

114TH CONGRESS
2D SESSION

H. R. 4932

To amend the Communications Act of 1934 to expand and clarify the prohibition on inaccurate caller identification information and to require providers of telephone service to offer technology to subscribers to reduce the incidence of unwanted telephone calls, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2016

Ms. SPEIER (for herself, Mr. COHEN, and Mr. VAN HOLLEN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to expand and clarify the prohibition on inaccurate caller identification information and to require providers of telephone service to offer technology to subscribers to reduce the incidence of unwanted telephone calls, 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 “Repeated Objectionable
5 Bothering of Consumers on Phones Act” or the
6 “ROBOCOP Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The incidence of unwanted telephone calls is
4 a nationwide nuisance.

5 (2) In 2015, the Federal Trade Commission re-
6 ceived over 3.5 million complaints about such calls.

7 (3) Telephone scammers target vulnerable con-
8 sumers, particularly the elderly.

9 (4) The national “do-not-call” registry has ef-
10 fectively addressed unwanted telephone calls from le-
11 gitimate companies, but consumers continue to be
12 subject to unwanted calls originating from sources
13 outside the United States and illegitimate operators.

14 (5) Such calls cost consumers an estimated
15 \$350 million in 2011.

16 (6) Existing Federal law is inadequate to ad-
17 dress this problem.

18 (7) Preventing such calls from reaching con-
19 sumers requires two approaches:

20 (A) Identifying unwanted calls.

21 (B) Giving the consumers the ability to
22 block or filter such calls.

23 **SEC. 3. EXPANDING AND CLARIFYING PROHIBITION ON IN-**
24 **ACCURATE CALLER ID INFORMATION.**

25 (a) COMMUNICATIONS FROM OUTSIDE UNITED
26 STATES.—Section 227(e)(1) of the Communications Act

1 of 1934 (47 U.S.C. 227(e)(1)) is amended by inserting
2 “or any person outside the United States if the recipient
3 is within the United States,” after “United States,”.

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

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

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

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

15 “(D) TEXT MESSAGE.—The term ‘text
16 message’ means a real-time or near real-time
17 digital message consisting of text, images,
18 sounds, or other information that is transmitted
19 from or received by a device that is identified
20 as the transmitting or receiving device by
21 means of a telephone number. Such term—

22 “(i) includes a short message service
23 (SMS) message, an enhanced message
24 service (EMS) message, and a multimedia
25 message service (MMS) message; and

1 “(ii) does not include a real-time, two-
2 way voice or video communication.

3 “(E) TEXT MESSAGING SERVICE.—The
4 term ‘text messaging service’ means a service
5 that permits the transmission or receipt of a
6 text message, including a service provided as
7 part of or in connection with a telecommuni-
8 cations service or an IP-enabled voice service.”.

9 (c) 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.—The Federal Communications
17 Commission shall prescribe regulations to implement
18 the amendments made by this section not later than
19 18 months after the date of the enactment of this
20 Act.

21 (d) EFFECTIVE DATE.—The amendments made by
22 this section shall apply beginning on the date that is 180
23 days after the date on which the Federal Communications
24 Commission prescribes regulations to implement the
25 amendments made by this section.

1 **SEC. 4. TECHNOLOGY REQUIREMENTS.**

2 (a) IN GENERAL.—Section 227(d) of the Commu-
3 nications Act of 1934 (47 U.S.C. 227(d)) is amended by
4 adding at the end the following new paragraph:

5 “(4) TECHNOLOGY OFFERED BY PROVIDERS.—

6 “(A) REQUIREMENTS TO OFFER TECH-
7 NOLOGY.—The Commission shall prescribe reg-
8 ulations setting forth technical and procedural
9 standards—

10 “(i) to require any originating pro-
11 vider to enable, for each subscriber of such
12 provider and for no additional charge,
13 technology that verifies, for any telephone
14 call originated by such subscriber, that the
15 caller identification information indicated
16 for such call accurately identifies such sub-
17 scriber, or that—

