

113TH CONGRESS
2D SESSION

S. 3010

To improve the enforcement of prohibitions on robocalls, including fraudulent robocalls.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2014

Mrs. MCCASKILL introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve the enforcement of prohibitions on robocalls, including fraudulent 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 Enforcement
5 Improvements Act of 2014”.

6 **SEC. 2. ENFORCEMENT AUTHORITY RELATING TO NON-LI-**
7 **CENSEE ROBOCALLERS.**

8 (a) **AUTHORITY TO IMPOSE FORFEITURES WITHOUT**
9 **FIRST ISSUING CITATIONS.**—Section 503(b)(5) of the

1 Communications Act of 1934 (47 U.S.C. 503(b)(5)) is
 2 amended in the second sentence—

3 (1) by striking “or in the case of” and inserting
 4 “in the case of”; and

5 (2) by inserting before the period at the end the
 6 following: “, or if the person involved is engaging in
 7 violations of section 227(b)(1) of this title”.

8 (b) EXPANSION OF STATUTE OF LIMITATIONS.—Sec-
 9 tion 503(b)(6)(B) of the Communications Act of 1934 (47
 10 U.S.C. 503(b)(6)(B)) is amended—

11 (1) by striking “occurred more than 1 year”
 12 and inserting the following: “occurred—

13 “(i) except as provided in clause (ii),
 14 more than 1 year”;

15 (2) by striking “liability.” and inserting “liabil-
 16 ity; or”; and

17 (3) by inserting after clause (i), as designated,
 18 the following:

19 “(ii) in the case of a violation of sec-
 20 tion 227(b)(1) of this title, more than 3
 21 years prior to the date of issuance of the
 22 required notice of apparent liability.”.

23 (c) INCREASE IN MAXIMUM FORFEITURE.—Section
 24 503(b)(2) of the Communications Act of 1934 (47 U.S.C.
 25 503(b)(2)) is amended—

1 (1) in subparagraph (D), by striking “or (C)”
 2 and inserting “(C), (F), or (G)”; and

3 (2) by adding at the end the following:

4 “(G) If the violator does not hold, and is not an appli-
 5 cant for, a license, permit, certificate, or other authoriza-
 6 tion issued by the Commission—

7 “(i) the amount of any forfeiture penalty deter-
 8 mined under this subsection for a violation of section
 9 227(b)(1) of this title shall not exceed \$25,000 for
 10 each violation or each day of a continuing violation;
 11 and

12 “(ii) there shall be no limit on the total amount
 13 assessed for any continuing violation of section
 14 227(b)(1) of this title.”.

15 **SEC. 3. AMENDMENTS TO TRUTH IN CALLER ID ACT OF**
 16 **2009.**

17 (a) COMMUNICATIONS FROM OUTSIDE UNITED
 18 STATES.—Section 227(e)(1) of the Communications Act
 19 of 1934 (47 U.S.C. 227(e)(1)) is amended by inserting
 20 “or any person outside the United States if the recipient
 21 is within the United States,” after “United States,”.

22 (b) CLARIFICATION OF DEFINITION OF “IP-EN-
 23 ABLED VOICE SERVICE”.—Section 227(e)(8)(C) of the
 24 Communications Act of 1934 (47 U.S.C. 227(e)(8)(C)) is
 25 amended by striking “has the meaning” and all that fol-

1 lows and inserting the following: “means the provision of
 2 real-time voice communications offered to the public, or
 3 such class of users as to be effectively available to the pub-
 4 lic, transmitted using Internet protocol, or a successor
 5 protocol, (whether part of a bundle of services or sepa-
 6 rately) with interconnection capability such that the serv-
 7 ice can originate traffic to, or terminate traffic from, the
 8 public switched telephone network, or a successor net-
 9 work.”.

10 (c) SPOOFING SERVICE.—

11 (1) IN GENERAL.—Section 227(e) of the Com-
 12 munications Act of 1934 (47 U.S.C. 227(e)) is
 13 amended—

14 (A) by striking paragraph (4);

15 (B) by redesignating paragraph (3) as
 16 paragraph (4);

17 (C) by inserting after paragraph (2) the
 18 following:

19 “(3) SPOOFING SERVICES.—

20 “(A) IN GENERAL.—A provider of a spoof-
 21 ing service shall take such steps as the Commis-
 22 sion may prescribe to verify that a person does
 23 not use the service in violation of this sub-
 24 section.

1 “(B) RECORDKEEPING AND REPORTING.—

2 The Commission shall impose reasonable rec-
 3 ordkeeping and reporting obligations on a pro-
 4 vider of a spoofing service, and shall adopt any
 5 other regulation that the Commission deter-
 6 mines necessary, to prevent or investigate viola-
 7 tions of this subsection.

