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TCPA Legislative Update: TRACED and HANGUP Acts Target Robocalls

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In early March, Sens. Ed Markey (D-MA) and Mike Lee (R-UT), along with Rep. Anna Eshoo (D-CA), reintroduced the Help Americans Never Get Unwanted Phone Calls (HANGUP) Act. The legislation would rescind an Obama-era measure, passed in 2015, which exempted callers collecting debt owed to the federal government from robocalling and robotexting protections under the TCPA. In a press release, Sen. Lee said, "Congress passed the TCPA to ensure that consumers are not harassed with unwanted robocalls and texts. The HANGUP Act ensures that government and government contractors are held to the same standard that we hold independent and private businesses." Although this bill was also introduced during the last two congressional sessions it did not see any action. This time, legislators are hopeful that with the increased scrutiny of robocalls by the FCC and the public outcry against them, this legislation has a chance to become law.

On March 5, the attorney generals of all 50 states sent a letter to Sens. Roger Wicker (R-MS) and Maria Cantwell (D-WA), the Chairman and Ranking Member of the Senate Commerce Committee, voicing their support for the TRACED Act. The TRACED Act, introduced in early January by Sens. John Thune (R-SD) and Ed Markey (D-MA), would amend the TCPA to provide the FCC more administrative enforcement powers and increase civil penalties they can levy against bad actors. Additionally, the legislation would require service providers to adopt the FCC's new call authentication strategies, called the SHAKEN/STIR protocols, which the FCC has been pushing companies to implement. The AG's letter states, "since illegal robocalls continue to frustrate and harm consumers every day, we are encouraged that the TRACED Act prioritizes timely, industrywide implementation of the call authentication protocols." On March 8, Sen. Markey announced 10 additional co-sponsors to the legislation, which include Sens. Dick Durbin (D-IL), Richard Blumenthal (D-CT), Shelley Moore Capito (R-WV), Tammy Duckworth (D-IL), Cory Gardner (R-CO), John Hoeven (R-ND), Amy Klobuchar (D-MN), Jerry Moran (R-KS), Marco Rubio (R-FL), and Sheldon Whitehouse (D-RI). Sens. Thune and Markey released a statement saying, "the groundswell of support for the TRACED Act shows just how much the American people want Congress to act to stop harassing robocalls."

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