

valuable time and resources away from pursuing criminals and other security threats. Even worse, the order makes us all less safe because it discourages people without documentation from turning to police to report crime.

Put yourself in the shoes of an undocumented woman who is the victim of domestic violence or someone without papers exploited at the hands of an unscrupulous boss. When those crimes go unreported, our neighborhoods suffer.

Listen, I recognize that we have a broken immigration system, but the way to fix it isn't to persecute people like David whose biggest offense is a traffic ticket. We need to pass comprehensive immigration reform, but until we do and until we can come together in a bipartisan way, we must rescind these Executive orders that are not moving this debate forward in a useful way. Let's reverse this administration's cruel and dangerous policy.

I am the first to tell you—and I see it every single day in my State—immigrants enlarge our vision of who we live with, work with, and worship with. By passing the End Mass Deportation Act, we will remind all Americans that every generation of immigrants enriches the fabric of our Nation and will provide the sense of security that every family with undocumented members needs to thrive. I urge my colleagues to support this act.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WICKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 151

Mr. WICKER. Madam President, in a few moments, the Senate will vote on the Telephone Robocall Abuse Criminal Enforcement and Deterrence Act. The shorthand name for that is the TRACED Act. I rise in strong and optimistic support of this legislation at this time. I thank the leadership on both sides of the aisle for working to bring this bill to a vote.

Last month, the people of my State of Mississippi received over 50 million robocalls. That is just in the State of Mississippi, with about 3 million citizens. That is more than 17 robocalls for every man, woman, or child in my State—50 million. Imagine what it is around the country. It is billions and billions.

Some robocalls are legitimate. When we get a reminder from a doctor's office that our appointment is coming soon or when a school activity is canceled, those are welcome. But many are not. Most are not.

Billions and billions of robocalls are scams targeting the most vulnerable

members of our society. These abusive robocalls have plagued Americans for years. Studies show that in my part of the country, the Southeastern United States, they are particularly abusive and pervasive, costing consumers billions of dollars each year and costing our economy billions of dollars each year.

Many of these illegal robocalls use what is referred to as neighbor spoofing, where robocallers somehow manage to use a local number and a local area code in the hope that recipients will be more likely to pick up the phone. The result is many Americans don't answer those phone calls. They just let it ring and see if there is a message. But Americans also miss important calls because of scammers and because this has been hijacked by the extraordinary networks used by these scammers and illegal violators of the law.

The TRACED Act will help. It goes after abusive and illegal robocallers by giving consumers, regulators, and law enforcement tools to fight the people taking advantage of the system. The bill will help the Federal Communications Commission, or the FCC, to crack down on violators, require phone companies to authenticate calls, and require the FCC to consider when and how to make call-blocking services available to customers.

Perhaps the most important part of the TRACED Act is that law enforcement will now join the battle. Under the authority of the U.S. Attorney General, the bill will get law enforcement fully engaged in the fight to prevent and prosecute robocall violations. The American people are ready for this and are demanding this. We can give it to them in just a few moments when we vote on final passage.

The bill will task the Attorney General with providing Congress with the next steps we need to take to stay ahead of the pestilence of illegal robocalls.

I thank the bipartisan leadership in the Commerce Committee for moving this bill forward and the authors, Senator THUNE and Senator MARKEY, for their leadership on this important issue. I thank my ranking member, the Senator from Washington, Ms. CANTWELL, for her help in getting this important piece of legislation approved by a voice vote out of the Commerce Committee. Also, there is a special thank-you to Senator SCHATZ and Senator MORAN for their amendment to the TRACED Act, which improves the FCC's reporting on robocalls and generally makes the bill better.

I predict an overwhelming majority vote for this piece of legislation when it comes up for a vote in just a few moments. My appreciation goes to all of those who have participated. My optimism is that this will soon move to passage in the House of Representatives also.

Thank you.

I see my distinguished colleague from Massachusetts, the sponsor of this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Madam President, I rise in support of the TRACED Act, a piece of legislation that will help all Americans deal with the epidemic of robocalls, which afflicts them and their families every single day of the year.

I thank Chairman WICKER for all of his assistance in moving this legislation expeditiously through the legislative process.

I thank my partner, Senator THUNE from South Dakota. He and I have worked very hard to reach this moment where Democrats and Republicans can come together on an issue, which we all agree is something that we have to address in a very serious way.

So this question of robocalls and their role in American society, well, it is a daily deluge of calls that Americans experience. It is more than a nuisance in 2019. It is a consumer protection crisis.