8 “(C) SUBPOENA AUTHORITY.—Notwith-
 9 standing chapter 121 of title 18, United States
 10 Code, for purposes of enforcing this subsection,
 11 the Commission may by subpoena require a
 12 provider of a spoofing service to disclose to the
 13 Commission the caller identification information
 14 transmitted by a subscriber to or customer of
 15 the spoofing service.”; and

16 (D) in paragraph (8), by adding at the end
 17 the following:

18 “(D) SPOOFING SERVICE.—The term
 19 ‘spoofing service’ means a service that sub-
 20 stitutes, or permits a user to substitute, an-
 21 other name or any number (including a tele-
 22 phone number, pseudo-number, or other num-
 23 ber) for display as the caller identification in-
 24 formation for a call or text message.”.

1 (2) CONFORMING AMENDMENT.—Section
 2 227(e)(1) of the Communications Act of 1934 (47
 3 U.S.C. 227(e)(1)), as amended by subsection (a), is
 4 amended by striking “paragraph (3)(B)” and insert-
 5 ing “paragraph (4)(B)”.

6 (d) TEXT MESSAGING SERVICE.—Section 227(e)(8)
 7 of the Communications Act of 1934 (47 U.S.C. 227(e)(8))
 8 is amended—

9 (1) in subparagraph (A), by inserting “(includ-
 10 ing a text message sent using a text messaging serv-
 11 ice)” before the period at the end;

12 (2) in the first sentence of subparagraph (B),
 13 by inserting “(including a text message sent using a
 14 text messaging service)” before the period at the
 15 end; and

16 (3) by adding at the end the following:

17 “(D) TEXT MESSAGE.—The term ‘text
 18 message’—

19 “(i) means a real-time or near real-
 20 time message consisting of text, images,
 21 sounds, or other information that is trans-
 22 mitted from or received by a device that is
 23 identified as the transmitting or receiving
 24 device by means of a telephone number;

1 “(ii) includes a short message service
 2 (commonly referred to as ‘SMS’) message,
 3 an enhanced message service (commonly
 4 referred to as ‘EMS’) message, and a
 5 multimedia message service (commonly re-
 6 ferred to as ‘MMS’) message; and

7 “(iii) does not include a real-time, 2-
 8 way voice or video communication.

9 “(E) TEXT MESSAGING SERVICE.—The
 10 term ‘text messaging service’ means a service
 11 that permits the transmission or receipt of a
 12 text message, including a service provided as
 13 part of or in connection with a telecommuni-
 14 cations service or an IP-enabled voice service.”.

15 (e) SAVINGS CLAUSE.—Section 227(e) of the Com-
 16 munications Act of 1934 (47 U.S.C. 227(e)) is amended
 17 by adding at the end the following:

18 “(10) SAVINGS CLAUSE.—Nothing in this sub-
 19 section shall be construed to—

20 “(A) modify or limit the authority of the
 21 Commission under the Telephone Consumer
 22 Protection Act of 1991 (Public Law 102–243;
 23 105 Stat. 2394), the amendments made by that
 24 Act, or the CAN–SPAM Act of 2003 (15
 25 U.S.C. 7701 et seq.), as of the day before the

1 date of enactment of the Robocall Enforcement
2 Improvements Act of 2014, to interpret the
3 term ‘call’ to include a text message; or

4 “(B) modify, limit, or otherwise affect any
5 rule or order adopted by the Commission in
6 connection with the Telephone Consumer Pro-
7 tection Act of 1991, the amendments made by
8 that Act, or the CAN–SPAM Act of 2003.”.

9 (f) REGULATIONS.—

10 (1) IN GENERAL.—Section 227(e)(3)(A) of the
11 Communications Act of 1934 (47 U.S.C.
12 227(e)(3)(A)) is amended by striking “Not later
13 than 6 months after the date of enactment of the
14 Truth in Caller ID Act of 2009, the Commission”
15 and inserting “The Commission”.

16 (2) DEADLINE.—Not later than 18 months
17 after the date of enactment of this Act, the Federal
18 Communications Commission shall prescribe regula-
19 tions to implement the amendments made by this
20 section.

21 (g) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on the date that is 6 months
23 after the date on which the Federal Communications Com-
24 mission prescribes regulations to implement the amend-
25 ments made by this section.

1 **SEC. 4. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) telecommunications carriers have the legal
4 authority to offer consumers services that block or
5 filter robocalls; and

6 (2) the Federal Government, including the Fed-
7 eral Communications Commission and the Federal
8 Trade Commission, should encourage telecommuni-
9 cations carriers to develop and implement the serv-
10 ices described in paragraph (1).

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