

116TH CONGRESS
1ST SESSION

S. _____

To allow the Federal Communications Commission to carry out a pilot program under which voice service providers could block certain automated calls, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CRAPO (for himself and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To allow the Federal Communications Commission to carry out a pilot program under which voice service providers could block certain automated calls, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Data Analytics
5 Robocall Technology Act of 2019” or the “DART Act of
6 2019”.

7 **SEC. 2. PILOT PROGRAM.**

8 (a) **DEFINITIONS.**—In this section—

1 (1) the term “Commission” means the Federal
2 Communications Commission;

3 (2) the term “gateway provider” means a voice
4 service provider that, with respect to a consumer—

5 (A) does not have a direct relationship
6 with the consumer; and

7 (B) offers an entry point onto the public
8 switched telephone network with respect to a
9 call made by the consumer;

10 (3) the term “originating provider”—

11 (A) means a voice service provider that
12 permits a subscriber to originate a call that
13 may be transmitted on the public switched tele-
14 phone network; and

15 (B) includes a gateway provider;

16 (4) the term “public safety answering point”
17 has the meaning given the term in section 222(h) of
18 the Communications Act of 1934 (47 U.S.C.
19 222(h)); and

20 (5) the term “voice service” means any service
21 that—

22 (A) is interconnected with the public
23 switched telephone network; and

24 (B) furnishes voice communications to an
25 end user using resources from the North Amer-

1 ican Numbering Plan or any successor to the
2 North American Numbering Plan adopted by
3 the Commission under section 251(e)(1) of the
4 Communications Act of 1934 (47 U.S.C.
5 251(e)(1)).

6 (b) PILOT PROGRAM.—Beginning not later than 18
7 months after the date of enactment of this Act, the Com-
8 mission may carry out a 1-year pilot program under
9 which, notwithstanding any other provision of law or regu-
10 lation—

11 (1) a voice service provider may, except as pro-
12 vided in paragraph (5)—

13 (A) use data analytics and caller identifica-
14 tion authentication procedures to identify any
15 call that the voice service provider reasonably
16 believes is highly likely to be unlawful; and

17 (B) block a call identified under subpara-
18 graph (A);

19 (2) the Commission may not penalize a voice
20 service provider that, while acting in good faith
21 under paragraph (1), inadvertently blocks a lawful
22 call;

23 (3) the Commission shall establish a process
24 through which—

1 (A) a caller that originates a call that a
2 voice service provider blocks under paragraph
3 (1)(B) may quickly report to the voice service
4 provider that the caller believes that the call
5 should not have been blocked; and

6 (B) a voice service provider that receives a
7 report under subparagraph (A) shall evaluate—

8 (i) whether the call to which the re-
9 port relates should have been blocked; and

10 (ii) the means by which to address fu-
11 ture calls from the number to which the
12 report relates;

13 (4) each voice service provider shall designate a
14 single point of contact to whom a caller may submit
15 a report described in paragraph (3);

16 (5) a voice service provider that blocks a call
17 under paragraph (1)(B) shall maintain a list of
18 numbers that are not eligible to be blocked, includ-
19 ing any number used—

20 (A) for outgoing calls by a public safety
21 answering point or a similar facility that is des-
22 ignated to originate or route emergency calls;

23 (B) to originate calls from a government
24 entity, such as a call generated during an emer-
25 gency; and

1 (C) by a school, or a similar institution, to
2 provide school-related notifications, such as a
3 notification regarding—

4 (i) a weather-related closure; or

5 (ii) the existence of an emergency af-
6 fecting a school or students attending a
7 school;

8 (6) a voice service provider—

9 (A) may obtain, upon affirmative consent
10 provided by a consumer, a list of numbers from
11 which the consumer is willing to receive calls;

12 (B) shall, with respect to a consumer who
13 provides to the provider a list described in sub-
14 paragraph (A), block each call made to the con-
15 sumer from a number that is not on the list;
16 and

17 (C) may not share a list obtained under
18 subparagraph (A) with the Commission or any
19 other voice service provider; and

20 (7) the Commission shall ensure that no con-
21 sumer incurs any cost relating to the pilot program.

22 (c) EVALUATION OF PILOT PROGRAM.—If the Com-
23 mission establishes the pilot program under subsection
24 (b), after the expiration of the pilot program, the Commis-
25 sion may—

- 1 (1) make a determination regarding the effec-
- 2 tiveness of the pilot program; and
- 3 (2) if the Commission determines under para-
- 4 graph (1) that the pilot program was effective, make
- 5 the pilot program permanent with any adjustments
- 6 that the Commission determines to be necessary.