

116TH CONGRESS
1ST SESSION

H. R. 2298

To amend the Communications Act of 1934 to expand and clarify the prohibition on misleading or 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 text messages, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2019

Ms. SPEIER (for herself, Mr. ENGEL, Mr. MCGOVERN, Ms. NORTON, Mr. COOPER, Ms. PINGREE, Mr. GRIJALVA, Mr. SUOZZI, Mr. RYAN, Mr. SHERMAN, Ms. LOFGREN, Ms. WILSON of Florida, Mr. VISCLOSKY, Mr. COHEN, and Mr. RASKIN) 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 misleading or 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 text messages, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Repeated Objectionable
3 Bothering Of Consumers On Phones Act” or the
4 “ROBOCOP Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) The incidence of unwanted telephone calls
8 and text messages is a nationwide nuisance.

9 (2) The Federal Trade Commission received al-
10 most 5,800,000 complaints about unwanted tele-
11 phone calls in fiscal year 2018.

12 (3) Telephone scammers target vulnerable con-
13 sumers, particularly the elderly.

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

19 (5) Telemarketing fraud cost consumers an es-
20 timated \$350,000,000 in 2011.

21 (6) Existing Federal law is inadequate to ad-
22 dress this problem.

23 (7) Preventing unwanted telephone calls and
24 text messages from reaching consumers requires 2
25 approaches:

1 (A) Identifying unwanted calls and text
2 messages.

3 (B) Giving the consumers the ability to
4 block or filter unwanted calls and text mes-
5 sages.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) CALLER IDENTIFICATION INFORMATION;
9 TEXT MESSAGE.—The terms “caller identification
10 information” and “text message” have the meanings
11 given those terms in section 227(a) of the Commu-
12 nications Act of 1934 (47 U.S.C. 227(a)), as amend-
13 ed by this Act.

14 (2) COMMISSION.—The term “Commission”
15 means the Federal Communications Commission.

16 **SEC. 4. EXPANDING AND CLARIFYING PROHIBITION ON**
17 **MISLEADING OR INACCURATE CALLER ID IN-**
18 **FORMATION.**

19 (a) DEFINITIONS.—Section 227 of the Communica-
20 tions Act of 1934 (47 U.S.C. 227), as amended by section
21 503(a) of division P of the Consolidated Appropriations
22 Act, 2018 (Public Law 115–141), is amended—

23 (1) in subsection (a)—

1 (A) by redesignating paragraphs (2), (3),
2 (4), and (5) as paragraphs (4), (5), (6), and
3 (9), respectively;

4 (B) by inserting after paragraph (1) the
5 following:

6 “(2) The term ‘caller identification information’
7 means information provided by a caller identification
8 service regarding the telephone number of, or other
9 information regarding the origination of—

10 “(A) a call made using a voice service; or

11 “(B) a text message sent using a text mes-
12 saging service.

13 “(3) The term ‘caller identification service’—

14 “(A) means any service or device designed
15 to provide the user of the service or device with
16 the telephone number of, or other information
17 regarding the origination of—

18 “(i) a call made using a voice service;

19 or

20 “(ii) a text message sent using a text
21 messaging service; and

22 “(B) includes automatic number identifica-
23 tion services.”;

24 (C) by inserting after paragraph (6), as so
25 redesignated, the following:

1 “(7) The term ‘text message’—

2 “(A) means a real-time or near real-time
3 digital message consisting of text, images,
4 sounds, or other information that is transmitted
5 from or received by a device that is identified
6 as the transmitting or receiving device by
7 means of a telephone number;

8 “(B) includes—

9 “(i) a short message service (com-
10 monly referred to as ‘SMS’) message;

11 “(ii) an enhanced message service
12 (commonly referred to as ‘EMS’) message;

13 and

14 “(iii) a multimedia message service
15 (commonly referred to as ‘MMS’) message;

16 and

17 “(C) does not include a real-time, 2-way
18 voice or video communication.

19 “(8) The term ‘text messaging service’ means a
20 service that permits the transmission or receipt of a
21 text message, including a service provided as part of
22 or in connection with a voice service.”; and

23 (D) by adding at the end the following:

24 “(10) The term ‘voice service’ means any serv-
25 ice that—

1 “(A) is interconnected with the public
2 switched telephone network; and

3 “(B) furnishes voice communications to an
4 end user using resources from the North Amer-
5 ican Numbering Plan or any successor to the
6 North American Numbering Plan adopted by
7 the Commission under section 251(e)(1).”; and
8 (2) in subsection (e)—

9 (A) by striking paragraph (8); and

10 (B) by redesignating paragraph (9) as
11 paragraph (8).

