

111TH CONGRESS  
1ST SESSION

# S. 1077

To regulate political robocalls.

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IN THE SENATE OF THE UNITED STATES

MAY 19, 2009

Mrs. FEINSTEIN (for herself, Ms. SNOWE, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To regulate political robocalls.

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 2009”.

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. DEFINITIONS.**

5       For purposes of this Act—

6           (1) **POLITICAL ROBOCALL.**—The term “political  
7       robocall” means any outbound telephone call—

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

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

13           (2) **IDENTITY.**—The term “identity” means,  
14       with respect to any individual making a political  
15       robocall or causing a political robocall to be made,  
16       the name of the sponsor or originator of the call.

17           (3) **SPECIFIED PERIOD.**—The term “specified  
18       period” means, with respect to any candidate for  
19       Federal office who is promoted, supported, attacked,  
20       or opposed in a political robocall—

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

24                (B) the 30-day period ending on the date  
25               of any primary or preference election, or any

1           convention or caucus of a political party that  
 2           has authority to nominate a candidate, for the  
 3           office sought by such candidate.

4           (4) OTHER DEFINITIONS.—The terms “can-  
 5           didate” and “Federal office” have the respective  
 6           meanings given such terms under section 301 of the  
 7           Federal Election Campaign Act of 1971 (2 U.S.C.  
 8           431).

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

10          It shall be unlawful for any person during the speci-  
 11          fied period to make a political robocall or to cause a polit-  
 12          ical 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 identity of the person making the  
 23                       call or causing the call to be made; 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    **SEC. 5. ENFORCEMENT.**

4        (a) ENFORCEMENT BY FEDERAL ELECTION COMMIS-  
5    SION.—

6            (1) IN GENERAL.—Any person aggrieved by a  
7        violation of section 4 may file a complaint with the  
8        Federal Election Commission under rules similar to  
9        the rules under section 309(a) of the Federal Elec-  
10      tion Campaign Act of 1971 (2 U.S.C. 437g(a)).

11           (2) CIVIL PENALTY.—

12            (A) IN GENERAL.—If the Federal Election  
13      Commission or any court determines that there  
14      has been a violation of section 4, there shall be  
15      imposed a civil penalty of not more than \$1,000  
16      per violation.

17            (B) WILLFUL VIOLATIONS.—In the case  
18      the Federal Election Commission or any court  
19      determines that there has been a knowing or  
20      willful violation of section 4, the amount of any  
21      civil penalty under subparagraph (A) for such  
22      violation may be increased to not more than  
23      300 percent of the amount under subparagraph  
24      (A).

1       (b) PRIVATE RIGHT OF ACTION.—Any person may  
2 bring in an appropriate district court of the United States  
3 an action based on a violation of section 4 to enjoin such  
4 violation without regard to whether such person has filed  
5 a complaint with the Federal Election Commission.

