

Mr. Speaker, today the House will consider a substitute amendment to Senate 1462 that embodies the text of H.R. 1304, the Telephone Advertising Consumer Rights Act, which passed this body on November 16. I am offering this compromise amendment with the gentleman from New Jersey [Mr. Rinaldo]. The compromise effectively merges and improves legislation passed by the Senate dealing with automatic dialing systems and unsolicited facsimile messages.

In short, Mr. Speaker, the compromise will finally give the public the opportunity to just say no to unsolicited phone or fax advertisements. The compromise gives the public a fighting chance to start to curtail unwanted telemarketing practices by requiring the FCC to conduct a rulemaking and weigh the alternative methods for protecting consumers' privacy rights and to put them in place before our home telephones become the receptacles of junk calls in the same way that junk mail often inundates our mailboxes.

Mr. Speaker, today in America more than 300,000 solicitors make more than 19 million calls every day, while some 75,000 stockbrokers make 1.5 billion telemarketing calls a year. Automatic dialing machines, on the other hand, have the capacity to call 20 million Americans during the course of a single day, with each individual machine delivering a prerecorded message to 1,000 homes.

In addition, automatic dialing machines place calls randomly, meaning they sometimes call unlisted numbers, or numbers of hospitals, police and fire stations, causing public safety problems. Our bill, H.R. 1304, would prohibit advertising calls to public safety numbers, as well as to paging, specialized mobile radio and cellular equipment.

In the final analysis a person's home is his castle. Preservation of the tranquility and privacy of that castle should compel us to avail consumers of the opportunity to place the telephone line into their home, the sanctuary from which they escape all the other trials that society and Congress cause them, off limits to intrusive and annoying interruptions. I believe that telemarketing can be a powerful and effective business tool, but the nightly ritual of phone calls to homes from strangers and robots has many Americans fed up.

Mr. Speaker, the aim of this legislation is not to eliminate the brave new world of telemarketing, but rather to secure an individual's right to privacy that might be unintentionally intruded upon by these new technologies. For this reason the legislation addresses live unsolicited commercial telemarketing to residential subscribers. If a live call is being made for the purpose other than for a commercial solicitation, then it is not regulated under this bill. In the context of the legislation a telephone solicitation is a call to encourage the purchase, rental of, or investment in property, goods, or services.

In addition, the compromise bill makes it unlawful for any person to initiate any telephone call to any residence using an artificial or prerecorded voice to deliver a message. The legislation makes two absolute exceptions to this prohibition:

First, where there is the prior express consent of the called party; and second, where the call is initiated for emergency purposes. The term "emergency purposes" is also intended to include any automated telephone call that notifies consumers of impending or current power outages, whether these outages are for scheduled maintenance, unscheduled outages caused by storms, or power interruptions for load management programs.

Second, the bill also allows the Federal Communications Commission to exempt, by rule or order, classes or categories of calls made for commercial purposes that do not "adversely affect the privacy rights" that this section of the bill is intended to protect and, that "do not include the transmission of any unsolicited advertisement." An example of such a use may be to leave messages with consumers to call a debt collection agency to discuss their student loan or to notify a consumer that a product they have ordered is ready to be picked up at the store. I fully expect the Commission to grant an exemption, for instance, for voice messaging services that forward calls. For example, if a consumer is late catching a plane and calls his home to tell his wife he'll be arriving late and can't get through to her, this service allows him to leave a message and board the plane. While he is traveling, the service automatically dials the number repeatedly until the message is delivered. Such a voice messaging service is a benefit to consumers and should not be hindered by this legislation.

I believe we have put together a consensus compromise, one that reflects a responsible approach to address what the record indicates is of greatest concern to consumers.

I, as usual, want to thank the gentleman from New Jersey [Mr. Rinaldo] for his leadership, for his cooperation, for his steadfast support in the development of this legislation. It is typical of the working relationship that we have had on the subcommittee for the last 5 years that we could produce such a complex piece of legislation. As well, I would like to thank the gentleman from New York [Mr. Lent] on the minority side who, along with his staff, have worked with us in the development of the legislation, the gentleman from Tennessee [Mr. Cooper], the gentlewoman from New Jersey [Mrs. Roukema], the gentleman from Massachusetts [Mr. Frank], along with the gentleman from Texas [Mr. Bryand]. Each and every one of them has played a role in helping to craft this legislation and, working with the majority staff of David Leach at the full committee level and Mick Regan on the minority side, we have been able to put this legislation together. So, I want to thank all of the parties involved.

Mr. Speaker, I think this is an excellent piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. RINALDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to join me in supporting S. 1462, the Automated Telephone Consumer Protection Act of 1991. This bill is substantially similar to H.R. 1304, the Telephone Advertising Consumer Rights Act, a bill that the House recently passed.

