

S. 151, the Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act, would enhance enforcement against the most abusive robocalls to landlines and mobile devices, ensure the adoption of call authentication, require a rulemaking on call blocking, and evaluate opportunities to improve enforcement and deterrence of domestic and foreign abusive robocalls.

The TRACED Act would grant the Federal Communications Commission (FCC) more latitude to pursue civil forfeiture penalties against the worst offenders--robocallers intentionally violating the Telephone Consumer Protection Act (TCPA). Under current law, the FCC can only seek penalties within one year after issuing a citation to a robocaller. This bill would permit the FCC to pursue the most abusive violations for up to three years after a violation has occurred and would eliminate the requirement that the FCC issue a citation first.

This legislation will also direct the FCC to adopt rules requiring telephone providers to adopt call authentication technologies. These technologies enable a telephone carrier to verify that incoming calls are authenticated before they reach consumers' phones. Authentication technologies can curb the scourge of "neighborhood spoofing," where illegal robocalls are configured in such a manner that the caller I.D. suggests that the calls were local. Illegal robocallers often use spoofed numbers to hide their identities and defraud their victims. Recently, an industry working group developed a series of protocols and operational procedures for call authentication called SHAKEN/STIR. The FCC has permitted industry to establish the appropriate Governance Authority to implement that framework.

The TRACED Act will also direct the FCC to initiate a rulemaking to help protect subscribers from receiving unwanted calls or texts from callers. This mandate will ensure the FCC adopts protections that help empower subscribers to block calls from spoofed numbers.

Finally, the legislation will commission a working group of law enforcement and other key robocall enforcers to evaluate policies and resources needed to better prosecute and deter illegal robocalls. The working groups will be led by the Department of Justice and comprised of the FCC, Department of Commerce, Department of State, Department of Homeland Security, Federal Trade Commission, and the Consumer Financial Protection Bureau.