

111TH CONGRESS
2D SESSION

H. R. 4641

To amend title 18, United States Code, to prohibit the making of political robocalls during certain periods, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 22, 2010

Ms. ZOE LOFGREN of California (for herself, Mr. CAMPBELL, Mr. FRANK of Massachusetts, Ms. BEAN, Mr. FILNER, and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit the making of political robocalls during certain periods, 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 2010”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Abusive political robocalls harass voters and
 2 discourage them from participating in the political
 3 process.

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

7 **SEC. 3. BAN ON CERTAIN POLITICAL ROBOCALLS.**

8 (a) CRIMINAL PENALTY.—Chapter 29 of title 18,
 9 United States Code, is amended by adding at the end the
 10 following new section:

11 **“§ 612. Political robocalls**

12 “(a) BAN ON MAKING CERTAIN POLITICAL
 13 ROBOCALLS.—Whoever during the specified period know-
 14 ingly makes or causes to be made a political robocall—

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

18 “(2) to the same telephone number more than
 19 twice on the same day,
 20 shall be fined under this title.

21 “(b) EXCEPTION FOR CALLS DISCLOSING CERTAIN
 22 INFORMATION.—Subsection (a) shall not apply with re-
 23 spect to a political robocall if the person making or caus-
 24 ing the political robocall to be made—

25 “(1) discloses at the beginning of the call—

1 “(A) that the call is a recorded message;
2 and

3 “(B) the name of the sponsor or originator
4 of the call; and

5 “(2) transmits the telephone number and the
6 name of the person making the political robocall or
7 causing the political robocall to be made visible to
8 the caller identification service of the recipient,

9 “(c) DEFINITIONS.—For purposes of this section, the
10 following definitions apply:

11 “(1) ELECTION; FEDERAL OFFICE.—The terms
12 ‘election’ and ‘Federal office’ have the meanings
13 given such terms in section 301 of the Federal Elec-
14 tion Campaign Act of 1971 (2 U.S.C. 431).

15 “(2) POLITICAL ROBOCALL.—The term ‘polit-
16 ical robocall’ means any outbound telephone call—

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

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

22 “(3) SPECIFIED PERIOD.—The term ‘specified
23 period’ means, with respect to any candidate who is
24 promoted, supported, attacked, or opposed in a polit-
25 ical robocall—

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

4 “(B) the 30-day period ending on the date
 5 of any primary or preference election, or any
 6 convention or caucus of a political party that
 7 has authority to nominate a candidate, for the
 8 office sought by such candidate.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 for chapter 29 of such title is amended by adding at the
 11 end the following:

 “612. Political robocalls.”.

12 **SEC. 4. EFFECTIVE DATE.**

13 The amendments made by this Act shall take effect
 14 on the date of the enactment of this Act, except that sec-
 15 tion 612 of title 18, United States Code (as added by sec-
 16 tion 3), shall not apply with respect to any political
 17 robocall described in such section which is made or caused
 18 to be made prior to the date of the enactment of this Act.

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