Americans across the country face an epidemic of robocalls bombarding landlines and mobile phones. While our phones were once a reliable means of communication, they have been turned against us and are now mechanisms for scammers and fraudsters who wish to do us harm. The numbers are staggering.

In 2018, consumers received an estimated 48 billion robocalls—18 billion more than in 2017. That is 131 million robocalls per day—more than 5 million calls an hour, more than 1,000 calls per second in the United States, and nearly 500 million robocalls to Massachusetts residents alone.

The reality is that we no longer have confidence in our phones. What was once a trusted means of communication, our phone has become a tool for fraud, scams, harassment, and an avenue by which individuals with bad intent can access our homes, our purses, or our pockets at any time.

Caller ID is not trusted. Important calls go unanswered. Innocent Americans are defrauded. Our seniors, in particular, are targeted. Robocalls are a menace. But today, the U.S. Senate is saying loud and clear that robocall relief is in sight.

I am proud to partner with Senator JOHN THUNE from South Dakota on the Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, or TRACED Act. Our legislation cracks down on scammers that now account for nearly one-half of all of the robocalls in our country. It is an unbelievable number. One-half of all of the robocalls are now being delivered by scammers trying to take advantage of innocent Americans.

Years ago, scammers needed expensive, sophisticated equipment to robocall and robotext consumers en masse. Today, they just need a

smartphone to target thousands of phones an hour at literally very little expense. So something has changed, and we know it has changed, and this is our opportunity here today to do something about it.

These new technologies allow illegal robocallers to conduct fraud anonymously, depriving both Federal regulators and consumers the ability to identify and punish the culprit. By passing this legislation today, we are sending a clear message to these fraudulent robocallers: Your days are numbered.

Stopping robocalls requires a simple formula, which we have included in the TRACED Act—authentication, No. 1; blocking, No. 2; and tougher enforcement, No. 3.

First, this bill requires telephone carriers to adopt call authentication technologies so that they can verify that incoming calls are legitimate or authentic before they reach consumers' phones. This must be mandatory for every single phone carrier in the United States.

Second, the Federal Communications Commission must require callers to block unverified calls—fake calls—something the Commission has yet to do.

Third, we need to increase from 1 year to 3 years the time for the Federal Communications Commission to pursue penalties for robocallers that intentionally violate the rules. That is the recipe for success, and that is what the TRACED Act does.

This bill we will vote on today has enormous support across the country: 54 State and Territory attorneys general, all of the Commissioners at the Federal Communications Commission and at the Federal Trade Commission, major industry associations, and leading consumer groups endorse the legislation and agree that the TRACED Act is an essential weapon in combating the rise of illegal, fraudulent robocalls.

Senator THUNE and I are joined by over 80 of our colleagues in support of this bill. This is not a liberal or a conservative issue; it is an "everyone" issue. It affects the elderly, the young, the small business owner, and the student. Our grandparents, our neighbors, our teachers, and our coworkers—today, no one is spared from this consumer protection pandemic.

Senator THUNE and I have worked together, but it would not have been possible without the great work of groups like the National Consumer Law Center, AARP, Consumer Reports, Consumer Federation of America, Consumer Action, the National Association of Attorneys General, USTelecom, CTIA, NTCA, and so, so many more. These groups joined the chorus of

countless Americans who have raised their voices and called on Congress to pass this bipartisan, commonsense legislation, and we thank each and every one of them.

There are no blue robocalls. There are no red robocalls. All there are are robocalls attacking every home in our country and every person walking around with a wireless device on their person. This is something that we finally have a chance today to do something about—to pass meaningful legislation that will begin this process of curtailing this scourge of robocalls that is an abuse of every single American every single day of the year.

We thank everyone for all of their great work on this issue. Again, I thank my great partner, JOHN THUNE, and his staff for their partnership on this legislation. I thank my staff—Joey Wender, who is sitting out here on the floor; Daniel Greene; and, as well, Bennett Butler, who is sitting right behind me. They worked on a bipartisan basis with Republican staffers to craft this very important piece of legislation. Again, I thank Senator THUNE and I thank Senator WICKER for ensuring that America now has a chance to see that this body is going to work to begin an end to this epidemic.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority whip.

Mr. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Madam President, pretty much every American has had to deal with illegal robocalls. How many times have you answered the phone only to discover it is an automated message saying that you have won a contest that you never entered or asking you to provide personal information like your bank account or Social Security number?

