

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1865, a bill to require the Secretary of the Treasury to mint a coin in commemoration of the opening of the National Law Enforcement Museum in the District of Columbia, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Arkansas (Mr. COTTON) and the Senator from Georgia (Mr. ISAKSON).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), the Senator from New Mexico (Mr. UDALL), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The yeas and nays resulted—yeas 71, nays 21, as follows:

[Rollcall Vote No. 413 Leg.]

#### YEAS—71

Alexander	Grassley	Reed
Baldwin	Hassan	Roberts
Bennet	Heinrich	Romney
Blumenthal	Hirono	Rosen
Blunt	Hoeven	Rounds
Boozman	Hyde-Smith	Rubio
Brown	Jones	Schatz
Burr	Kaine	Schumer
Cantwell	Kennedy	Shaheen
Capito	King	Shelby
Cardin	Leahy	Sinema
Casey	Manchin	Smith
Collins	Markey	Stabenow
Coons	McConnell	Sullivan
Cornyn	McSally	Tester
Cortez Masto	Menendez	Thune
Cramer	Merkley	Tillis
Crapo	Moran	Van Hollen
Duckworth	Murkowski	Warner
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wicker
Fischer	Perdue	Wyden
Gardner	Peters	Young
Graham	Portman	

#### NAYS—21

Barrasso	Enzi	Lee
Blackburn	Ernst	Paul
Braun	Gillibrand	Risch
Carper	Hawley	Sasse
Cassidy	Inhofe	Scott (FL)
Cruz	Johnson	Scott (SC)
Daines	Lankford	Toomey

#### NOT VOTING—8

Booker	Isakson	Udall
Cotton	Klobuchar	Warren
Harris	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 71, the nays are 21.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The motion to refer fails.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I want to thank everybody for joining Senator SHELBY and I on this vote. It is going to help us move forward, and, as I said in my earlier remarks, Republicans and Democrats came together and worked

extraordinarily hard on these appropriations bills, and it shows what can be done when we work together. I think the vote here is an indication of that.

If nobody is seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### PALLONE-THUNE TELEPHONE ROBOCALL ABUSE CRIMINAL ENFORCEMENT AND DETERRENCE ACT

Mr. THUNE. Mr. President, today the Senate is taking the final step to send much-needed legislation to protect consumers from robocalls to the President's desk. I think we had hoped that this would be able to be passed with a couple of other bills coming out of the Commerce, Science, and Transportation Committee. I think the chairman of the committee, Senator WICKER, will address those later: the data mapping bill and the secure communications bill that deals with ensuring that we protect our technology from harmful elements—Huawei and those sorts of things. I would hope that we could get those cleared at some point, too.

Today, we want to proceed with the robocall bill.

I will just start by saying that illegal robocalls have flooded Americans' phones to the point where many folks don't want to answer their phones at all. In fact, a recent report found that only 47 percent of calls Americans receive are actually answered. This means consumers aren't answering legitimate calls that could be alerting you of fraud on your credit card, notifying you that your flight has been canceled, or reminding you of an upcoming medical appointment—all calls that are important to consumers.

It is clear that no one is immune to these annoying and potentially dangerous calls. Scammers use these calls to successfully prey on vulnerable populations, especially elderly Americans, and they target the kind of personal information that can be used to steal your money or your identity. When scammers are successful, the consequences for their victims can be devastating.

While there are laws and fines in place right now to prevent scam artists for preying on Americans through the telephone, these measures have been insufficient. When I served as chairman of the Commerce Committee, I subpoenaed the mass robocaller Adrian Abramovich to testify about his operation. His testimony made it clear that 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, earlier this year, I introduced the legislation before us today, the Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, or the TRACED Act, 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 and levy fines from 1 year to 4 years.

The legislation also requires telephone service providers to adopt call verification technologies that would help prevent illegal robocalls from reaching consumers in the first place. The TRACED Act also recognizes the importance of legitimate calls and ensures important calls like emergency public safety calls are not wrongly blocked.

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 the illegal robocalling. TRACED also addresses the issue of so-called one-ring scams, where international scammers try to get individuals to return their calls so they can charge them exorbitant fees.

It directs the Federal Communications Commission to convene a working group to address the problem of illegal robocalls being made to hospitals.

Mr. President, I am very pleased that the TRACED Act received bipartisan support in both houses of Congress. I am especially grateful to Senator MARKEY for partnering with me on this legislation, and I appreciate Chairman WICKER and Ranking Member CANTWELL for quickly advancing this legislation through the Commerce Committee this year.

