



PUBLIC NOTICE

Federal Communications Commission
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DA 21-1194

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ENFORCEMENT BUREAU REQUESTS INFORMATION ON THE STATUS OF PRIVATE-LED TRACEBACK EFFORTS OF SUSPECTED UNLAWFUL ROBOCALLS

This Public Notice supersedes Public Notice DA 21-864 released on July 20, 2021, which misstated the reporting period.¹ We seek information about traceback efforts from November 1, 2020 through October 31, 2021.

The Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act) was signed into law on December 30, 2019.² Congress required the Federal Communications Commission, not later than 210 days after that date (i.e., July 27, 2020) and annually thereafter to issue a notice seeking comment on private-led efforts to trace back the source of suspected unlawful robocalls, and not later than one year after that date and annually thereafter to issue a report on the status of such private-led efforts.³

The Enforcement Bureau requests voice service providers and the registered consortium, USTelecom's Industry Traceback Group (Traceback Group), to submit any information necessary for the Commission's annual report on the state of private led efforts to trace back the origin of suspected unlawful robocalls.

The reporting period for this request is from November 1, 2020, to October 31, 2021. Submissions are due by November 15, 2021.

Background. Unlawful prerecorded or artificial voice message calls—robocalls—plague the American public. In many instances, unlawful robocalls include inaccurate or misleading caller identification information, known as spoofed caller ID. The spoofed caller ID makes it more difficult to identify the source of the call. In order to enforce the laws prohibiting illegal robocalls, government and industry work together to trace suspected unlawful robocalls to their origination—a process known as “traceback.” Congress acknowledged the beneficial collaboration between the Commission and the private sector on traceback issues and, in section 13(d) of the TRACED Act, required the Commission to register a single consortium to conduct private-led traceback efforts. The Commission selected the Traceback Group as the registered consortium on July 27, 2020.⁴

¹ The prior PN established a reporting period of July 27, 2021 to October 31, 2021. This erroneously mirrored the shortened initial reporting period in 2020 immediately following the enactment of the TRACED Act, rather than the annual reporting requirement in the statute for years thereafter. See *Enforcement Bureau Requests Information on the Status of Private-Led Traceback Efforts of Suspected Unlawful Robocalls*, EB Docket No. 20-195, DA 21-864 (Jul. 20, 2021); *Enforcement Bureau Requests Information on the Status of Private-Led Traceback Efforts of Suspected Unlawful Robocalls*, EB Docket No. 20-195, DA 20-786 (July 27, 2020); Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, 133, § 13(c), Stat. 3274 (2019) (TRACED Act).

² TRACED Act.

³ *Id.* at § 13(a), (c).

⁴ *Implementing Section 13(d) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act)*, Report and Order, 35 FCC Rcd 7886 (EB 2020) (*Consortium Selection Order*).

Section 13(c) of the TRACED Act requires the Commission, within 210 days of enactment of the TRACED Act, and annually thereafter, to seek additional information from voice service providers and the registered consortium about private-led traceback efforts. Section 13(a) of the TRACED Act requires the Commission to publish an annual report on the status of private-led traceback efforts by the registered consortium and participation of voice service providers. Congress mandated that the registered consortium selected to conduct private-led tracebacks and any voice-service provider be given an opportunity to provide information to the Commission to be used in the annual report.⁵ At a minimum, the report must include the following information:⁶

1. A description of private-led efforts to trace back the origin of suspected unlawful robocalls by the registered consortium and the actions taken by the registered consortium to coordinate with the Commission.
2. A list of voice service providers identified by the registered consortium that participated in private-led efforts to trace back the origin of suspected unlawful robocalls through the registered consortium.
3. A list of each voice service provider that received a request from the registered consortium to participate in private led efforts to trace back the origin of suspected unlawful robocalls and refused to participate, as identified by the registered consortium.
4. The reason, if any, each voice service provider identified by the registered consortium provided for not participating in private-led efforts to trace back the origin of suspected unlawful robocalls.
5. A description of how the Commission may use the information provided to the Commission by voice service providers or the registered consortium that have participated in private-led efforts to trace back the origin of suspected unlawful robocalls in the enforcement efforts by the Commission.

Submission Process: Additional information may be filed via ECFS (<http://apps.fcc.gov/ecfs/>) in EB Docket No. 20-195. If filers wish to include confidential information as part of their submitted information, they must submit (1) a redacted, public version via ECFS; and (2) a non-redacted, confidential version electronically to the Enforcement Bureau. Filers should contact Kristi Thompson by phone (at 202-418-1318) or e-mail (kristi.thompson@fcc.gov) to arrange electronic submission of the non-redacted version. Confidential material must be marked as such and requests for confidential treatment must conform to the requirements of section 0.459 of the Commission's rules.⁷

Deadline to Submit Information: November 15, 2021.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁸

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties may choose to file by paper; such filers must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

⁵ TRACED Act § 13(c).

⁶ *Id.* § 13(b).

⁷ 47 CFR § 0.459.

⁸ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701, U.S.
- Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE Washington, DC 20554.
- **Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.**⁹

Additional Information. For further information, contact Kristi Thompson, Chief, Telecommunications Consumers Division, Enforcement Bureau, at 202-418-1318 or kristi.thompson@fcc.gov.

⁹ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.