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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To amend the Communications Act of 1934 to prohibit the use of automated telephone equipment to send unsolicited text messages, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. KRISHNAMOORTHY introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Communications Act of 1934 to prohibit the use of automated telephone equipment to send unsolicited 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,*

3 **SECTION 1. RESTRICTIONS ON THE USE OF AUTOMATED**
4 **TELEPHONE EQUIPMENT.**

5 (a) IN GENERAL.—Section 227 of the Communica-
6 tions Act of 1934 (47 U.S.C. 227) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

1 (i) in subparagraph (A), by striking “,
2 using a random or sequential number gen-
3 erator” and inserting “or sent a text mes-
4 sage”; and

5 (ii) in subparagraph (B), by striking
6 “dial such numbers” and inserting “auto-
7 matically dial or send a text message to
8 such numbers”; and

9 (B) by redesignating paragraph (5) as
10 paragraph (6) and inserting after paragraph
11 (4) the following new paragraph:

12 “(5) The term ‘text message’ has the meaning
13 given such term in subsection (e)(8).”; and

14 (2) in subsection (b)—

15 (A) in paragraph (1)—

16 (i) in subparagraph (A)—

17 (I) in the matter preceding clause
18 (i), by striking “any call” and all that
19 follows through “called party)” and
20 inserting “any call or send any text
21 message (other than a call made or
22 text message sent for emergency pur-
23 poses or with the prior express con-
24 sent of the recipient of such call or
25 text message)”; and

1 (II) in clause (iii), by striking
2 “called party” and all that follows
3 through “United States” and insert-
4 ing “recipient of such call or text mes-
5 sage is charged for receiving such call
6 or text message”; and

7 (ii) in subparagraph (B), by striking
8 “, is made solely pursuant to the collection
9 of a debt owed to or guaranteed by the
10 United States,”; and

11 (B) by adding at the end the following:

12 “(5) SAFE HARBOR FOR REASSIGNED NUM-
13 BERS.—

14 “(A) IN GENERAL.—It shall not be a viola-
15 tion of the prohibition in paragraph (1)(A) for
16 a person, using an automatic telephone dialing
17 system or an artificial or prerecorded voice, to
18 make a call or send a text message to a tele-
19 phone number without the prior express consent
20 of the subscriber assigned such telephone num-
21 ber if such person obtained express consent to
22 make such call or send such text message to
23 such number from a subscriber assigned such
24 number on the date on which such express con-
25 sent was obtained.

1 “(B) EXCEPTION.—Subparagraph (A)
2 shall not apply unless the person making such
3 call or sending such text, bearing the burden of
4 proof, demonstrates that—

5 “(i) prior to making such call, such
6 person queried the database maintained by
7 the Commission under subparagraph (C)
8 to determine whether such number was
9 permanently disconnected after the date on
10 which prior express consent was obtained
11 from a subscriber previously assigned such
12 number, and received a response indicating
13 such number was not permanently discon-
14 nected after such date; and

15 “(ii) if such person had not received
16 such response, such person would not have
17 made such call or sent such text message
18 to such number.

19 “(C) REASSIGNED TELEPHONE NUMBER
20 DATABASE.—The Commission shall maintain a
21 database which persons may query for the pur-
22 pose of determining whether a telephone num-
23 ber was permanently disconnected after the
24 date on which prior express consent was ob-

1 tained from a subscriber assigned such num-
2 ber.”.

3 (b) RULEMAKING.—Not later than 18 months after
4 the date of the enactment of this Act, the Federal Commu-
5 nications Commission, with consideration given to modern
6 dialing practices and consumer preferences, shall issue a
7 rule defining the terms “automatically”, “dial”, “send”,
8 and “charged for the call”, as used in 227(a)(1) of the
9 Communications Act of 1934 (47 U.S.C. 227(a)(1)), as
10 amended by this Act.