In this section:
- 4 (1) COMMISSION.—The term “Commission”
- 5 means the Federal Communications Commission.
- 6 (2) ROBOCALL MITIGATION DATABASE.—The
- 7 term “Robocall Mitigation Database” has the mean-
- 8 ing given the term in section 64.6300 of title 47,
- 9 Code of Federal Regulations, or any successor regu-
- 10 lation.

1 (3) UNLAWFUL ROBOCALL.—The term “unlaw-
2 ful robocall” has the meaning given the term in sec-
3 tion 2(a).

4 (b) BOND REQUIREMENT.—

5 (1) IN GENERAL.—The Commission shall issue
6 rules to require that, subject to the other provisions
7 of this section, before a provider may file a certifi-
8 cation to the Robocall Mitigation Database, the pro-
9 vider shall post a bond in an amount that is not
10 more than \$100,000, if the Commission determines
11 that posting such a bond is necessary to preserve the
12 integrity of the Robocall Mitigation Database.

13 (2) EXCEPTED PROVIDERS.—

14 (A) IN GENERAL.—In issuing rules under
15 paragraph (1), the Commission shall establish
16 criteria to exempt a provider from the require-
17 ment to post a bond described in that para-
18 graph if that requirement, as applied to the
19 provider, is not necessary to deter unlawful
20 robocall activity.

21 (B) CONSIDERATIONS.—In establishing
22 criteria under subparagraph (A), the Commis-
23 sion shall require consideration of whether a
24 provider—

1 (i) is registered with the Commission
2 under section 64.1195 of title 47, Code of
3 Federal Regulations (or any successor reg-
4 ulation) and makes contributions under
5 section 254(d) of the Communications Act
6 of 1934 (47 U.S.C. 254(d));

7 (ii) holds a certificate of authority, li-
8 cense, or registration with a State public
9 utility commission;

10 (iii) is an issuer, the securities of
11 which are listed on a national securities ex-
12 change; and

13 (iv) otherwise presents indicia of being
14 a bona fide, established communications
15 service provider, such that requiring the
16 provider to post a bond under paragraph
17 (1) would impose unnecessary burdens
18 without materially improving enforcement
19 of section 227 of the Communications Act
20 of 1934 (47 U.S.C. 227).

21 (c) IMPLEMENTATION.—In implementing this sec-
22 tion, the Commission shall—

23 (1) require the posting of a bond under para-
24 graph (1) from providers that do not demonstrate—

25 (A) legitimate, ongoing operations;

1 (B) regulatory oversight sufficient to en-
2 sure accountability; or

3 (C) the ability to pay fines or forfeitures
4 imposed by the Commission or other govern-
5 mental enforcement authorities with respect to
6 violations of Federal or State laws or regula-
7 tions;

8 (2) establish categorical exemptions for identifi-
9 able classes of legitimate providers that satisfy the
10 criteria established under subsection (b)(2); and

11 (3) minimize administrative and financial bur-
12 dens on compliant, established, and regulated pro-
13 viders while ensuring effective enforcement of section
14 227 of the Communications Act of 1934 (47 U.S.C.
15 227).

