

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

shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the determination required under paragraph (2), which shall include—

(A) an analysis of the extent to which providers of a voice service have implemented the STIR/SHAKEN authentication framework, including whether the availability of necessary equipment and equipment upgrades has impacted such implementation; and

(B) an assessment of the efficacy of the STIR/SHAKEN authentication framework, as being implemented under this section, in addressing all aspects of call authentication.

(4) REVIEW AND REVISION OR REPLACEMENT.—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Federal Communications Commission, after public notice and an opportunity for comment, shall—

(A) assess the efficacy of the call authentication framework implemented under this section;

(B) based on the assessment under subparagraph (A), revise or replace the call authentication framework under this section if the Commission determines it is in the public interest to do so; and

(C) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the findings of the assessment under subparagraph (A) and on any actions to revise or replace the call authentication framework under subparagraph (B).

(5) EXTENSION OF IMPLEMENTATION DEADLINE.—The Federal Communications Commission may extend any deadline for the implementation of a call authentication framework required under this section by 12 months or such further amount of time as the Commission determines necessary if the Commission determines that purchasing or upgrading equipment to support call authentication, or lack of availability of such equipment, would constitute a substantial hardship in meeting such deadline for a provider or category of providers of voice service.

(c) SAFE HARBOR AND OTHER REGULATIONS.—(1) IN GENERAL.—The Federal Communications Commission shall promulgate rules—

(A) establishing when a provider of voice service may block a voice call based, in whole or in part, on information provided by the call authentication framework under subsection (b);

(B) establishing a safe harbor for a provider of voice service from liability for unintended or inadvertent blocking of calls or for the unintended or inadvertent misidentification of the level of trust for individual calls based, in whole or in part, on information provided by the call authentication framework under subsection (b); and

(C) establishing a process to permit a calling party adversely affected by the information provided by the call authentication framework under subsection (b) to verify the authenticity of the calling party's calls.

(2) CONSIDERATIONS.—In establishing the safe harbor under paragraph (1), the Federal Communications Commission shall consider limiting the liability of a provider of voice service based on the extent to which the provider of voice service—

(A) blocks or identifies calls based, in whole or in part, on the information provided by the call authentication framework under subsection (b);

(B) implemented procedures based, in whole or in part, on the information provided by the call authentication framework under subsection (b); and

(C) used reasonable care.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall preclude the Federal Communications Commission from initiating a rulemaking pursuant to its existing statutory authority.

SEC. 4. PROTECTIONS FROM SPOOFED CALLS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and consistent with the call authentication framework under section 3, the Federal Communications Commission shall initiate a rulemaking to help protect a subscriber from receiving unwanted calls or text messages from a caller using an unauthenticated number.

(b) CONSIDERATIONS.—In promulgating rules under subsection (a), the Federal Communications Commission shall consider—

(1) the Government Accountability Office report on combating the fraudulent provision of misleading or inaccurate caller identification required by section 503(c) of division P of the Consolidated Appropriations Act 2018 (Public Law 115-141);

(2) the best means of ensuring that a subscriber or provider has the ability to block calls from a caller using an unauthenticated North American Numbering Plan number;

(3) the impact on the privacy of a subscriber from unauthenticated calls;

(4) the effectiveness in verifying the accuracy of caller identification information; and

(5) the availability and cost of providing protection from the unwanted calls or text messages described in subsection (a).

SEC. 5. INTERAGENCY WORKING GROUP.

(a) IN GENERAL.—The Attorney General, in consultation with the Chairman of the Federal Communications Commission, shall convene an interagency working group to study Government prosecution of violations of section 227(b) of the Communications Act of 1934 (47 U.S.C. 227(b)).

(b) DUTIES.—In carrying out the study under subsection (a), the interagency working group shall—

(1) determine whether, and if so how, any Federal laws, including regulations, policies, and practices, or budgetary or jurisdictional constraints inhibit the prosecution of such violations;

(2) identify existing and potential Federal policies and programs that encourage and improve coordination among Federal departments and agencies and States, and between States, in the prevention and prosecution of such violations;

(3) identify existing and potential international policies and programs that encourage and improve coordination between countries in the prevention and prosecution of such violations; and

(4) consider—

(A) the benefit and potential sources of additional resources for the Federal prevention and prosecution of criminal violations of that section;

(B) whether to establish memoranda of understanding regarding the prevention and prosecution of such violations between—

(i) the States;

(ii) the States and the Federal Government; and

(iii) the Federal Government and a foreign government;

