117TH CONGRESS  
1ST SESSION

S. ______

To provide liability protection for the sharing of information regarding suspected fraudulent, abusive, or unlawful robocalls, illegally spoofed calls, and other illegal calls by or with the registered consortium that conducts private-led efforts to trace back the origin of suspected unlawful robocalls, and for the receipt of such information by that registered consortium, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. THUNE (for himself and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on ____________________

A BILL

To provide liability protection for the sharing of information regarding suspected fraudulent, abusive, or unlawful robocalls, illegally spoofed calls, and other illegal calls by or with the registered consortium that conducts private-led efforts to trace back the origin of suspected unlawful robocalls, and for the receipt of such information by that registered consortium, and for other purposes.

Be it enacted by the Senate and House of Representa-

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tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Robocall Trace Back Enhancement Act”.

SEC. 2. REGISTERED CONSORTIUM CONDUCTING PRIVATE-LED EFFORTS TO TRACE BACK THE ORIGIN OF SUSPECTED UNLAWFUL ROBOCALLS.

(a) IMMUNITY FOR RECEIVING, SHARING, AND PUBLISHING TRACE BACK INFORMATION.—Section 13(d) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (Public Law 116–105; 133 Stat. 3287) is amended by adding at the end the following:

“(3) IMMUNITY FOR RECEIVING, SHARING, AND PUBLISHING TRACE BACK INFORMATION.—

“(A) DEFINITION.—In this paragraph, the term ‘covered information’—

“(i) means information regarding suspected—

“(I) fraudulent, abusive, or unlawful robocalls;

“(II) illegally spoofed calls; and

“(III) other illegal calls; and

“(ii) includes—

“(I) call detail records of calls described in clause (i);
“(II) the names of, and other identifying information concerning, the voice service providers that originated, carried, routed, and transmitted calls described in clause (i); and

“(III) information about the entities that made calls described in clause (i), including any contact information of individuals that such an entity provided to the voice service provider that originated the call.

“(B) Trace back immunity.—No cause of action shall lie or be maintained in any court against—

“(i) the registered consortium for receiving, sharing, or publishing covered information or information derived from covered information; or

“(ii) any voice service provider or other person or entity for sharing covered information with the registered consortium.

“(C) Rule of construction.—Nothing in subparagraph (B)(ii) shall be construed to provide immunity for any act other than the act
of sharing covered information with the registered consortium.”.

(b) Publication of List of Voice Service Providers.—Section 13(e) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (Public Law 116–105; 133 Stat. 3287) is amended to read as follows:

“(e) List of Voice Service Providers.—

“(1) Publication of List.—The Commission, or the registered consortium in consultation with the Commission, may publish a list of voice service providers based on——

“(A) information obtained by the consortium about voice service providers that refuse to participate in private-led efforts to trace back the origin of suspected unlawful robocalls; and

“(B) other information the Commission or the consortium may collect about voice service providers that are found to originate or transmit substantial amounts of unlawful robocalls.

“(2) Enforcement.—The Commission may take enforcement action based on the information described in paragraph (1).”.