**This bill addresses widespread and growing concern about abuses associated with automatic dialers, junk faxes, and unwanted telephone solicitations. Under this bill, those who use automatic dialers would be prohibited from making computer-generated calls to emergency lines at health care facilities, fire protection, or law enforcement agencies, any telephone line at a patient room in a hospital, or paging or cellular telephone numbers.**

**In addition to addressing these serious health and safety concerns, the bill would prohibit autodialed calls to anyone that has not given the caller prior express consent. This bill also requires the FCC to restrict only those categories of artificial or prerecorded voice calls which are made for commercial purposes and will affect the privacy rights that the bill intends to protect. Among categories which should be made available to the public are voice messaging services which deliver legitimate personal messages to one or more persons.**

**The FCC has already authorized as in the public interest a service which allows a caller from a coin telephone to record a message for later delivery when encountering a busy signal or no answer. Likewise, a similar service which the FCC has also authorized would allow a person to send a message to a group of people through a recorded message. Clearly, these types of personal voice messaging services are not invasive of a person's privacy rights, and this bill is not intended to prohibit these or other such services yet to be developed.**

**S. 1462 also directs the FCC to determine the most effective and efficient method of allowing telephone subscribers to avoid live telephone solicitation calls. Specifically, the Commission must consider an electronic database, special directory markings, industry-based or company-specific "do not call" systems, as well as other alternative solutions to the problem of unsolicited calls.**

**In drafting this legislation, we recognized that many legitimate businesses make telephone calls, including solicitations, without annoying consumers. Thus, the bill exempts businesses that have a preestablished business relationship with a customer as well as telephone calls from nonprofit organizations. In addition, the bill mandates that the FCC consider whether different methods and procedures should apply for local telephone solicitations, particularly from small businesses and holders of second-class mail permits, such as newspapers.**

**I want to briefly mention an important issue relating to a person's change in residence and change in telephone number. In the committee report on H.R. 1304, we state that during the first 6 to 12 months after a change in a person's telephone number, a telephone subscriber should reasonably expect to receive telemarketing calls. No matter what telemarketing control alternatives are selected by the FCC, implementation may take up to 12 months for a new resident. This initial contact during that period may actually help introduce new residents to local goods and services available in their new community. We expect that such calls will be allowed during the first 6 to 12 months.**

To ensure a uniform approach to this nationwide problem, this bill would preempt the States from adopting a database approach, if the FCC mandates a national database. From the industry's perspective, this preemption has the important benefit of ensuring that telemarketers are not subject to duplicative regulation.

Finally, this bill promotes the allocation of fulltime AM radio channels to medium-sized cities located in or adjacent to major metropolitan markets that lack a fulltime AM station.

I would like to thank Messrs. Dingell, Lent, and Markey for their help and leadership in crafting this important bill. I would also like to thank Senators Hollings, Danforth, and Pressler for their hard work in developing consensus, bipartisan legislation. I urge my colleagues to support this important measure.

Mr. Speaker, I would like to once again particularly thank the chairman of the subcommittee, the gentleman from Massachusetts [Mr. Markey], for his help, for his leadership, for his cooperation in seeing that this bill got to the floor and in working out some of the problems associated with the legislation. I would also like to thank Senators Danforth, Hollings, and Pressler for their hard work in developing consensus bipartisan legislation. In addition, I think it should be noted that the gentleman from Michigan [Mr. Dingell], the chairman of the full Committee on Energy and Commerce, and my good friend, the gentleman from New York [Mr. Lent], the ranking minority member of that committee, exhibited a great amount of leadership in seeing that the bill got through the full committee and onto the floor.

Finally, Mr. Speaker, I would like to thank the members of the committee and acknowledge their hard work and dedication in seeing that this bill would get to the floor. I thank my good friend and colleague, the gentlewoman from New Jersey [Mrs. Roukema], who worked extremely hard to see to it that this bill got to where it is today and will be on the President's desk shortly.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. Bryant].

(Mr. BRYANT asked and was given permission to revise and extend his remarks.)

Mr. BRYANT. Mr. Speaker, I represent the home area of MessagePhone, Inc., a company which is engaged in the business of message forwarding. Senator Holling's legislation, as it passed the Senate--the Automated Telephone Consumer Protection Act, S. 1462, would have inadvertently ended their operations. The bill however has been corrected to avoid this inadvertent result.

Automatic message delivery, developed by MessagePhone, gives a caller, who encounters a busy or unanswered telephone call, the opportunity to record a short message for subsequent delivery. For example, the technology for this

service could call the original destination number every 15 minutes for several hours or until the telephone was answered and the message was delivered. For the purpose of privacy, after delivery, the call attempts are stopped and the message is destroyed. MessagePhone designed the service to give the calling party an alternative to busy and unanswered telephone calls which make up 30 percent of all telephone calls.

Unlike the technology used by telemarketers for their random solicitations, this service is a prepaid, person-to-person communication, not all that different from a regular telephone call. The service is designed so that the messages are short and the content is personal in nature.

Take for instance the scenario where you are at an airport, you missed your flight and only have a few minutes to call your spouse with the updated flight information. The line is busy and you have to leave. With my constituent's service, you could record a message; they would attempt to deliver a few minutes later, even if you were completely removed from a telephone.