Illegal robocalls, I think we can all agree, are a major nuisance, and too often they are not just a nuisance. Scammers use these calls to successfully prey on vulnerable populations like elderly Americans who are sometimes less technologically savvy. Scammers target the kind of personal information that can be used to steal your money and your identity, and when scammers are successful, the consequences for their victims can be devastating.

Well, there are laws and fines in place right now to prevent scam artists from preying on Americans through

the telephone. These measures have been insufficient. In many cases, robocall scammers simply build the current fines into the cost of doing business. On top of this, the Federal Communications Commission's enforcement efforts are hampered by a tight time window for pursuing violators.

That is why I introduced the legislation before us today, the Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, or the TRACED Act, along with my fellow Commerce Committee member, Senator MARKEY. The TRACED Act provides tools to discourage illegal robocalls, protect consumers, and crack down on offenders. It expands the window in which the FCC can pursue intentional scammers from 1 year to 3 years, and in years 2 and 3, increases the financial penalty for those individuals making robocalls from zero dollars to \$10,000 per call to make it more difficult for robocallers just to figure fines into the cost of doing business.

It also requires telephone service providers to adopt new call verification technologies that would help prevent illegal robocalls from reaching consumers in the first place. And, importantly, it convenes a working group with representatives from the Department of Justice, the FCC, the Federal Trade Commission, the Department of Commerce, the Consumer Financial Protection Bureau, State attorneys general, and others to identify ways to criminally prosecute illegal robocalling.

Criminal prosecution of illegal robocalling can be challenging. Scammers are frequently based abroad and can quickly shut down shop before authorities have a chance to get to them, but we need to find ways to hold scammers criminally accountable. When scammers are successful, they can destroy people's lives, and they should face criminal prosecution for the damage they do.

I am very pleased that the TRACED Act has attracted a tremendous amount of support from Members of both parties. In fact, 84 Senators have signed on as cosponsors of this bill. I am especially grateful to Senator MARKEY for partnering with me on this legislation. I appreciate Chairman WICKER and Ranking Member CANTWELL for prioritizing this bill as they have assumed the reins at the Commerce Committee.

I am also very pleased that this bill has attracted tremendous support from State governments and industry and consumer groups. All 50 State attorneys general support this bill, and it

has been embraced by the AARP, Verizon, AT&T, CTIA, USTelecom, NTCA, Consumer Reports, and a number of other organizations. It is also supported by all of the current Commissioners at the Federal Trade Commission and the Federal Communications Commission.

I think we all know that the TRACED Act will not prevent all illegal robocalling. I think we can all agree it is a big step in the right direction. It will make life a lot more difficult for scam artists and help ensure that more scammers face punishment for their crimes. I am excited the full Senate is voting on this bill today, and I hope that the House will quickly take it up so that we can get this legislation to the President's desk.

Before I close, I would be remiss if I didn't quickly thank several staff members whose tireless efforts helped get us here today. In my office, I recognize and thank Alex Sachtlein and Nick Rossi. I am thankful for their dedication and expertise. I thank Dan Ball and Crystal Tully, who serve on Chairman WICKER's team at the Commerce Committee, Daniel Greene on Senator MARKEY's staff, and John Branscome and Shawn Bone on Ranking Member CANTWELL's staff. This truly was a team effort. I am glad that we have an opportunity to do something that in a very big bipartisan way will start putting steps forward that will help prevent something that has become a scourge in the lives of so many Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Thank you, Madam President.

Again, I want to thank the Senator from South Dakota for his great leadership on this legislation. I think it is a start. It is a revolution in the telecommunications industry that we are going to be voting on here today.

I want to thank you so much for your great leadership.

Once again, I thank Senator WICKER and Senator CANTWELL for helping to bring this out here to let the American people know we are going to take action to stop this plague from affecting their families.

Thank you so much.

Mr. THUNE. I appreciate the comments from the Senator from Massachusetts and also his great work on this. It has been a team effort and a great partnership. He and I—although in many cases we represent different parts of the country, we all represent constituents who care deeply about this issue and want to see their Congress do something about it.

I want to thank the chairman and the ranking member of the committee. Madam President, I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to legislative session.

TELEPHONE ROBOCALL ABUSE CRIMINAL ENFORCEMENT AND DETERRENCE ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 151.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 151) to deter criminal robocall violations and improve enforcement of section 227(b) of the Communications Act of 1934, and for other purposes.

Thereupon, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telephone Robocall Abuse Criminal Enforcement and Deterrence Act" or the "TRACED Act".

SEC. 2. FORFEITURE.