18 “(I) the subscriber establishes a
19 legitimate need, through the process
20 described in subparagraph (B), to
21 provide misleading or inaccurate in-
22 formation for certain calls, such as for
23 a call made to conduct an activity of
24 a domestic violence shelter or a med-
25 ical practice; or

1 “(II) the call is exempted, pursu-
2 ant to the authority granted to the
3 Commission by subsection
4 (e)(3)(B)(ii), from the prohibition
5 under subsection (e)(1); and

6 “(ii) to require any receiving provider,
7 for each subscriber of such provider and
8 for no additional charge—

9 “(I) to enable, and to offer the
10 option to disable, technology that—

11 “(aa) determines that an in-
12 coming telephone call is verified
13 by the technology enabled in ac-
14 cordance with clause (i) as pro-
15 viding caller identification infor-
16 mation that accurately identifies
17 the person originating the call; or

18 “(bb) prevents the sub-
19 scriber from receiving such a call;
20 and

21 “(II) to offer the option to enable
22 technology that—

23 “(aa) identifies an incoming
24 telephone call as originating or
25 probably originating from an

1 automatic telephone dialing sys-
2 tem or as using or probably using
3 an artificial or prerecorded voice;
4 and

5 “(bb) prevents the sub-
6 scriber from receiving such a call
7 unless the call is made by a pub-
8 lic safety entity, including public
9 safety answering points as de-
10 fined in section 222(h), emer-
11 gency operations centers, or law
12 enforcement agencies, or unless
13 the subscriber provides prior ex-
14 press consent to receive the call.

15 “(B) EXEMPTION PROCESS.—The stand-
16 ards established under subparagraph (A)(i)
17 shall provide for a process by which—

18 “(i) a subscriber may demonstrate to
19 the originating provider that—

20 “(I) such subscriber has a legiti-
21 mate need, in accordance with sub-
22 clause (I) of such subparagraph, to
23 provide misleading or inaccurate caller
24 identification information for certain
25 calls; or

1 “(II) some or all of the calls of
2 such subscriber are exempted, pursu-
3 ant to the authority granted to the
4 Commission by subsection
5 (e)(3)(B)(ii), from the prohibition
6 under subsection (e)(1); and

7 “(ii) the originating provider shall en-
8 sure, if the provider makes a favorable de-
9 termination with respect to the calls de-
10 scribed in subclause (I) or (II) of clause
11 (i), that the technology enabled under sub-
12 paragraph (A)(i) verifies such calls as orig-
13 inating from such subscriber.

14 “(C) APPEALS PROCESS.—The standards
15 established under subparagraph (A)(ii)(II) shall
16 provide for an appeals process by which—

17 “(i) a person may notify a receiving
18 provider that the technology offered under
19 such subparagraph by the provider is—

20 “(I) incorrectly identifying the
21 telephone calls of such person as orig-
22 inating or probably originating from
23 an automatic telephone dialing system
24 or as using or probably using an arti-
25 ficial or prerecorded voice; or

1 “(II) preventing subscribers from
2 receiving calls originated by such per-
3 son that are permitted in accordance
4 with item (bb) of such subparagraph;
5 and

6 “(ii) the receiving provider so notified
7 shall, if such provider finds that the cir-
8 cumstance about which the person notified
9 the provider under clause (i) exists, take
10 such action as is reasonably necessary to
11 correct such circumstance.

12 “(D) PRIVATE RIGHT OF ACTION.—

13 “(i) IN GENERAL.—A person may
14 bring, in an appropriate district court of
15 the United States, or, if otherwise per-
16 mitted by the laws or rules of court of a
17 State, in an appropriate court of that
18 State—

19 “(I) an action based on a viola-
20 tion of the regulations prescribed
21 under clause (i) or (ii) of subpara-
22 graph (A) to enjoin such violation;

23 “(II) an action to recover for ac-
24 tual monetary loss from such a viola-
25 tion, or to receive \$500 in damages

1 for each such violation, whichever is
2 greater; or

3 “(III) both such actions.