I also appreciate the work of our House colleagues, Representatives PALLONE, WALDEN, DOYLE, and LATTA, for their work on advancing the TRACED Act through the House. I am also very pleased this bill has attracted tremendous support from State governments and industry and consumer groups.

While the TRACED Act won't prevent all illegal robocalling, it is a big step in the right direction. As The Washington Post editorial board recently stated, the TRACED "is what good, old-fashioned legislating looks like." I could not agree more. No process is perfect, but today, I am excited that the Senate will be sending the TRACED Act to the President's desk.

Before I close, Mr. President, I would like to quickly thank several staff members whose efforts helped get us here today. In my office, I appreciate the work of Alex Sachtjen, Lauren

Greenwood, Jessica McBride, and Nick Rossi. I would also like to extend my thanks to Dan Ball, Olivia Trusty, John Keast, and Crystal Tully on Chairman WICKER's team, who worked tirelessly to help develop and advance this legislation.

As I mentioned before, I appreciate the great work of Senator MARKEY, his partnership on this bill, and I want to thank the work of Daniel Greene, Joey Wender, and Bennett Butler on his staff. This truly was, Mr. President, a team effort, so I thank you.

I look forward to the President's signature on the TRACED Act in the near future, and I hope that, as this bill gets implemented, it will once again be safe to answer your phone in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, thank you. This is a big day for consumers in the United States, and I want to begin first by thanking my friend, Senator THUNE, for his tremendous partnership on this legislation and the issue that we are discussing today, robocalls. That is because there are no blue robocalls. There are no red robocalls. There are only despised robocalls. That is what is bringing this Chamber together today. So I thank Senator THUNE for his great leadership.

I thank Senator WICKER and Senator CANTWELL for helping us to navigate this political pathway. Today is a big day. The daily deluge of robocalls that Americans experience is more than a nuisance in 2019. It is a consumer protection crisis. Today, the U.S. Senate is sending Americans a holiday gift on everyone's list: stopping the plague of robocalls. Americans across the country face an epidemic of illegal and fraudulent robocalls bombarding their phones.

While their telephones were once a reliable means of communications, they have been turned against us. They are now mechanisms for scammers and fraudsters who wish to cheat and to defraud. The numbers are staggering. In 2019, consumers have received an estimated 54 billion robocalls. That is 6 billion more than 2018, and we still have 2 more weeks to go. The year isn't even over. In November alone, an estimated 5 billion robocalls were made to Americans. That is 167 million robocalls per day. That is 7 million robocalls an hour. That is 2,000 every second in our country. In the time it takes me to make these remarks, 10,000 robocalls will have been placed across this country.

In 2019, already almost 600 million robocalls have been placed to my constituents in Massachusetts. Enough is enough. The reality is that we no longer have confidence in our phones. Our phones have become tools for fraud, for scams, for harassment mechanisms by which those with bad intent can access our homes, our purses, or even our pockets at any time. Caller ID is not trusted. Important calls go un-

answered. Innocent Americans are defrauded. Our seniors in particular are targeted.

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 relatively little expense, and readily available software permits them to spoof their numbers, which means their true caller ID is, in fact, concealed from the person picking up the phone. These new technologies allow illegal robocalls to conduct fraud anonymously, both depriving Federal regulators and consumers the ability to identify and to punish the culprit.

Today, the U.S. Senate is putting robocall relief in sight. I have been proud again to partner with Senator THUNE on the Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, or TRACED Act for short. We introduced it earlier this year; today is the culmination of that work in partnership with the House of Representatives. Stopping robocalls requires a simple formula, which we have included in the TRACED Act: 1, authentication; 2, blocking; 3, enforcement.

First, this bill requires carriers to adopt call authentication technologies so they can verify that incoming calls are legitimate before they reach consumers' phones. This will be mandatory for phone carriers. Second, the Federal Communications Commission will require phone companies to block unverified calls at no charge to consumers. Third, we will increase from 1 year to 4 years the time for the Federal Communications Commission to pursue penalties for robocallers that intentionally violate the rules. This is a recipe for success. That is what our TRACED Act does.

At the same time, this bill also ensures that emergency public safety calls still go through. The bill we will vote on today has enormous support across the country: 54 State and Territory attorneys general, all commissioners at the Federal Communications Commission, and the Federal Trade Commission. Major industry associations and meeting consumer groups endorse the legislation and agree that the TRACED Act is an essential weapon in combating the rise of illegal, fraudulent robocalls.

