

112TH CONGRESS
1ST SESSION

S. 1355

To regulate political robocalls.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2011

Mrs. FEINSTEIN (for herself and Mr. DURBIN) introduced the following bill;
which was read twice and referred to the Committee on Rules and Ad-
ministration

A BILL

To regulate political 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 Privacy Act
5 of 2011”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Abusive political robocalls harass voters and
9 discourage them from participating in the political
10 process.

1 (2) Abusive political robocalls infringe on the
2 privacy rights of individuals by disturbing them in
3 their homes.

4 **SEC. 3. DEFINITIONS.**

5 For purposes of this Act—

6 (1) **POLITICAL ROBOCALL.**—The term “political
7 robocall” means any outbound telephone call—

8 (A) in which a person is not available to
9 speak with the person answering the call, and
10 the call instead plays a recorded message; and

11 (B) which promotes, supports, attacks, or
12 opposes a candidate for Federal office.

13 (2) **IDENTITY.**—The term “identity” means,
14 with respect to any individual making a political
15 robocall or causing a political robocall to be made,
16 the name of the sponsor or originator of the call.

17 (3) **SPECIFIED PERIOD.**—The term “specified
18 period” means, with respect to any candidate for
19 Federal office who is promoted, supported, attacked,
20 or opposed in a political robocall—

21 (A) the 60-day period ending on the date
22 of any general, special, or run-off election for
23 the office sought by such candidate; and

24 (B) the 30-day period ending on the date
25 of any primary or preference election, or any

1 convention or caucus of a political party that
2 has authority to nominate a candidate, for the
3 office sought by such candidate.

4 (4) OTHER DEFINITIONS.—The terms “can-
5 didate” and “Federal office” have the respective
6 meanings given such terms under section 301 of the
7 Federal Election Campaign Act of 1971 (2 U.S.C.
8 431).

9 **SEC. 4. REGULATION OF POLITICAL ROBOCALLS.**

10 It shall be unlawful for any person during the speci-
11 fied period to make a political robocall or to cause a polit-
12 ical robocall to be made—

13 (1) to any person during the period beginning
14 at 9 p.m. and ending at 8 a.m. in the place which
15 the call is directed;

16 (2) to the same telephone number more than
17 twice on the same day;

18 (3) without disclosing, at the beginning of the
19 call—

20 (A) that the call is a recorded message;

21 and

22 (B) the identity of the person making the
23 call or causing the call to be made; or

24 (4) without transmitting the telephone number
25 and the name of the person making the political

1 robocall or causing the political robocall to be made
2 to the caller identification service of the recipient.

3 **SEC. 5. ENFORCEMENT.**

4 (a) ENFORCEMENT BY FEDERAL ELECTION COMMIS-
5 SION.—

6 (1) IN GENERAL.—Any person aggrieved by a
7 violation of section 4 may file a complaint with the
8 Federal Election Commission under rules similar to
9 the rules under section 309(a) of the Federal Elec-
10 tion Campaign Act of 1971 (2 U.S.C. 437g(a)).

11 (2) CIVIL PENALTY.—

12 (A) IN GENERAL.—If the Federal Election
13 Commission or any court determines that there
14 has been a violation of section 4, there shall be
15 imposed a civil penalty of not more than \$1,000
16 per violation.

17 (B) WILLFUL VIOLATIONS.—In the case
18 the Federal Election Commission or any court
19 determines that there has been a knowing or
20 willful violation of section 4, the amount of any
21 civil penalty under subparagraph (A) for such
22 violation may be increased to not more than
23 300 percent of the amount under subparagraph
24 (A).

1 (b) PRIVATE RIGHT OF ACTION.—Any person may
2 bring in an appropriate district court of the United States
3 an action based on a violation of section 4 to enjoin such
4 violation without regard to whether such person has filed
5 a complaint with the Federal Election Commission.

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