

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 Sachtnen 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