12 (b) REGULATIONS.—Not later than 18 months after
13 the date of enactment of this Act, the Commission shall
14 prescribe regulations to implement the amendments made
15 by this section.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on the date that is 180 days
18 after the date on which the Commission prescribes regula-
19 tions under subsection (b).

20 **SEC. 5. TECHNOLOGY REQUIREMENTS.**

21 (a) IN GENERAL.—Section 227(d) of the Commu-
22 nications Act of 1934 (47 U.S.C. 227(d)) is amended by
23 adding at the end the following:

24 “(4) TECHNOLOGY OFFERED BY PROVIDERS.—

25 “(A) DEFINITIONS.—In this paragraph:

1 “(i) ORIGINATING PROVIDER.—The
2 term ‘originating provider’ means a pro-
3 vider of a voice service or text messaging
4 service that permits a subscriber to origi-
5 nate a call or text message that may be
6 transmitted on the public switched tele-
7 phone network.

8 “(ii) ORIGINATING SUBSCRIBER.—The
9 term ‘originating subscriber’ means a sub-
10 scriber to a voice service or text messaging
11 service that originates a call or text mes-
12 sage that may be transmitted on the public
13 switched telephone network.

14 “(iii) RECEIVING PROVIDER.—The
15 term ‘receiving provider’ means a provider
16 of a voice service or text messaging service
17 that permits a subscriber to receive a call
18 or text message originating, or that may be
19 transmitted, on the public switched tele-
20 phone network.

21 “(iv) RECEIVING SUBSCRIBER.—The
22 term ‘receiving subscriber’ means a sub-
23 scriber to a voice service or text messaging
24 service that receives, or is the intended re-
25 cipient of, a call or text message origi-

1 nating, or that may be transmitted, on the
2 public switched telephone network.

3 “(B) REQUIREMENTS TO OFFER TECH-
4 NOLOGY.—

5 “(i) ORIGINATING PROVIDERS.—The
6 Commission shall by regulation establish
7 technical and procedural standards to re-
8 quire an originating provider to enable, for
9 each originating subscriber of the provider
10 and for no additional charge, and to re-
11 quire the originating subscriber to use,
12 technology that verifies, for any call or text
13 message originated by the originating sub-
14 scriber, that the caller identification infor-
15 mation indicated for the call or text mes-
16 sage accurately identifies the originating
17 subscriber unless—

18 “(I) the call or text message is
19 exempted, under regulations described
20 in clause (ii) or (iii) of subsection
21 (e)(3)(B), from the prohibition under
22 subsection (e)(1); or

23 “(II) the originating subscriber
24 requests that the originating provider
25 not display caller identification that

1 accurately identifies the originating
2 subscriber for a call or text message
3 originated by the originating sub-
4 scriber, in which case the caller identi-
5 fication information shall state, ‘Call-
6 er ID Blocked’.

7 “(ii) RECEIVING PROVIDERS.—The
8 Commission shall by regulation establish
9 technical and procedural standards to re-
10 quire any receiving provider, for each re-
11 ceiving subscriber of the provider and for
12 no additional charge—

13 “(I) to enable, and to offer to the
14 receiving subscriber the option to dis-
15 able, technology that—

16 “(aa) determines that an in-
17 coming call or text message is
18 verified by the technology enabled
19 in accordance with clause (i) as
20 providing caller identification in-
21 formation in accordance with
22 that clause, whether by—

23 “(AA) accurately iden-
24 tifying the originating sub-

1 subscriber that originated the
2 call or text message;

3 “(BB) lawfully pro-
4 viding misleading or inac-
5 curate caller identification;
6 or

7 “(CC) displaying ‘Call-
8 er ID Blocked’; or

9 “(bb) if an incoming call or
10 text message is not verified as
11 described in item (aa), prevents
12 the receiving subscriber from re-
13 ceiving the call or text message;

14 “(II) to offer to the receiving
15 subscriber the option to enable tech-
16 nology that—

17 “(aa) identifies an incoming
18 call or text message as origi-
19 nating or probably originating
20 from an automatic telephone di-
21 aling system; and