This robocall legislation is a political Halley's Comet. It is something we can all gather around and learn from. The robocalls we receive every day are neither Democrat, nor Republican. They are a universal menace. They impact the elderly, the young, the small business owner, and the student. Our grandparents and neighbors, our teachers and our coworkers today, no one is spared from this consumer protection pandemic.

Senator THUNE and my efforts would not have been possible without the great work of groups like the National Consumer Law Center, AARP, Con-

sumer Reports, Consumer Federation of America, Consumer Action, the National Association of Attorneys General, USTelecom, CTIA, NTCA, and so many more groups. These groups join the chorus of countless Americans who raised their voices and called on Congress to pass this bipartisan common-sense legislation, and we thank you.

What I would like to do, as well as Senator THUNE, is to thank my staff, Joey Wender, who is sitting out here on the floor with me right now; and Bennett Butler, right over my shoulder; and Daniel Greene, who worked on it; for Alex Sachtnen, Daniel Ball, Olivia Trusty, Nick Rossi, Crystal Tully, from the majority staff, all partnered to make today possible. I just want to say, again, we can't thank Alex Sachtnen enough for all the work that was done.

I thank Senator THUNE, and I thank the entire Senate for their support for this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I appreciate that. I thank the Senator from Massachusetts. He and his staff were tremendous in working on this. As I said before, it is nice when we have an opportunity to work in a bipartisan way on something that is this meaningful in people's lives. This has a tremendous impact on the daily life of Americans who are bombarded, in many cases, not just with annoying nuisance calls, but also with calls that are very predatory and particularly when it comes to some of our vulnerable populations.

Mr. President, notwithstanding rule XII, I ask unanimous consent that the Chair lay before the Senate the message to accompany S. 151.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 151) entitled "An Act to deter criminal robocall violations and improve enforcement of section 227(b) of the Communications Act of 1934, and for other purposes", do pass with an amendment.

#### MOTION TO CONCUR

Mr. THUNE. Mr. President, I move to concur in the House amendment, and I know of no further debate on the motion.

The PRESIDING OFFICER. Is there further debate on the motion to concur?

If not, the question is on agreeing to the motion.

The motion was agreed to.

Mr. THUNE. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

#### ORDER OF PROCEDURE

Mr. THUNE. Mr. President, I would ask unanimous consent that this be separate from the discussion that we are now having, but I would ask unanimous consent that at 12 p.m. today,

postcloture time on the motion to concur in the House amendment to the Senate amendment to H.R. 1865 expire; the other pending motions and amendments be withdrawn; and Senator ENZI or his designee be recognized to raise a budget point of order, followed by Senator SHELBY or his designee to make a motion to waive the budget point of order; finally, if the motion to waive is agreed to, the Senate vote on the motion to concur in the House amendment to the Senate amendment to H.R. 1865 with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

I recognize the Senator from Wyoming.

Mr. ENZI. Reserving the right to object.

Does that mean I won't get to give the comments before we vote? There has to be some comments about the point of order. Looking at the clock, the number of people waiting, it looks like I am being cut off of that time.

Would that be a correct interpretation?

Mr. THUNE. I would say my view here is that the gentleman from Wyoming wants to explain his point of order. There is no objection to allowing him to do that.

Mr. ENZI. Then I have no objection.

Mr. THUNE. Thank you.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. I recognize the Senator from Mississippi.

Mr. WICKER. Mr. President, the time is fleeting.

The distinguished Republican whip is correct. We had hoped that the robocall bill could be included with unanimous consent with two other very important pieces of legislation—one being the Broadband DATA Act, S. 1822, which is designed to tell the FCC: Go back. Get the maps right. Show us where we have coverage and where we do not have coverage. We are making great progress with that. I do believe we will get that bill passed in just a moment.

The other issue is the Huawei data security act. I understand we are going to have some trouble with that. Let me talk briefly before I make my unanimous consent request.

China is up to no good with their government-controlled companies, Huawei and ZTE. They are required by Chinese law to do the bidding of the Chinese Communist dictatorship, and that means using their equipment to spy on Americans.

This is an undisputed fact, and it is recognized not only by Americans but also by other countries, our allies, which are taking steps to protect themselves. Japan, Australia, New Zealand have already begun the process of removing this dangerous ZTE and Huawei equipment from their networks.

We have legislation we thought was going to be included in this three-bill

package, H.R. 4998, to authorize this in the United States.

Earlier this year, the President signed an Executive order declaring a national emergency—and I agree with the President—because of the dangerous effects of keeping Chinese equipment in our Nation's critical infrastructure. Given these threats, we have an opportunity today to remove this Huawei and ZTE equipment from American telecommunication networks so we can protect Americans.

