

Calendar No. 585116TH CONGRESS
2^D SESSION**S. 2204****[Report No. 116–292]**

To allow the Federal Communications Commission to carry out a pilot program under which voice service providers could block certain automated calls, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2019

Mr. CRAPO (for himself and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 16, 2020

Reported by Mr. WICKER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To allow the Federal Communications Commission to carry out a pilot program under which voice service providers could block certain automated calls, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Data Analytics
3 Robocall Technology Act of 2019” or the “DART Act of
4 2019”.

5 **SEC. 2. PILOT PROGRAM.**

6 (a) DEFINITIONS.—In this section—

7 (1) the term “Commission” means the Federal
8 Communications Commission;

9 (2) the term “gateway provider” means a voice
10 service provider that, with respect to a consumer—

11 (A) does not have a direct relationship
12 with the consumer; and

13 (B) offers an entry point onto the public
14 switched telephone network with respect to a
15 call made by the consumer;

16 (3) the term “originating provider”—

17 (A) means a voice service provider that
18 permits a subscriber to originate a call that
19 may be transmitted on the public switched tele-
20 phone network; and

21 (B) includes a gateway provider;

22 (4) the term “public safety answering point”
23 has the meaning given the term in section 222(h) of
24 the Communications Act of 1934 (47 U.S.C.
25 222(h)); and

1 (5) the term “voice service” means any service
2 that—

3 (A) is interconnected with the public
4 switched telephone network; and

5 (B) furnishes voice communications to an
6 end user using resources from the North Amer-
7 ican Numbering Plan or any successor to the
8 North American Numbering Plan adopted by
9 the Commission under section 251(e)(1) of the
10 Communications Act of 1934 (47 U.S.C.
11 251(e)(1)).

12 (b) PILOT PROGRAM.—Beginning not later than 18
13 months after the date of enactment of this Act, the Com-
14 mission may carry out a 1-year pilot program under
15 which, notwithstanding any other provision of law or regu-
16 lation—

17 (1) a voice service provider may, except as pro-
18 vided in paragraph (5)—

19 (A) use data analytics and caller identifica-
20 tion authentication procedures to identify any
21 call that the voice service provider reasonably
22 believes is highly likely to be unlawful; and

23 (B) block a call identified under subpara-
24 graph (A);

1 (2) the Commission may not penalize a voice
2 service provider that, while acting in good faith
3 under paragraph (1), inadvertently blocks a lawful
4 call;

5 (3) the Commission shall establish a process
6 through which—

7 (A) a caller that originates a call that a
8 voice service provider blocks under paragraph
9 (1)(B) may quickly report to the voice service
10 provider that the caller believes that the call
11 should not have been blocked; and

12 (B) a voice service provider that receives a
13 report under subparagraph (A) shall evaluate—

14 (i) whether the call to which the re-
15 port relates should have been blocked; and

16 (ii) the means by which to address fu-
17 ture calls from the number to which the
18 report relates;

19 (4) each voice service provider shall designate a
20 single point of contact to whom a caller may submit
21 a report described in paragraph (3);

22 (5) a voice service provider that blocks a call
23 under paragraph (1)(B) shall maintain a list of
24 numbers that are not eligible to be blocked, includ-
25 ing any number used—

1 (A) for outgoing calls by a public safety
2 answering point or a similar facility that is des-
3 ignated to originate or route emergency calls;

4 (B) to originate calls from a government
5 entity, such as a call generated during an emer-
6 gency; and

7 (C) by a school, or a similar institution, to
8 provide school-related notifications, such as a
9 notification regarding—

10 (i) a weather-related closure; or

11 (ii) the existence of an emergency af-
12 fecting a school or students attending a
13 school;

14 (6) a voice service provider—

15 (A) may obtain, upon affirmative consent
16 provided by a consumer, a list of numbers from
17 which the consumer is willing to receive calls;

18 (B) shall, with respect to a consumer who
19 provides to the provider a list described in sub-
20 paragraph (A), block each call made to the con-
21 sumer from a number that is not on the list;
22 and

23 (C) may not share a list obtained under
24 subparagraph (A) with the Commission or any
25 other voice service provider; and

1 (7) the Commission shall ensure that no con-
2 sumer incurs any cost relating to the pilot program.

