

114TH CONGRESS
1ST SESSION

S. 1540

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

IN THE SENATE OF THE UNITED STATES

JUNE 10, 2015

Mrs. McCASKILL (for herself and Ms. COLLINS) 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 and Call
5 Spoofing Enforcement Improvements Act of 2015”.

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 or notice of apparent liabil-
 23 ity.”.

1 (c) INCREASE IN MAXIMUM FORFEITURE.—Section
 2 503(b)(2) of the Communications Act of 1934 (47 U.S.C.
 3 503(b)(2)) is amended—

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

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

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

10 “(i) the amount of any forfeiture penalty deter-
 11 mined under this subsection for a violation of section
 12 227(b)(1) of this title shall not exceed \$25,000 for
 13 each violation or each day of a continuing violation;
 14 and

15 “(ii) there shall be no limit on the total amount
 16 assessed for any continuing violation of section
 17 227(b)(1) of this title.”.

18 **SEC. 3. AMENDMENTS TO TRUTH IN CALLER ID ACT OF**
 19 **2009.**

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

1 (b) CLARIFICATION OF DEFINITION OF “IP-EN-
 2 ABLED VOICE SERVICE”.—Section 227(e)(8)(C) of the
 3 Communications Act of 1934 (47 U.S.C. 227(e)(8)(C)) is
 4 amended by striking “has the meaning” and all that fol-
 5 lows and inserting the following: “means the provision of
 6 real-time voice communications offered to the public, or
 7 such class of users as to be effectively available to the pub-
 8 lic, transmitted using Internet protocol, or a successor
 9 protocol, (whether part of a bundle of services or sepa-
 10 rately) with interconnection capability such that the serv-
 11 ice can originate traffic to, or terminate traffic from, the
 12 public switched telephone network, or a successor net-
 13 work.”.

14 (c) SPOOFING SERVICE.—

15 (1) IN GENERAL.—Section 227(e) of the Com-
 16 munications Act of 1934 (47 U.S.C. 227(e)) is
 17 amended—

18 (A) by striking paragraph (4);

19 (B) by redesignating paragraph (3) as
 20 paragraph (4);

21 (C) by inserting after paragraph (2) the
 22 following:

23 “(3) SPOOFING SERVICES.—

24 “(A) IN GENERAL.—A provider of a spoof-
 25 ing service shall take such steps as the Commis-

sion may prescribe to verify that a person does not use the service in violation of this subsection.

“(B) RECORDKEEPING AND REPORTING.—

The Commission shall impose reasonable recordkeeping and reporting obligations on a provider of a spoofing service, and shall adopt any other regulation that the Commission determines necessary, to prevent or investigate violations of this subsection.

“(C) SUBPOENA AUTHORITY.—Notwith-

standing chapter 121 of title 18, United States Code, for purposes of enforcing this subsection, the Commission may by subpoena require a provider of a spoofing service to disclose to the Commission the caller identification information transmitted by a subscriber to or customer of the spoofing service.”; and

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

“(D) SPOOFING SERVICE.—The term

‘spoofing service’ means a service that substitutes, or permits a user to substitute, another name or any number (including a telephone number, pseudo-number, or other num-

1 ber) for display as the caller identification in-
 2 formation for a call or text message.”.

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

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

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

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

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

19 “(E) TEXT MESSAGE.—The term ‘text
 20 message’—

21 “(i) means a real-time or near real-
 22 time message consisting of text, images,
 23 sounds, or other information that is trans-
 24 mitted from or received by a device that is

1 identified as the transmitting or receiving
 2 device by means of a telephone number;

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

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

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

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

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

22 “(A) modify or limit the authority of the
 23 Commission under the Telephone Consumer
 24 Protection Act of 1991 (Public Law 102–243;
 25 105 Stat. 2394), the amendments made by that

Act, or the CAN–SPAM Act of 2003 (15 U.S.C. 7701 et seq.), as of the day before the date of enactment of the Robocall and Call Spoofing Enforcement Improvements Act of 2015, to interpret the term ‘call’ to include a text message; or

“(B) modify, limit, or otherwise affect any rule or order adopted by the Commission in connection with the Telephone Consumer Protection Act of 1991, the amendments made by that Act, or the CAN–SPAM Act of 2003.”.

(f) REGULATIONS.—

(1) IN GENERAL.—Section 227(e)(4)(A) of the Communications Act of 1934 (47 U.S.C. 227(e)(4)(A)), as redesignated by subsection (c), is amended by striking “Not later than 6 months after the date of enactment of the Truth in Caller ID Act of 2009, the Commission” and inserting “The Commission”.

(2) DEADLINE.—Not later than 18 months after the date of enactment of this Act, the Federal Communications Commission shall prescribe regulations to implement the amendments made by this section.

1 (g) **EFFECTIVE DATE.**—The amendments made by
2 this section shall take effect on the date that is 6 months
3 after the date on which the Federal Communications Com-
4 mission prescribes regulations to implement the amend-
5 ments made by this section.

6 **SEC. 4. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) telecommunications carriers have the legal
9 authority to offer consumers services that block or
10 filter robocalls; and

11 (2) the Federal Government, including the Fed-
12 eral Communications Commission and the Federal
13 Trade Commission, should encourage telecommuni-
14 cations carriers to develop and implement the serv-
15 ices described in paragraph (1).

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