

114TH CONGRESS
1ST SESSION

H. R. 852

To amend the Communications Act of 1934 to provide for additional technical and procedural standards for artificial or prerecorded voice telephone messages and the establishment of such standards for live telephone solicitations.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2015

Mr. SCHWEIKERT introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to provide for additional technical and procedural standards for artificial or prerecorded voice telephone messages and the establishment of such standards for live telephone solicitations.

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 “Transparency in Phone
5 Solicitation Act of 2015” or the “TIPS Act of 2015”.

1 **SEC. 2. TECHNICAL AND PROCEDURAL STANDARDS.**

2 (a) IN GENERAL.—Section 227(d) of the Commu-
3 nications Act of 1934 (47 U.S.C. 227(d)) is amended—

4 (1) in paragraph (1)(A), by inserting “or to
5 make any live telephone solicitation” after “auto-
6 matic telephone dialing system” the second place it
7 appears;

8 (2) in paragraph (3)—

9 (A) in subparagraph (A)—

10 (i) by striking “or address” and in-
11 sserting “and address”; and

12 (ii) by striking “; and” and inserting
13 “and the address of a website that the
14 called party may use to indicate that such
15 party does not wish to receive telephone
16 calls from such business, other entity, or
17 individual;”;

18 (B) by redesignating subparagraph (B) as
19 subparagraph (C); and

20 (C) by inserting after subparagraph (A)
21 the following:

22 “(B) any such system will, to the extent
23 possible, transmit caller identification informa-
24 tion (as defined in subsection (e)(8)) that in-
25 cludes—

1 “(i) the identity of the business, other
2 entity, or individual initiating the call; and

3 “(ii) a telephone number that the
4 called party may use to return the call di-
5 rectly to such business, other entity, or in-
6 dividual; and”; and

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

8 “(4) LIVE TELEPHONE SOLICITATIONS.—

9 “(A) IN GENERAL.—The Commission shall
10 prescribe technical and procedural standards
11 for any business, other entity, or individual that
12 makes a live telephone solicitation. Such stand-
13 ards shall require that—

14 “(i) all such solicitations shall—

15 “(I) at the beginning of the call,
16 state clearly the identity of the busi-
17 ness, other entity, or individual mak-
18 ing the solicitation; and

19 “(II) during the call, state clearly
20 the telephone number and address of
21 such business, other entity, or indi-
22 vidual and the address of a website
23 that the called party may use to indi-
24 cate that such party does not wish to
25 receive telephone solicitations from

1 such business, other entity, or indi-
2 vidual;

3 “(ii) the business, other entity, or in-
4 dividual making the solicitation shall, to
5 the extent possible, transmit caller identi-
6 fication information (as defined in sub-
7 section (e)(8)) that includes—

8 “(I) the identity of such business,
9 other entity, or individual; and

10 “(II) a telephone number that
11 the called party may use to return the
12 call directly to such business, other
13 entity, or individual; and

14 “(iii) the business, other entity, or in-
15 dividual making the solicitation shall re-
16 lease the called party’s line within 5 sec-
17 onds of the time notification is transmitted
18 to such business, other entity, or individual
19 that the called party has hung up, to allow
20 the called party’s line to be used to make
21 or receive other calls.

22 “(B) LIVE TELEPHONE SOLICITATION DE-
23 FINED.—In this paragraph, the term ‘live tele-
24 phone solicitation’ means a telephone sollicita-
25 tion—

1 “(i) in which the business, other enti-
2 ty, or individual initiating the call does not
3 employ an artificial or prerecorded voice;
4 and

5 “(ii) with respect to which such busi-
6 ness, other entity, or individual does not
7 have a personal relationship (as defined in
8 section 64.1200(f) of title 47, Code of Fed-
9 eral Regulations) with the called party.”.

10 (b) DEADLINE FOR REGULATIONS.—Not later than
11 180 days after the date of the enactment of this Act, the
12 Federal Communications Commission shall promulgate
13 such regulations and make such revisions to its regula-
14 tions as may be necessary to implement the amendments
15 made by subsection (a).

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