4 “(ii) ENHANCED AWARDS.—If the
5 court finds that the defendant willfully or
6 knowingly violated such regulations, the
7 court may, in its discretion, increase the
8 amount of the award to an amount equal
9 to not more than 3 times the amount avail-
10 able under clause (i)(II) of this subpara-
11 graph.

12 “(E) RULES OF CONSTRUCTION.—

13 “(i) PREVENTION OF CALLS.—For
14 purposes of a regulation prescribed under
15 this paragraph, a call shall be considered
16 to be prevented even if the call is recorded
17 or redirected in a manner that allows the
18 called party to be notified of the attempt
19 to make the call, or to have access to a
20 message left by the calling party.

21 “(ii) BLOCKING CALLER IDENTIFICA-
22 TION INFORMATION.—Nothing in this
23 paragraph may be construed to require an
24 originating provider to prevent or restrict
25 any person from blocking the capability of

1 any caller identification service to transmit
2 caller identification information.

3 “(F) DEFINITIONS.—In this paragraph:

4 “(i) ORIGINATING PROVIDER.—The
5 term ‘originating provider’ means a pro-
6 vider of telecommunications service, or a
7 provider of IP-enabled voice service (as de-
8 fined in subsection (e)(8)), that permits a
9 subscriber to originate a call that may be
10 transmitted on the public switched tele-
11 phone network.

12 “(ii) RECEIVING PROVIDER.—The
13 term ‘receiving provider’ means a provider
14 of telecommunications service, or a pro-
15 vider of IP-enabled voice service (as de-
16 fined in subsection (e)(8)), that permits a
17 subscriber to receive a call originating or
18 that may be transmitted on the public
19 switched telephone network.”.

20 (b) ACTIONS BY STATES.—Section 227(g)(1) of the
21 Communications Act of 1934 (47 U.S.C. 227(g)(1)) is
22 amended—

23 (1) by inserting after “to residents of that
24 State” the following: “, a pattern or practice of fail-
25 ure to provide the technology required by clause (i)

1 of subsection (d)(4)(A) that threatens or adversely
2 affects an interest of such residents, or a pattern or
3 practice of failure to provide to such residents the
4 technology or the options, as applicable, required by
5 clause (ii) of such subsection,”; and

6 (2) by inserting after “to enjoin such calls” the
7 following: “or such a failure”.

8 (c) DEADLINE AND EFFECTIVE DATE FOR REGULA-
9 TIONS.—The Federal Communications Commission shall
10 prescribe the regulations required by paragraph (4) of sec-
11 tion 227(d) of the Communications Act of 1934, as added
12 by this section, not later than 18 months after the date
13 of the enactment of this Act. Such regulations shall apply
14 beginning on the date that is 180 days after the date of
15 prescription of such regulations.

16 **SEC. 5. INTENTIONAL INTERFERENCE WITH CALL-BLOCK-**
17 **ING TECHNOLOGY.**

18 (a) IN GENERAL.—Section 227 of the Communica-
19 tions Act of 1934 (47 U.S.C. 227) is amended by adding
20 at the end the following:

21 “(i) INTENTIONAL INTERFERENCE WITH CALL-
22 BLOCKING TECHNOLOGY.—

23 “(1) IN GENERAL.—It shall be unlawful for any
24 person within the United States, or any person out-
25 side the United States if the recipient is within the

1 United States, with the intent to cause harm, to
2 take any action that causes the technology offered
3 under subsection (d)(4)(A)(ii)(II) to—

4 “(A) incorrectly identify telephone calls as
5 originating or probably originating from an
6 automatic telephone dialing system or using or
7 probably using an artificial or prerecorded
8 voice; or

9 “(B) prevent (as such term is used in sub-
10 section (d)(4)) the called party from receiving a
11 call—

12 “(i) made by a public safety entity, in-
13 cluding public safety answering points as
14 defined in section 222(h), emergency oper-
15 ations centers, or law enforcement agen-
16 cies; or

17 “(ii) to which the called party has
18 provided prior express consent.

