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July 25, 2022

The Honorable Maria Cantwell
Chairwoman
The Honorable Roger F. Wicker
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate

The Honorable Frank Pallone, Jr.
Chairman
The Honorable Cathy McMorris Rodgers
Republican Leader
Committee on Energy and Commerce
House of Representatives

Subject: *Federal Communications Commission: Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Federal Communications Commission (FCC) titled “Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor” (FCC 22-37). We received the rule on May 25, 2022. It was published in the *Federal Register* as a final rule on July 18, 2022. 87 Fed. Reg. 42916. The effective date is September 16, 2022.

According to FCC, this final rule takes further steps to stem the tide of foreign-originated illegal robocalls by placing new obligations on the gateway providers that are the entry point for foreign calls into the United States by requiring them to play a more active role in the fight. FCC stated that the final rule takes steps to protect consumers from foreign-originated illegal robocalls. FCC also stated that the gateway providers' networks are the key entry point for foreign-originated robocalls, and the authentication and mitigation requirements FCC adopts will ensure that American consumers are protected. FCC stated further that it defines the term “gateway provider,” in this final rule and requires such providers to authenticate all unauthenticated Session Initiation Protocol (SIP) calls in the Internet Protocol (IP) portions of their networks, and adopts mitigation requirements specific to such providers, including requirements related to the Robocall Mitigation Database.

Enclosed is our assessment of FCC’s compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the

subject matter of the rule, please contact Shari Brewster, Assistant General Counsel, at (202) 512-6398.

A handwritten signature in cursive script that reads "Shirley A. Jones". The signature is written in black ink and is positioned above the typed name.

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Pamela Arluk
Division Chief, Competition Policy Division
Wireline Competition Bureau
Federal Communications Commission

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
FEDERAL COMMUNICATIONS COMMISSION
TITLED
“ADVANCED METHODS TO TARGET AND ELIMINATE UNLAWFUL ROBOCALLS;
CALL AUTHENTICATION TRUST ANCHOR”
(FCC 22-37)

(i) Cost-benefit analysis

The Federal Communications Commission (FCC) stated that the benefits of this final rule will greatly outweigh the costs imposed. According to FCC, the final rule will achieve a large share of an estimated annual \$13.5 billion minimum benefit. See *generally* 85 Fed. Reg. 22029 (Apr. 21, 2020); 85 Fed. Reg. 22099 (Apr. 21, 2020) (providing estimates for the benefits of FCC rules aimed at stemming spoofing and robocalls). In addition, FCC stated that there are many additional, non-quantifiable benefits from the final rule, including restoring confidence in the U.S. telephone network and reliable access to the emergency and healthcare communications that save lives, reduce human suffering, and prevent the loss of property. FCC also stated that the costs imposed on gateway providers are, in many instances, minimal, and in all cases do not exceed the benefits. FCC stated further that although the final rule will impose higher short-term costs on gateway providers for implementation, it also found that the final rule will lead to lower long-term costs.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603–605, 607, and 609

FCC stated that it considered the potential impact of the final rule on small entities and took steps where appropriate and feasible to reduce the compliance burden for small entities in order to reduce the economic impact of the rule on such entities. FCC stated that the final rule affects small and large companies equally and applies equally to all the classes of regulated entities. FCC prepared a Final Regulatory Flexibility Analysis. The analysis included 1) a statement of the need for, and objectives of the final rule; 2) a summary of significant issues raised by public comments in response to the Initial Regulatory Flexibility Analysis; 3) a response to comments by the Chief Counsel for Advocacy of the Small Business Administration; 4) a description and estimate of the number of small entities to which the rule will apply; 5) a description of projected reporting, recordkeeping, and other compliance requirements for small entities; 6) a statement of the steps taken to minimize the significant economic impact on small entities, and significant alternatives considered; and 7) a statement regarding a report to Congress.

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

As an independent regulatory agency, FCC is not subject to the Order.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

On October 26, 2021, FCC issued the Gateway Provider Further Notice of Proposed Rulemaking. 86 Fed. Reg. 59084. FCC addressed comments relevant to specific topics discussed in the preamble of the final rule.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501–3520

According to FCC, this final rule may contain new and modified information collection requirements subject to the PRA. FCC stated that the final rule will be submitted to the Office of Management and Budget (OMB) for review. FCC also stated that a certain modification is non-substantive and will be submitted to OMB in accordance with its process for non-substantive changes. FCC stated further that pursuant to the Small Business Paperwork Relief Act of 2002, Pub. L. No. 107-198, 116 Stat. 729 (June 28, 2002), it previously sought specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Statutory authorization for the rule

FCC promulgated this final rule pursuant to sections 151, 152, 154, 155, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251, 254, 255, 262, 276, 403, 409, 616, 620, 716, 1401–1473 of title 47, United States Code; and section 503 of the Consolidated Appropriations Act, 2018, Public Law 115-141, 132 Stat. 348, 1091 (Mar. 23, 2018).

Executive Order No. 12866 (Regulatory Planning and Review)

As an independent regulatory agency, FCC is not subject to the Order.

Executive Order No. 13132 (Federalism)

As an independent regulatory agency, FCC is not subject to the Order.