

116TH CONGRESS
1ST SESSION

H. R. 3707

To increase the penalties for certain robocall, spoofing, and telemarketing violations.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2019

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

A BILL

To increase the penalties for certain robocall, spoofing, and telemarketing violations.

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 “Double the Enforce-
5 ment and Fines of Everyone Associated with Terrible
6 Robocalls Act of 2019” or the “DEFEAT Robocalls Act
7 of 2019”.

1 **SEC. 2. INCREASED PENALTIES FOR CERTAIN ROBOCALL,**
2 **SPOOFING, AND TELEMARKETING VIOLA-**
3 **TIONS.**

4 (a) SECTION 227 OF THE COMMUNICATIONS ACT OF
5 1934.—

6 (1) FORFEITURES GENERALLY.—Section
7 503(b)(2)(D) of the Communications Act of 1934
8 (47 U.S.C. 503(b)(2)(D)) is amended—

9 (A) by inserting “(or, in the case of a vio-
10 lation of section 227, except for subsection (e)
11 of such section, shall not exceed \$39,278)”
12 after “\$10,000”; and

13 (B) by inserting “(or, in the case of a vio-
14 lation of section 227, except for subsection (e)
15 of such section, shall not exceed a total of
16 \$294,580)” after “\$75,000”.

17 (2) CRIMINAL PENALTIES GENERALLY.—

18 (A) GENERAL PENALTY.—Section 501 of
19 the Communications Act of 1934 (47 U.S.C.
20 501) is amended—

21 (i) by inserting “(or, in the case of a
22 violation of section 227, except for sub-
23 section (e) of such section, not more than
24 \$20,000)” after “\$10,000” the first place
25 it appears; and

(ii) by inserting “(or, if the subsequent violation is a violation of section 227, except for subsection (e) of such section, not more than \$20,000 (or, if any such previous conviction was for violation of section 227, except for subsection (e) of such section, not more than \$40,000))” after “\$10,000” the second place it appears.

(B) VIOLATION OF RULES, REGULATIONS, AND SO FORTH.—Section 502 of the Communications Act of 1934 (47 U.S.C. 502) is amended by inserting “(or, in the case of a rule, regulation, restriction, or condition made or imposed by the Commission under section 227, not more than \$1,000)” after “\$500”.

(3) SPOOFING OF CALLER IDENTIFICATION INFORMATION.—Section 227(e)(5) of the Communications Act of 1934 (47 U.S.C. 227(e)(5)) is amended—

(A) in subparagraph (A)(i)—

(i) by striking “\$10,000” and inserting “\$22,556”; and

(ii) by striking “\$1,000,000” and inserting “\$2,255,598”; and

1 (B) in subparagraph (B), by striking
2 “\$10,000” and inserting “\$20,000”.

3 (4) ACTIONS BY STATE ATTORNEYS GEN-
4 ERAL.—Section 227(g)(1) of the Communications
5 Act of 1934 (47 U.S.C. 227(g)(1)) is amended by
6 striking “actual monetary loss or receive \$500 in
7 damages” and inserting “twice the amount of actual
8 monetary loss or receive \$1,000 in damages”.

9 (5) PRIVATE RIGHTS OF ACTION.—Section 227
10 of the Communications Act of 1934 (47 U.S.C. 227)
11 is amended—

12 (A) in subsection (b)(3), by striking “ac-
13 tual monetary loss from such a violation, or to
14 receive \$500 in damages for each such viola-
15 tion” and inserting “twice the amount of actual
16 monetary loss from such a violation, or to re-
17 ceive \$1,000 in damages for each such viola-
18 tion”; and

19 (B) in subsection (c)(5), by striking “ac-
20 tual monetary loss from such a violation, or to
21 receive up to \$500 in damages for each such
22 violation” and inserting “twice the amount of
23 actual monetary loss from such a violation, or
24 to receive up to \$1,000 in damages for each
25 such violation”.

1 (b) TELEMARKETING AND CONSUMER FRAUD AND
2 ABUSE PREVENTION ACT.—

3 (1) CIVIL PENALTIES.—Section 6 of the Tele-
4 marketing and Consumer Fraud and Abuse Preven-
5 tion Act (15 U.S.C. 6105) is amended—

6 (A) in subsection (b), by adding at the end
7 the following: “Notwithstanding the preceding
8 provisions of this subsection, the amount of the
9 civil penalty under section 5(l) of the Federal
10 Trade Commission Act (15 U.S.C. 45(l)) for
11 violation of an order of the Commission to cease
12 and desist from conduct that constitutes a vio-
13 lation of a rule of the Commission under section
14 3 of this Act, and the amount of the civil pen-
15 alty that the Commission may recover under
16 section 5(m)(1)(A) of the Federal Trade Com-
17 mission Act (15 U.S.C. 45(m)(1)(A)) for viola-
18 tion of a rule of the Commission under section
19 3 of this Act, shall be not more than \$85,060
20 for each violation.”; and

21 (B) in subsection (d), by adding at the end
22 the following: “Notwithstanding the preceding
23 sentence, the amount of the civil penalty under
24 subparagraph (A) of section 1055(c)(2) of the
25 Consumer Financial Protection Act of 2010 (12

1 U.S.C. 5565(c)(2)) for violation of a rule of the
2 Commission under section 3 of this Act may
3 not exceed \$11,562 for each day during which
4 the violation or failure to pay continues, the
5 amount of the civil penalty under subparagraph
6 (B) of such section 1055(c)(2) for violation of
7 such a rule may not exceed \$57,812 for each
8 day during which the violation continues, and
9 the amount of the civil penalty under subpara-
10 graph (C) of such section 1055(c)(2) for viola-
11 tion of such a rule may not exceed \$2,312,484
12 for each day during which the violation con-
13 tinues.”.

14 (2) ACTIONS BY STATES.—Section 4(a) of the
15 Telemarketing and Consumer Fraud and Abuse Pre-
16 vention Act (15 U.S.C. 6103(a)) is amended by
17 striking “damages” and inserting “twice the dam-
18 ages sustained by residents of such State”.

19 (3) ACTIONS BY PRIVATE PERSONS.—Section
20 5(a) of the Telemarketing and Consumer Fraud and
21 Abuse Prevention Act (15 U.S.C. 6104(a)) is
22 amended—

23 (A) in the first sentence, by striking
24 “\$50,000” and inserting “\$25,000”; and

1 (B) in the second sentence, by striking
2 “damages” and inserting “twice the damages
3 sustained”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply with respect to violations occurring
6 after the date that is 60 days after the date of the enact-
7 ment of this Act.

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