3 (c) ~~EVALUATION OF PILOT PROGRAM.~~—If the Com-
4 mission establishes the pilot program under subsection
5 (b), after the expiration of the pilot program, the Commis-
6 sion may—

7 (1) make a determination regarding the effec-
8 tiveness of the pilot program; and

9 (2) if the Commission determines under para-
10 graph (1) that the pilot program was effective, make
11 the pilot program permanent with any adjustments
12 that the Commission determines to be necessary.

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “Data Analytics Robocall*
15 *Technology Act of 2019” or the “DART Act of 2019”.*

16 **SEC. 2. DEFINITIONS.**

17 *In this Act—*

18 (1) *the term “Commission” means the Federal*
19 *Communications Commission;*

20 (2) *the term “covered ruling” means the “Declar-*
21 *atory Ruling and Third Further Notice of Proposed*
22 *Rulemaking in the matter of Advanced Methods to*
23 *Target and Eliminate Unlawful Robocalls”, adopted*
24 *by the Commission on June 6, 2019 (FCC 19–51; CG*
25 *Docket No. 17–59);*

1 (3) the term “public safety answering point” has
2 the meaning given the term in section 222(h) of the
3 Communications Act of 1934 (47 U.S.C. 222(h)); and

4 (4) the term “voice service” means any service
5 that—

6 (A) is interconnected with the public
7 switched telephone network; and

8 (B) furnishes voice communications to an
9 end user using resources from the North Amer-
10 ican Numbering Plan or any successor to the
11 North American Numbering Plan adopted by the
12 Commission under section 251(e)(1) of the Com-
13 munications Act of 1934 (47 U.S.C. 251(e)(1)).

14 **SEC. 3. RULEMAKING.**

15 Not later than 18 months after the date of enactment
16 of this Act, the Commission shall initiate a rulemaking to
17 consider establishing a process under which the Commission
18 shall maintain a list of numbers that are not eligible to
19 be blocked by a voice service provider, which may include
20 a number used—

21 (1) for outgoing calls by a public safety answer-
22 ing point or a similar facility that is designated to
23 originate or route emergency calls;

24 (2) to originate calls from a government entity,
25 such as a call generated during an emergency;

1 (3) *by a school, or a similar institution, to pro-*
 2 *vide school-related notifications, such as a notification*
 3 *regarding—*

4 (A) *a weather-related closure; or*

5 (B) *the existence of an emergency affecting*
 6 *a school or students attending a school; and*

7 (4) *for similar or emergency purposes, as deter-*
 8 *mined appropriate by the Commission.*

9 **SEC. 4. REPORTS ON DEPLOYMENT AND IMPLEMENTATION**
 10 **OF CALL BLOCKING AND CALLER ID AUTHEN-**
 11 **TICATION.**

12 *Not later than 180 days after the date on which the*
 13 *Commission receives any report under paragraph 90 of the*
 14 *covered ruling, the Commission shall submit to the Com-*
 15 *mittee on Commerce, Science, and Transportation of the*
 16 *Senate and the Committee on Energy and Commerce of the*
 17 *House of Representatives—*

18 (1) *an analysis by the Commission with respect*
 19 *to the effectiveness of various categories of call block-*
 20 *ing tools, as evaluated in the report; and*

21 (2) *any legislative recommendations of the Com-*
 22 *mission relating to the report.*

23 **SEC. 5. RULE OF CONSTRUCTION.**

24 *Nothing in this Act may be construed to impede or*
 25 *delay the analysis by the Commission of the most effective*

1 *means by which to maintain and administer a list of num-*
2 *bers that may not be blocked (referred to in the covered rul-*
3 *ing as a “Critical Calls List”), as considered in the covered*
4 *ruling.*

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