We are going to have some trouble with that on the unanimous consent request. I think with the broadband DATA Act we will not.

(Mrs. FISCHER assumed the Chair.)

## BROADBAND DEPLOYMENT ACCURACY AND TECHNOLOGICAL AVAILABILITY ACT

Mr. WICKER. Madam President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 328, S. 1822.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1822) to require the Federal Communications Commission to issue rules relating to the collection of data with respect to the availability of broadband services, and for other purposes.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

There being no objection, 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 "Broadband Deployment Accuracy and Technological Availability Act" or the "Broadband DATA Act".*

### SEC. 2. DEFINITIONS.

*In this Act:*

(1) **BROADBAND INTERNET ACCESS SERVICE.**—The term "broadband internet access service" has the meaning given the term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

(2) **BROADBAND MAP.**—The term "Broadband Map" means the map created by the Commission under section 3(c)(1)(A).

(3) **CELL EDGE PROBABILITY.**—The term "cell edge probability" means the likelihood that the minimum threshold download and upload speeds with respect to broadband internet access service will be met or exceeded at a distance from a base station that is intended to indicate the ultimate edge of the coverage area of a cell.

(4) **CELL LOADING.**—The term "cell loading" means the percentage of the available air interface resources of a base station that are used by consumers with respect to broadband internet access service.

(5) **CLUTTER.**—The term "clutter" means a natural or man-made surface feature that affects the propagation of a signal from a base station.

(6) **COMMISSION.**—The term "Commission" means the Federal Communications Commission.

(7) **FABRIC.**—The term "Fabric" means the Broadband Serviceable Location Fabric established under section 3(b)(1)(B).

(8) **FORM 477.**—The term "Form 477" means Form 477 of the Commission relating to local telephone competition and broadband reporting.

(9) **INDIAN TRIBE.**—The term "Indian Tribe" has the meaning given the term "Indian tribe" in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(10) **MOBILITY FUND PHASE II.**—The term "Mobility Fund Phase II" means the second phase of the proceeding to provide universal service support from the Mobility Fund (WC Docket No. 10-90; WT Docket No. 10-208).

(11) **PROPAGATION MODEL.**—The term "propagation model" means a mathematical formulation for the characterization of radio wave propagation as a function of frequency, distance, and other conditions.

(12) **PROVIDER.**—The term "provider" means a provider of fixed or mobile broadband internet access service.

(13) **SHAPEFILE.**—The term "shapefile" means a digital storage format containing geospatial or location-based data and attribute information—

(A) regarding the availability of broadband internet access service; and

(B) that can be viewed, edited, and mapped in geographic information system software.

(14) **STANDARD BROADBAND INSTALLATION.**—The term "standard broadband installation"—

(A) means the initiation by a provider of new fixed broadband internet access service with no charges or delays attributable to the extension of the network of the provider; and

(B) includes the initiation of fixed broadband internet access service through routine installation that can be completed not later than 10 business days after the date on which the service request is submitted.

### SEC. 3. BROADBAND MAPS.

(a) **RULES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Commission shall issue final rules that shall—

(A) allow for the collection by the Commission of accurate and granular data, not less frequently than biannually—

(i) relating to the availability of terrestrial fixed, fixed wireless, satellite, and mobile broadband internet access service; and

(ii) that the Commission shall use to compile the maps created under subsection (c)(1) (referred to in this section as "coverage maps"), which the Commission shall make publicly available; and

(B) establish—

(i) processes through which the Commission can verify the accuracy of data submitted under subsection (b)(2);

(ii) processes and procedures through which the Commission, and, as necessary, other entities or persons submitting information under this Act, can protect the security, privacy, and confidentiality of—

(I) information contained in the Fabric;

(II) the dataset created under subsection (b)(1) supporting the Fabric; and

(III) the data submitted under subsection (b)(2);

(iv) the challenge process described in subsection (b)(5); and

(v) the process described in section 5(b).

(2) **OTHER DATA.**—In issuing the rules under paragraph (1), the Commission shall develop a process through which the Commission can collect verified data for use in the coverage maps from—

(A) State, local, and Tribal governmental entities that are primarily responsible for mapping or tracking broadband internet access service coverage for a State, unit of local government, or Indian Tribe, as applicable;

(B) third parties, if the Commission determines that it is in the public interest to use such data in—

(i) the development of the coverage maps; or

(ii) the verification of data submitted under subsection (b); and