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## House Subcommittee To Markup Composite Robocall Bill Tomorrow

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The Subcommittee on Communications and Technology of the House Energy and Commerce Committee will hold a markup of the [“new” Stopping Bad Robocalls Act, H.R. 3375](#), tomorrow starting at 2:00 p.m. Eastern time in the John D. Dingell Room, 2123 of the Rayburn House Office Building.

Chairman Frank Pallone’s (D-NJ) [Staff Memorandum](#) circulated to the Subcommittee Members and its Staff includes the following synopsis of the eight substantive sections of the bill:

- Section 2 of the bill would require the FCC to complete a rulemaking within six months to put consumers first. Specifically, the FCC would be required to revise its rules under the Telephone Consumer Protection Act to: Protect consumers and their privacy, ensure that robocalls are only made with consent, ensure that consumers can withdraw consent, prevent circumvention or evasion of the law, ensure robocallers are keeping records to prove they have the consent of the people they are calling, and help ensure robocallers are following the law.
- Section 3 would require the FCC to implement consumer protections on the FCC’s exempted classes of robocalls. These consumer protections must specifically include limits on the classes of parties that may make such calls, the classes of parties that may be called, and the number of calls allowed under the exemption.
- Section 4 would require the FCC to issue a report to Congress to ensure the FCC is quickly implementing the reassigned number database it agreed to implement in December. This section also clarifies that when a consumer gets a new phone number, robocallers cannot keep calling to look for the person that had that phone number before.
- Section 5 would extend the statute of limitations by up to four years in some cases, to give the FCC and law enforcement agencies enough time to prosecute illegal robocallers.
- Section 6 would require the FCC to issue an annual report to Congress on illegal robocallers detailing its enforcement activities so Congress can make sure the robocalling problem is being addressed. The report also requires the FCC to provide Congress with proposals for decreasing the number of robocalls through additional legislation.
- Section 7 would require all carriers, over time, to implement a new technology to make sure that caller-ID information is appropriately authenticated with no additional line item charge for consumers on their bill. Specifically, this section requires the FCC to recognize the burdens and barriers to adopting this technology across the country and to address those barriers. Implementation of these measures will help to ensure that rural parts of the country with older technology are not left behind. To the extent some carriers need additional time to implement this technology, the FCC will need to find alternative methodologies for authenticating calls.
- Section 8 would ensure that robocall blocking services offered on a default basis are provided with no additional line item charge on their bill and that consumer and callers have transparency as to when a



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number has been blocked and effective redress.

More specifically, in Section 2, the bill gives the FCC six months to “clarify...descriptions of automatic telephone dialing systems [ATDS] and calls made using an artificial or prerecorded voice...” Of course, the definition of an ATDS is an issue that has remained pending since the *ACA International* decision in March of 2018. The original version of the Stopping Bad Robocalls Act, H.R. 946, included a broad definition of robocall.

On another subject related to the problem of reassigned numbers, Section 4 would amend the TCPA to define “called party” as “the current subscriber or customary user of the telephone number to which the call is made, determined at the time when the call is made.”

It is not yet clear whether the markup will be available to view through the Energy and Commerce Committee, but check at <https://energycommerce.house.gov/>

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