(C) whether to establish a process to allow States to request Federal subpoenas from the Federal Communications Commission;

(D) whether extending civil enforcement authority to the States would assist in the successful prevention and prosecution of such violations;

(E) whether increased forfeiture and imprisonment penalties are appropriate, such as extending imprisonment for such a violation to a term longer than 2 years;

(F) whether regulation of any entity that enters into a business arrangement with a common carrier regulated under title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) for the specific purpose of carrying, routing, or transmitting a call that constitutes such a violation would assist in the successful prevention and prosecution of such violations; and

(G) the extent to which, if any, Department of Justice policies to pursue the prosecution of violations causing economic harm, physical danger, or erosion of an inhabitant's peace of mind and sense of security inhibits the prevention or prosecution of such violations.

(c) MEMBERS.—The interagency working group shall be composed of such representatives of Federal departments and agencies as the Attorney General considers appropriate, such as—

(1) the Department of Commerce;

(2) the Department of State;

(3) the Department of Homeland Security;

(4) the Federal Communications Commission;

(5) the Federal Trade Commission; and

(6) the Bureau of Consumer Financial Protection.

(d) NON-FEDERAL STAKEHOLDERS.—In carrying out the study under subsection (a), the interagency working group shall consult with such non-Federal stakeholders as the Attorney General determines have the relevant expertise, including the National Association of Attorneys General.

(e) REPORT TO CONGRESS.—Not later than 270 days after the date of enactment of this Act, the interagency working group shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the findings of the study under subsection (a), including—

(1) any recommendations regarding the prevention and prosecution of such violations; and

(2) a description of what progress, if any, relevant Federal departments and agencies have made in implementing the recommendations under paragraph (1).

SEC. 6. ACCESS TO NUMBER RESOURCES.

(a) IN GENERAL.—

(1) EXAMINATION OF FCC POLICIES.—Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall commence a proceeding to determine whether Federal Communications Commission policies regarding access to number resources, including number resources for toll free and non-toll free telephone numbers, could be modified, including by establishing registration and compliance obligations, to help reduce access to numbers by potential perpetrators of violations of section 227(b) of the Communications Act of 1934 (47 U.S.C. 227(b)).

(2) REGULATIONS.—If the Federal Communications Commission determines under paragraph (1) that modifying the policies described in that paragraph could help achieve the goal described in that paragraph, the Commission shall prescribe regulations to implement those policy modifications.

(b) AUTHORITY.—Any person who knowingly, through an employee, agent, officer, or otherwise, directly or indirectly, by or through any means or device whatsoever, is a party to obtaining number resources, including number resources for toll free and non-toll free telephone numbers, from a common carrier regulated under title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), in violation of a regulation prescribed under subsection (a) of this section, shall, notwithstanding section 503(b)(5) of the Communications Act of 1934 (47 U.S.C. 503(b)(5)), be subject to a forfeiture penalty under section 503 of that Act. A forfeiture penalty under this subsection shall be in addition to any other penalty provided for by law.

The PRESIDING OFFICER. Under the previous order, the committee-reported substitute amendment is agreed to.

The committee-reported amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The clerk will read the title of the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. WICKER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from South Dakota (Mr. ROUNDS).

The PRESIDING OFFICER (Mr. YOUNG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—97

Alexander	Gardner	Portman
Baldwin	Gillibrand	Reed
Barrasso	Graham	Risch
Bennet	Grassley	Roberts
Blackburn	Harris	Romney
Blumenthal	Hassan	Rosen
Blunt	Hawley	Rubio
Booker	Heinrich	Sanders
Boozman	Hirono	Sasse
Braun	Hoeven	Schatz
Brown	Hyde-Smith	Schumer
Burr	Isakson	Scott (FL)
Cantwell	Johnson	Scott (SC)
Capito	Jones	Shaheen
Cardin	Kaine	Shelby
Carper	Kennedy	Sinema
Casey	King	Smith
Cassidy	Klobuchar	Stabenow
Collins	Lankford	Sullivan
Coons	Leahy	Tester
Cornyn	Lee	Thune
Cortez Masto	Manchin	Tillis
Cotton	Markey	Toomey
Cramer	McConnell	Udall
Crapo	McSally	Van Hollen
Cruz	Menendez	Warner
Daines	Merkley	Warren
Duckworth	Moran	Whitehouse
Durbin	Murkowski	Wicker
Enzi	Murphy	Wyden
Ernst	Murray	Young
Feinstein	Perdue	
Fischer	Peters	

NAYS—1

Paul

NOT VOTING—2

Inhofe Rounds

The bill (S. 151), as amended, was passed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The Senator from Texas.