(a) IN GENERAL.—Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) in subsection (b), by adding at the end the following:

“(4) CIVIL FORFEITURE.—

“(A) IN GENERAL.—Any person that is determined by the Commission, in accordance with paragraph (3) or (4) of section 503(b), to have violated any provision of this subsection shall be liable to the United States for a forfeiture penalty pursuant to section 503(b)(1). The amount of the forfeiture penalty determined under this subparagraph shall be determined in accordance with subparagraphs (A) through (F) of section 503(b)(2).

“(B) VIOLATION WITH INTENT.—Any person that is determined by the Commission, in accordance with paragraph (3) or (4) of section 503(b), to have violated this subsection with the intent to cause such violation shall be liable to the United States for a forfeiture penalty. The amount of the forfeiture penalty determined under this subparagraph shall be equal to an amount determined in accordance with subparagraphs (A) through (F) of section 503(b)(2) plus an additional penalty not to exceed \$10,000.

“(C) RECOVERY.—Any forfeiture penalty determined under subparagraph (A) or (B) shall be recoverable under section 504(a).

“(D) PROCEDURE.—No forfeiture liability shall be determined under subparagraph (A) or (B) against any person unless such person receives the notice required by paragraph (3) or (4) of section 503(b).

“(E) STATUTE OF LIMITATIONS.—No forfeiture penalty shall be determined or imposed against any person—

“(i) under subparagraph (A) if the violation charged occurred more than 1 year prior to the date of issuance of the required notice or notice of apparent liability; and

“(ii) under subparagraph (B) if the violation charged occurred more than 3 years prior to the date of issuance of the required notice or notice of apparent liability.

“(F) RULE OF CONSTRUCTION.—Notwithstanding any law to the contrary, the Commission may not determine or impose a forfeiture penalty on a person under both subparagraphs (A) and (B) based on the same conduct.”; and (2) by striking subsection (h) and inserting the following:

“(h) TCPA ENFORCEMENT REPORT.—The Commission shall submit an annual report to Congress regarding the enforcement during the preceding year of laws, regulations, and policies relating to robocalls and spoofed calls, which report shall include—

“(1) the number of complaints received by the Commission during the year alleging that a consumer received a robocall or spoofed call;

“(2) the number of citations issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to a robocall or spoofed call;

“(3) the number of notices of apparent liability issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to a robocall or spoofed call; and

“(4) for each notice referred to in paragraph (3)—

“(A) the amount of the proposed forfeiture penalty involved;

“(B) the person to whom the notice was issued; and

“(C) the status of the proceeding.”.

(b) APPLICABILITY.—The amendments made by this section shall not affect any action or proceeding commenced before and pending on the date of enactment of this Act.

(c) DEADLINE FOR REGULATIONS.—The Federal Communications Commission shall prescribe regulations to implement the amendments made by this section not later than 270 days after the date of enactment of this Act.

SEC. 3. CALL AUTHENTICATION.

(a) DEFINITIONS.—In this section:

(1) STIR/SHAKEN AUTHENTICATION FRAMEWORK.—The term “STIR/SHAKEN authentication framework” means the secure telephone identity revisited and signature-based handling of asserted information using tokens standards proposed by the information and communications technology industry.

(2) VOICE SERVICE.—The term “voice service”—

(A) means any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the Commission under section 251(e)(1) of the Communications Act of 1934 (47 U.S.C. 251(e)(1)); and

(B) includes—

(i) transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine; and

(ii) without limitation, any service that enables real-time, two-way voice communications, including any service that requires internet protocol-compatible customer premises equipment (commonly known as “CPE”) and permits outbound calling, whether or not the service is one-way or two-way voice over internet protocol.

(b) AUTHENTICATION FRAMEWORK.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), not later than 18 months after the date of enactment of this Act, the Federal Communications Commission shall require a provider of voice service to implement the STIR/SHAKEN authentication framework in the internet protocol networks of the voice service provider.

(2) IMPLEMENTATION.—The Federal Communications Commission shall not take the action described in paragraph (1) if the Commission determines that a provider of voice service, not later than 12 months after the date of enactment of this Act—

(A) has adopted the STIR/SHAKEN authentication framework for calls on the internet protocol networks of the voice service provider;

(B) has agreed voluntarily to participate with other providers of voice service in the STIR/SHAKEN authentication framework;

(C) has begun to implement the STIR/SHAKEN authentication framework; and

(D) will be capable of fully implementing the STIR/SHAKEN authentication framework not later than 18 months after the date of enactment of this Act.

(3) IMPLEMENTATION REPORT.—Not later than 12 months after the date of enactment of this Act, the Federal Communications Commission