

Bipartisan TRACED Act Signed Into Law, Latest Tool in Fight Against the Robocall Epidemic

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FCC must now move aggressively to provide critical relief for consumers

Washington, D.C. – Today, the bipartisan Pallone-Thune TRACED Act was signed into law in an important step forward to provide Americans some relief from the plague of robocalls. The final bill, passed overwhelming by the U.S. House last month, includes elements from the bills passed in each chamber on a bipartisan basis: the Stopping Bad Robocalls Act by the House and the Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act passed by the Senate.

“This bipartisan bill unquestionably moves the ball forward to protect consumers from unwanted robocalls, especially by requiring that all telephone systems in the U.S. implement a coordinated authentication methodology to improve the accuracy of the caller-ID displayed on our phones,” **said National Consumer Law Center Senior Counsel Margot Saunders.** “After this bill is signed into law, attention will return to the Federal Communications Commission (FCC), which will have much to do to protect consumers from telemarketers, debt collectors, and others who are bombarding our phones with unwanted robocalls. Representatives of robocallers, such as the U.S. Chamber of Commerce, banks and the debt collectors, are seeking interpretations from the courts and the FCC that would water down, or even nullify, the Telephone Consumer Protection Act- (TCPA) our main bulwark against these unwanted calls. If the FCC does not interpret the TCPA broadly, the federal law could be gutted. Consumer advocates appreciate the attention that members of Congress, especially Senators Markey and Thune, and Representatives Pallone, Walden, Latta, and Doyle, gave to bring some relief for consumers.”

The Pallone-Thune TRACED Act will:

1. Require the implementation of a comprehensive caller-ID authentication program that will inform called parties whether the caller ID displayed with incoming calls is accurate;
2. Require that the FCC ensure that consumers who receive telephone service from smaller, often rural providers, benefit from an authentication service.
3. Require the FCC to allow providers to employ a “robocall blocking” methodology for unauthenticated calls.
4. Prohibit telephone providers from separately billing for either the authentication and blocking services.
5. Require that the FCC initiate a proceeding to evaluate how to require voice providers that provide multiple phone numbers to callers (such as Skype and Google Voice) know their customers — which is important to stop robocallers from cycling through numerous numbers to avoid detection.
6. Enhance the FCC’s enforcement mechanisms.
7. Require a variety of reports from the FCC and establish a number of working groups.

The final bill does *not*:

1. Provide clarification of disputed terms in the Telephone Consumer Protection Act that would prevent callers from continuing to call consumers who have not consented to robocalls, or who have withdrawn their consent for such calls.
2. Mandate that call blocking programs be offered to all consumers.

Last year, Americans received nearly 48 billion robocalls, according to YouMail, a private robocall blocking service, and the monthly number skyrocketed to a record 5.7 billion in October, putting the number on track to hit 60 billion unwanted calls this year.

Robocalls surged after a 2018 decision from the U.S. Court of Appeals in D.C. that set aside a 2015 FCC order on the question of how to interpret the Telephone Consumer Protection Act's ban on autodialed calls to cell phones without the called party's consent.