22 “(bb) prevents the receiving
23 subscriber from receiving a call
24 or text message identified as de-
25 scribed in item (aa) unless—

1 “(AA) the call or text
2 message is made or sent by
3 a public safety entity, in-
4 cluding a public safety an-
5 swering point (as defined in
6 section 222(h)), emergency
7 operations center, or law en-
8 forcement agency; or

9 “(BB) the receiving
10 subscriber has provided
11 prior express consent to re-
12 ceive the call or text mes-
13 sage and has not revoked
14 that consent; and

15 “(III) to offer to the receiving
16 subscriber the ability to request that
17 the receiving provider prevent the re-
18 ceiving subscriber from receiving calls
19 and text messages originating from a
20 particular originating subscriber.

21 “(C) COMMISSION OVERSIGHT.—

22 “(i) APPEALS PROCESS RELATING TO
23 ALLEGED AUTODIALERS.—The standards
24 established under subparagraph (B)(ii)(II)

1 shall provide for an appeals process under
2 which—

3 “(I) an originating subscriber
4 may notify the Commission that the
5 technology offered under that sub-
6 paragraph by a receiving provider is—

7 “(aa) incorrectly identifying
8 the calls or text messages of the
9 originating subscriber as origi-
10 nating or probably originating
11 from an automatic telephone di-
12 aling system; or

13 “(bb) preventing receiving
14 subscribers from receiving calls
15 or text messages originated by
16 the originating subscriber that
17 are permitted under item (bb) of
18 that subparagraph;

19 “(II) if the Commission finds
20 that the circumstance about which the
21 originating subscriber notified the
22 Commission exists, the Commission
23 shall—

24 “(aa) notify the receiving
25 provider of the finding; and

1 “(bb) take such action as is
2 reasonably necessary to correct
3 the circumstance; and

4 “(III) if the receiving provider is
5 preventing a receiving subscriber from
6 receiving calls or text messages origi-
7 nated by the originating subscriber
8 because the receiving subscriber has
9 requested that prevention, whether di-
10 rectly or through a call-blocking serv-
11 ice, the Commission—

12 “(aa) may not require the
13 receiving provider to stop pre-
14 venting the calls or text messages
15 unless the receiving subscriber
16 provides affirmative consent; and

17 “(bb) shall require the re-
18 ceiving provider to notify the re-
19 ceiving subscriber of the exist-
20 ence of the circumstances de-
21 scribed in subclause (II) of this
22 clause.

23 “(ii) WHITELISTING.—

24 “(I) REQUEST.—An originating
25 subscriber that offers essential serv-

1 ices (referred to in this clause as an
2 ‘essential services subscriber’) may re-
3 quest that the Commission require
4 each receiving provider to allow receiv-
5 ing subscribers of the receiving pro-
6 vider to receive calls or text messages
7 originating from the essential services
8 subscriber.

9 “(II) GRANT.—If the Commis-
10 sion, through a rigorous vetting proc-
11 ess using the unblocking system es-
12 tablished under clause (iii), confirms
13 the identity of an essential services
14 subscriber described in subclause (I)
15 of this clause, the Commission shall
16 require each receiving provider to
17 allow each receiving subscriber of the
18 receiving provider to receive calls or
19 text messages originating from the es-
20 sential services subscriber unless the
21 receiving subscriber has requested
22 under subparagraph (B)(ii)(III) that
23 the receiving provider prevent the re-
24 ceiving subscriber from receiving calls

1 and text messages originating from
2 that essential services subscriber.

3 “(III) DEFINITION OF ESSEN-
4 TIAL SERVICES.—The Commission
5 shall by regulation define the term
6 ‘essential services’ for purposes of this
7 clause.

8 “(iii) UNBLOCKING SYSTEM AND
9 DATABASE.—

10 “(I) IN GENERAL.—In order to
11 carry out this subparagraph and en-
12 sure that consumers are in control of
13 the calls and text messages they re-
14 ceive, the Commission shall establish
15 a nationwide unblocking system that
16 includes a database, to be known as
17 the ‘Unblocking Database’, of origi-
18 nating subscribers whose identity the
19 Commission has confirmed under
20 clause (ii)(II).

21 “(II) FUNDING.—The Commis-
22 sion shall—

23 “(aa) assess a fee on any
24 originating subscriber that wishes

1 to participate in the nationwide
2 unblocking system; and

3 “(bb) use amounts collected
4 under item (aa) to fund the oper-
5 ation of the nationwide
6 unblocking system.