MORNING BUSINESS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

MEMORIAL DAY

Mr. CORNYN. Mr. President, this is the weekend before Memorial Day, and we will be honoring the brave men and women who have served our Nation and who gave their lives to protect the very freedoms that we enjoy today.

Ronald Reagan said:

Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same.

Our Nation is incredibly fortunate and grateful to have had no shortage of those who are ready to lead that fight. Throughout our history, brave men and women have answered the call to serve our country. Whether they answered the call nearly 250 years ago to fight for our independence or in recent years to combat the global threat of terrorism, all of them are our heroes.

I have always had tremendous admiration for our servicemembers—something instilled in me from an early age because of my dad's military service. He was a B-17 pilot in the Army Air Corps and flew with the Hell's Angels in the 303rd Bomb Group out of the 8th Air Force in World War II. On his 26th mission over Germany, after leaving the base in Molesworth, England, and flying over the English Channel to Germany, he was shot down and captured as a prisoner of war. By the grace of God, he survived the Nazi prison camp where he was interned for the last 4 months of the war.

My dad went on to serve in the Air Force for 31 years and retired as what we affectionately called a full-bird colonel. Both during and after his service, he was an unabashed patriot and demonstrated every day to us, his children and family, what it meant to selflessly serve your country.

While my dad made it home after the war, many of his friends and comrades did not. Like the great soldiers before them, and many after, they laid down their lives in service to our country and the values we embrace as a nation.

This Memorial Day, we remember the fallen and thank them for the ultimate sacrifice to preserve our way of life. We mourn their loss and celebrate the great gift they have bestowed upon us and the freedoms they protected.

Since last Memorial Day, we have lost some incredible servicemembers who call Texas home. In December, we said good-bye to Richard Overton, American's oldest World War II veteran. At the ripe old age of 112, he had a lot of wisdom to share, including a few unlikely tips for living a long life, like enjoying a little bit of whiskey in your morning coffee and smoking cigars.

In April, we mourned the loss of Richard Cole, the 103-year-old World War II veteran who was part of the Doolittle Raiders. He and his brothers in arms carried out a strike on factories and military installations in Tokyo, against enormous odds, providing a desperately needed morale boost after the attack on Pearl Harbor.

Just last week, we said farewell to another member of the Greatest Generation, 100-year-old Bill Hayes. Colonel Hayes was one of the last living Pearl Harbor veterans and spent nearly four decades serving in the U.S. Army.

While we honor those who served in the past, we also celebrate those serving now and the young men and women who one day will put on a uniform.

In just a few days, I will have the privilege of speaking to young Texans who will be attending one of our country's five prestigious military service academies. I hold the sendoff each year in Texas to meet the next generation of our military leaders and to thank them for their willingness to serve our country in uniform.

Today, in advance of this holiday weekend, I would like to say thank you to the men and women stationed across my State and the veterans who call Texas home.

On behalf of a grateful nation, thank you to all the brave men and women who lost their lives while fighting for our freedoms. We will never forget your service or your sacrifice.

DISASTER RELIEF

Mr. CORNYN. Mr. President, on another matter, we were all hoping that the Senate would soon be able to vote on a disaster aid bill that would send funds to States throughout the Southeast and Midwest that continue to battle with the impacts of severe weather.

When a hurricane, tornado, wildfire, or whatever the case may be, hits your State, securing funds to help with relief and recovery becomes priority No. 1. I know because after Texas was hit by Hurricane Harvey in 2017, I worked with the entire bipartisan Texas delegation to secure funding that would help both with the immediate aftermath and long-term recovery and rebuilding efforts.

We received tremendous support from our colleagues here in Congress, as well as President Trump, in making sure that Texas communities had the funding and resources they needed. Our State has made a great deal of progress since Hurricane Harvey hit, and most Texans have returned to some sense of normalcy, but the recovery process is not over.

In February of last year, Congress appropriated more than \$28 billion in community development block grants for disaster recovery, with roughly \$12 billion intended specifically for mitigation purposes. About \$4 billion of that was designated for Texas to fund projects that will improve resiliency and help us prepare for future storms. But as Texans who continue to recover from Hurricane Harvey have learned, getting a disaster relief bill passed in Congress and signed by the President doesn't mean the check is in the mail.

It has now been 15 months since that bill was signed, and Texans haven't seen a penny of it. Despite numerous attempts to get the funding untangled from the redtape at the Office of Management and Budget, we are still waiting.