

110TH CONGRESS  
2D SESSION

# H. R. 5747

To amend the Federal Election Campaign Act of 1971 to restrict political robocalls, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2008

Ms. ZOE LOFGREN of California (for herself, Mr. CAMPBELL of California, Ms. BEAN, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the Federal Election Campaign Act of 1971 to restrict political robocalls, 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 “Robocall Privacy Act  
5 of 2008”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Abusive political robocalls harass voters and  
9 discourage them from participating in the political  
10 process.

1           (2) Abusive political robocalls infringe on the  
2           privacy rights of individuals by disturbing them in  
3           their homes.

4 **SEC. 3. REGULATION OF POLITICAL ROBOCALLS.**

5           Title III of the Federal Election Campaign Act of  
6 1971 (2 U.S.C. 431 et seq.) is amended by adding at the  
7 end the following:

8           “REGULATION OF POLITICAL ROBOCALLS

9           “SEC. 325. (a) RESTRICTIONS ON MAKING POLIT-  
10 ICAL ROBOCALLS.—It shall be unlawful for any person  
11 during the specified period to make a political robocall or  
12 to cause a political robocall to be made—

13           “(1) to any person during the period beginning  
14           at 9 p.m. and ending at 8 a.m. in the place which  
15           the call is directed;

16           “(2) to the same telephone number more than  
17           twice on the same day;

18           “(3) without disclosing, at the beginning of the  
19           call—

20           “(A) that the call is a recorded message;  
21           and

22           “(B) the name of the sponsor or originator  
23           of the call; or

24           “(4) without transmitting the telephone number  
25           and the name of the person making the political

1 robocall or causing the political robocall to be made  
2 to the caller identification service of the recipient.

3 “(b) DEFINITIONS.—For purposes of this section, the  
4 following definitions apply:

5 “(1) POLITICAL ROBOCALL.—The term ‘polit-  
6 ical robocall’ means any outbound telephone call—

7 “(A) in which a person is not available to  
8 speak with the person answering the call, and  
9 the call instead plays a recorded message; and

10 “(B) which promotes, supports, attacks, or  
11 opposes a candidate for Federal office.

12 “(2) SPECIFIED PERIOD.—The term ‘specified  
13 period’ means, with respect to any candidate who is  
14 promoted, supported, attacked, or opposed in a polit-  
15 ical robocall—

16 “(A) the 60-day period ending on the date  
17 of any general, special, or run-off election for  
18 the office sought by such candidate; and

19 “(B) the 30-day period ending on the date  
20 of any primary or preference election, or any  
21 convention or caucus of a political party that  
22 has authority to nominate a candidate, for the  
23 office sought by such candidate.”.

1 **SEC. 4. ENFORCEMENT.**

2 (a) SPECIAL RULES FOR ENFORCEMENT OF RE-  
3 STRICTIONS ON POLITICAL ROBOCALLS.—Section 309(a)  
4 of the Federal Election Campaign Act of 1971 (2 U.S.C.  
5 437g(a)) is amended by adding at the end the following:

6 “(13) In the case of any violation of section 325 (re-  
7 lating to making, or causing to be made, a political  
8 robocall), the amount of any civil penalty applicable under  
9 this section shall be not greater than \$1,000 for each such  
10 violation, or not greater than 300 percent of such amount  
11 in the case of a knowing and willful violation.”.

12 (b) CONFORMING AMENDMENT.—Section 307(e) of  
13 such Act (2 U.S.C. 437d(e)) is amended by striking “sec-  
14 tion 309(a)(8)” and inserting “sections 309(a)(8) and  
15 (a)(13)”.

16 **SEC. 5. EFFECTIVE DATE.**

17 The amendments made by this Act shall take effect  
18 on the date of the enactment of this Act, except that sec-  
19 tion 325 of the Federal Election Campaign Act of 1971  
20 (as added by section 3) shall not apply with respect to  
21 any political robocall described in such section which is  
22 made or caused to be made prior to the date of the enact-  
23 ment of this Act.

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