7 “(D) PRIVATE RIGHT OF ACTION.—

8 “(i) IN GENERAL.—A person ag-
9 grieved by a violation of the regulations
10 prescribed under clause (i) or (ii) of sub-
11 paragraph (B) may bring an action in an
12 appropriate district court of the United
13 States, or, if otherwise permitted by the
14 laws or rules of court of a State, in an ap-
15 propriate court of that State, to—

16 “(I) enjoin the violation; or

17 “(II) recover the greater of—

18 “(aa) actual damages; or

19 “(bb) \$500 per violation.

20 “(ii) ENHANCED AWARDS.—If the
21 court finds in an action brought under
22 clause (i) that the defendant willfully or
23 knowingly violated the regulations de-
24 scribed in that clause, the court may in-
25 crease the amount of the award to an

1 amount equal to not more than 3 times the
2 amount available under subclause (II) of
3 that clause.

4 “(E) RULES OF CONSTRUCTION.—

5 “(i) PREVENTION OF CALLS OR TEXT
6 MESSAGES.—For purposes of a regulation
7 prescribed under this paragraph, a call or
8 text message attempted to be made or sent
9 to a receiving subscriber shall be consid-
10 ered to be prevented if, in accordance with
11 the express consent of the receiving sub-
12 scriber, the call or text message is recorded
13 or redirected in a manner that allows the
14 receiving subscriber to—

15 “(I) be notified of the attempt to
16 make the call or send the text mes-
17 sage; or

18 “(II) have access to—

19 “(aa) a message left by the
20 calling party; or

21 “(bb) the text message.

22 “(ii) BLOCKING CALLER IDENTIFICA-
23 TION INFORMATION.—Nothing in this
24 paragraph may be construed to require an
25 originating provider to prevent or restrict

1 any person from blocking the capability of
2 any caller identification service to transmit
3 caller identification information.”.

4 (b) EXEMPTIONS FROM MISLEADING OR INAC-
5 CURATE CALLER ID PROHIBITION.—Section 227(e)(3)(B)
6 of the Communications Act of 1934 (47 U.S.C.
7 227(e)(3)(B)) is amended by adding at the end the fol-
8 lowing:

9 “(iii) EXEMPTION PROCESS FOR LE-
10 GITIMATE NEED.—The regulations re-
11 quired under subparagraph (A) shall pro-
12 vide for a process under which a person
13 may demonstrate that the person has a le-
14 gitimate need to provide misleading or in-
15 accurate information for certain calls or
16 text messages, such as a call made or text
17 message sent to conduct an activity of a
18 domestic violence shelter or medical prac-
19 tice.”.

20 (c) 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 “regulations prescribed
24 under this section,” the following: “a pattern or
25 practice of failure to provide the technology required

1 under subsection (d)(4)(B)(i) that threatens or ad-
2 versely affects an interest of such residents, or a
3 pattern or practice of failure to provide to such resi-
4 dents the technology or the options, as applicable,
5 required under subsection (d)(4)(B)(ii),”;

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

8 (d) REGULATIONS.—The Commission shall prescribe
9 the regulations required under the amendments made by
10 subsections (a) and (b) not later than 18 months after
11 the date of enactment of this Act.

12 (e) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect on the date that is 180 days
14 after the date on which the Commission prescribes regula-
15 tions under subsection (d).

16 **SEC. 6. 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)(B)(ii)(II) to—

4 “(A) incorrectly identify calls or text mes-
5 sages as originating or probably originating
6 from an automatic telephone dialing system; or

7 “(B) prevent (as that term is used in sub-
8 section (d)(4)) the called party from receiving a
9 call, or the intended recipient from receiving a
10 text message—

11 “(i) that is made or sent by a public
12 safety entity, including a—

13 “(I) public safety answering
14 point (as defined in section 222(h));

15 “(II) emergency operations cen-
16 ter; or

17 “(III) law enforcement agency; or

18 “(ii) to which the called party or in-
19 tended recipient has provided prior express
20 consent.

21 “(2) PENALTIES; ACTIONS BY STATES.—Any
22 person who violates this subsection or the regula-
23 tions prescribed under this subsection shall be sub-
24 ject to the penalties under paragraph (5) of sub-
25 section (e), and to actions by States under para-

1 graph (6) of that subsection, in the same manner
2 and to the same extent as if the person had violated
3 that subsection or the regulations prescribed under
4 that subsection.”.

