

117TH CONGRESS  
1ST SESSION

# S. 1913

To modify the penalties for violations of the Telephone Consumer Protection Act of 1993.

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## IN THE SENATE OF THE UNITED STATES

MAY 27, 2021

Ms. CORTEZ MASTO (for herself, Mr. SCHUMER, Ms. HASSAN, Ms. KLOBUCHAR, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To modify the penalties for violations of the Telephone Consumer Protection Act of 1993.

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 “Deter Obnoxious, Ne-  
5 farious, and Outrageous Telephone Calls Act of 2021” or  
6 the “DO NOT Call Act”.

### 7 **SEC. 2. PENALTIES FOR VIOLATIONS OF THE TELEPHONE** 8 **CONSUMER PROTECTION ACT OF 1993.**

9 (a) CRIMINAL PENALTIES.—

1           (1) IN GENERAL.—Section 227 of the Commu-  
 2           nications Act of 1934 (47 U.S.C. 227) is amended  
 3           by adding at the end the following:

4           “(k) CRIMINAL PENALTIES.—

5           “(1) IN GENERAL.—Except as provided in para-  
 6           graph (2), any person who willfully and knowingly  
 7           violates this section shall be imprisoned for not more  
 8           than 1 year, fined under title 18, United States  
 9           Code, or both.

10          “(2) AGGRAVATED OFFENSE.—Any person who  
 11          willfully and knowingly violates this section shall be  
 12          imprisoned for not more than 3 years, fined under  
 13          title 18, United States Code, or both if—

14                 “(A) the person has previously been con-  
 15                 victed under this subsection;

16                 “(B) the offense involved initiating more  
 17                 than—

18                         “(i) 100,000 calls in a 24-hour period;

19                         “(ii) 1,000,000 calls in a 30-day pe-  
 20                         riod; or

21                         “(iii) 10,000,000 calls in a 1-year pe-  
 22                         riod;

23                 “(C) the person committed the offense  
 24                 with the intent to use the calls in furtherance  
 25                 of a felony or conspiracy to commit a felony; or

1 “(D) the offense caused loss to 1 or more  
 2 persons aggregating \$5,000 or more in value  
 3 during any 1-year period.

4 “(3) DEFINITIONS.—For purposes of this sub-  
 5 section—

6 “(A) the term ‘call’ includes a message or  
 7 other communication; and

8 “(B) the term ‘initiate’, with respect to a  
 9 call, includes the act of sending, making, or  
 10 transmitting a call, message, or other commu-  
 11 nication, as applicable.”.

12 (2) TECHNICAL AND CONFORMING AMEND-  
 13 MENT.—Section 227(e)(5)(B) of the Communica-  
 14 tions Act of 1934 (47 U.S.C. 227(e)(5)(B)) is  
 15 amended, in the second sentence, by striking “sec-  
 16 tion 501” and inserting “subsection (k)”.

17 (b) INCREASED PENALTIES FOR PROVISION OF INAC-  
 18 CURATE CALLER IDENTIFICATION INFORMATION.—Sec-  
 19 tion 227(e)(5) of the Communications Act of 1934 (47  
 20 U.S.C. 227(e)(5)) is amended—

21 (1) in subparagraph (A)(i), by striking  
 22 “\$10,000” and inserting “\$20,000”; and

23 (2) in subparagraph (B), in the first sentence,  
 24 by striking “\$10,000” and inserting “\$20,000”.

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