19 “(2) PENALTIES; ACTIONS BY STATES.—Any
20 person who violates this subsection or the regula-
21 tions prescribed under this subsection shall be sub-
22 ject to the penalties set forth in paragraph (5) of
23 subsection (e), and to actions by States as set forth
24 in paragraph (6) of such subsection, in the same
25 manner and to the same extent as if such person

1 had violated such subsection or the regulations pre-
2 scribed under such subsection.”.

3 (b) DEADLINE FOR REGULATIONS.—The Federal
4 Communications Commission shall prescribe regulations
5 to implement subsection (i) of section 227 of the Commu-
6 nications Act of 1934, as added by this section, not later
7 than 18 months after the date of the enactment of this
8 Act.

9 (c) EFFECTIVE DATE.—Subsection (i) of section 227
10 of the Communications Act of 1934, as added by this sec-
11 tion, shall apply beginning on the date that is 180 days
12 after the date on which the Federal Communications Com-
13 mission prescribes regulations to implement such sub-
14 section.

15 **SEC. 6. REPORTS TO CONGRESS.**

16 (a) CALLER NAME FALSIFICATION.—Not later than
17 180 days after the date of the enactment of this Act, the
18 Federal Communications Commission shall, in consulta-
19 tion with the Federal Trade Commission, submit to Con-
20 gress and publish to a publicly available website a report
21 containing the findings and conclusions of a study deter-
22 mining how to minimize the extent to which caller names
23 are falsified in caller identification name databases.

24 (b) TECHNOLOGY REQUIREMENTS.—

1 (1) IN GENERAL.—Not later than 4 years after
2 the date of the enactment of this Act, and every 4
3 years thereafter until the date of termination de-
4 scribed in paragraph (2), the Federal Communica-
5 tions Commission shall submit to Congress and pub-
6 lish to a publicly available website a report that con-
7 tains the following information:

8 (A) The extent to which subscribers con-
9 tinue to receive calls with misleading or inac-
10 curate caller identification information (except
11 for calls from entities with a legitimate need
12 and calls exempted pursuant to section
13 227(e)(3)(B)(ii) of the Communications Act of
14 1934), including a quantitative assessment of
15 the change in the number of complaints made
16 to the Commission regarding such calls before
17 the effective date of the regulations required by
18 paragraph (4) of section 227(d) of such Act, as
19 added by section 4 of this Act, and after such
20 effective date.

21 (B) The extent to which subscribers that
22 choose to enable technology offered in accord-
23 ance with section 227(d)(4)(A)(ii)(II) of the
24 Communications Act of 1934, as added by sec-
25 tion 4 of this Act, continue to receive calls orig-

1 inating from an automatic telephone dialing
2 system or using an artificial or prerecorded
3 voice (except for calls from public safety entities
4 and calls to which subscribers have provided
5 prior express consent), including a quantitative
6 assessment of the change in the number of
7 complaints made to the Commission regarding
8 such calls before the effective date of the regu-
9 lations required by such section and after such
10 effective date.

11 (C) An assessment of whether the stand-
12 ards set forth in such regulations have been
13 successful in reducing the number of the calls
14 described in each of subparagraphs (A) and (B)
15 received by subscribers, and whether there have
16 been any problems with such standards or the
17 technology required by such standards, such as
18 the prevention of calls from public safety enti-
19 ties or calls to which subscribers have provided
20 prior express consent.

21 (D) Any recommendations for legislative or
22 regulatory action to improve such standards.

23 (2) TERMINATION.—The date of termination
24 described in this paragraph is the date on which the
25 Federal Communications Commission, in consulta-

1 tion with the Federal Trade Commission, determines
2 that the report required by paragraph (1) is no
3 longer necessary because of a substantial reduction
4 in the number of calls described in each of subpara-
5 graphs (A) and (B) of such paragraph.

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