5 (b) DEADLINE FOR REGULATIONS.—The Commis-
6 sion shall prescribe regulations to implement subsection
7 (i) of section 227 of the Communications Act of 1934 (47
8 U.S.C. 227), as added by this section, not later than 18
9 months after the date of enactment of this Act.

10 (c) EFFECTIVE DATE.—The amendment made by
11 this section shall take effect on the date that is 180 days
12 after the date on which the Commission prescribes regula-
13 tions under subsection (b).

14 **SEC. 7. RULE OF CONSTRUCTION.**

15 Nothing in this Act or the amendments made by this
16 Act shall be construed to limit any authority of the Com-
17 mission to determine that, for purposes of section 227 of
18 the Communications Act of 1934 (47 U.S.C. 227), a call
19 includes a text message or any similar message.

20 **SEC. 8. REPORTS TO CONGRESS.**

21 (a) CALLER NAME FALSIFICATION.—Not later than
22 180 days after the date of enactment of this Act, the Com-
23 mission shall, in consultation with the Federal Trade
24 Commission, submit to Congress and make available on
25 a public website a report containing the findings and con-

1 clusions of a study determining how to minimize the extent
2 to which the names of persons making calls or sending
3 text messages are falsified in caller identification name
4 databases.

5 (b) TECHNOLOGY REQUIREMENTS.—

6 (1) IN GENERAL.—Not later than 4 years after
7 the date of enactment of this Act, and every 4 years
8 thereafter until the date of termination described in
9 paragraph (2), the Commission shall submit to Con-
10 gress and make available on a public website a re-
11 port that contains the following information:

12 (A) The extent to which subscribers con-
13 tinue to receive calls or text messages with mis-
14 leading or inaccurate caller identification infor-
15 mation (except for calls or text messages ex-
16 empted under clause (ii) of section 227(e)(3)(B)
17 of the Communications Act of 1934 (47 U.S.C.
18 227(e)(3)(B)) or clause (iii) of that section (as
19 added by section 5)), including a quantitative
20 assessment of the difference between the num-
21 ber of complaints made to the Commission re-
22 garding such calls and text messages—

23 (i) before the effective date of the reg-
24 ulations required under paragraph (4)(B)

1 of section 227(d) of that Act, as added by
2 section 5; and

3 (ii) after the effective date described
4 in clause (i).

5 (B) The extent to which subscribers that
6 choose to enable technology offered under para-
7 graph (4)(B)(ii)(II) of section 227(d) of the
8 Communications Act of 1934 (47 U.S.C.
9 227(d)), as added by section 5, continue to re-
10 ceive calls or text messages originating from an
11 automatic telephone dialing system (except for
12 calls or text messages from a public safety enti-
13 ty and calls or text messages to which sub-
14 scribers have provided prior express consent),
15 including a quantitative assessment of the dif-
16 ference between the number of complaints made
17 to the Commission regarding such calls and text
18 messages—

19 (i) before the effective date of the reg-
20 ulations required under that paragraph;
21 and

22 (ii) after the effective date described
23 in clause (i).

24 (C) An assessment of—

1 (i) whether the standards set forth in
2 the regulations required under paragraph
3 (4)(B) of section 227(d) of the Commu-
4 nications Act of 1934 (47 U.S.C. 227(d)),
5 as added by section 5, have been successful
6 in reducing the number of the calls and
7 text messages described in each of sub-
8 paragraphs (A) and (B) of this paragraph
9 received by subscribers; and

10 (ii) whether there have been any prob-
11 lems with the standards described in clause
12 (i) or the technology required by those
13 standards, such as the prevention of calls
14 or text messages—

15 (I) from public safety entities; or

16 (II) to which subscribers have
17 provided prior express consent.

18 (D) Any recommendations for legislative or
19 regulatory action to improve the standards de-
20 scribed in subparagraph (C).

21 (2) TERMINATION.—The date of termination
22 described in this paragraph is the date on which the
23 Commission, in consultation with the Federal Trade
24 Commission, determines that the report required
25 under paragraph (1) is no longer necessary because

- 1 of a substantial reduction in the number of calls and
- 2 text messages described in each of subparagraphs
- 3 (A) and (B) of that paragraph.

○