Furthermore, Bell Atlantic currently offers this very service from its payphones. In order to do so, Bell Atlantic had to receive a waiver from the FCC's Computer II rules. To qualify for the waiver, the service had to pass a rigorous public interest test. A similar request that must meet the same public interest test recently was filed by BellSouth. In comments to the FCC, these two Regional Bell Companies have demonstrated that there are well over 1 billion busy and unanswered telephone calls, from payphones, annually.

It is important to note that, in 1988, Judge Greene granted the Regional Bell Operating Companies a waiver of the modified final judgment, concluding that automatic message delivery services were little more than a delay in a standard telephone transmission and that the Regional Bells should be allowed to offer these caller-directed services to the public.

MessagePhone's automatic message delivery services does not consist of random calls with prerecorded messages that invade the privacy of our constituents. Rather, they provide a message service that clearly is beneficial to the public. It is important that existing and emerging technologies and services that are beneficial to the public should not be prohibited by this legislation.

The broadness of the Senator's original definition of an autodialer would have prevented the telemessaging services I have described.

MessagePhone, Inc., has been providing the messaging service described above which has been favorably perceived by the public. Family members, friends, or business associates can receive a recorded message of very limited duration for subsequent delivery when the telephone line is answered or free.

I understand that the legislation we have before us now does not shut down all telemessaging services. The bill allows the Federal Communications Commission to exempt:

(i) calls that are not made for a commercial purpose; and

(ii) such classes or categories of calls made for commercial purposes as the Commission determines--

(I) will not adversely affect the privacy rights that this section is intended to protect; and

(II) do not include the transmission of any unsolicited advertisement.

I am pleased that this issue was resolved without a formal conference with the Senate, and I further understand that the FCC is amenable to this language as a means of preserving these valuable telemessaging services.

I thank you for your valuable assistance on this issue.

Mr. Speaker, I would like to ask the chairman of the subcommittee, the gentleman from Massachusetts [Mr. Markey] if I am correct in my understanding of the bill.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. BRYANT. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, the gentleman has accurately described the intention of the legislation. We have made the commonsense exceptions that in fact improve communications between individuals using the modern telecommunications technologies while at the same time targeting that abusive robotic use of the technology which has become such an intrusive part of the American society.

Mr. BRYANT. Mr. Speaker, I further understand that the FCC is amenable to the direction that the bill is taking now with regard to this automated type of messaging service; is that correct?

Mr. MARKEY. The gentleman is correct.

Mr. BRYANT. Mr. Speaker, I would like to express my very deep thanks to the gentleman from New Jersey [Mr. Rinaldo], too, for allowing us to make this needed correction to the bill.

Mr. RINALDO. Mr. Speaker, I yield 3 minutes to the ranking minority member of the full committee, the gentleman from New York [Mr. Lent].

(Mr. LENT asked and was given permission to revise and extend his remarks.)

Mr. LENT. Mr. Speaker, I urge my colleagues to support S. 1462, the Telephone Protection Act of 1991. This bill contains many of the same provisions included in H.R. 1304, the Telephone Advertising Consumer Rights Act, which the House passed last week. The bill reflects a consensus that has been worked out between the House and the Senate on concerns about the telemarketing industry. I want to commend both the gentleman from Massachusetts [Mr. Markey] and the gentleman from New Jersey [Mr. Rinaldo] as well as the gentlelady from

New Jersey [Mrs. Roukema], for an outstanding job and Mike Regan, Jerry Waldron, David Leach, and other Energy and Commerce Committee staff for helping to bring this bill to the floor.

This is important legislation with bipartisan support designed to address various consumer concerns without unnecessarily burdening the telemarketing industry. The bill before the House today reflects a further effort to address problems in the telemarketing industry, while accommodating legitimate concerns of telemarketers that their industry not be unfairly stifled.

S. 1462 explicitly recognizes that there are certain classes and categories of calls that consumers do not mind, and in fact would probably like to receive. Calls informing a customer that a bill is overdue, or a previously unstocked item is now available at a store are clearly not burdensome, and should not be prohibited. Similarly, the bill grants the FCC the latitude to exempt certain services that telephone companies presently offer, or in the future are likely to offer, to send messages and other important information.

While the telemarketing industry is understandably concerned about being subject to excessive regulation, I believe that the Nation's consumers have a reasonable concern regarding privacy. S. 1462 balances both of these concerns, and I urge my colleagues to join me in supporting the bill.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. Cooper].

(Mr. COOPER asked and was given permission to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, I thank the distinguished chairman of the subcommittee for yielding time to me. I congratulate him for his leadership in moving this legislation. And I add my congratulations to the distinguished ranking member, the gentleman from New Jersey.

Mr. Speaker, I rise in support of this legislation because it effectively addresses the nightly assault by telemarketing machines and operators on the privacy of our homes. Yet it does so in a balanced way that permits telemarketing to continue its important function of promoting commerce.

I have said here before that some of these calls are much more annoying than others. For example, I regard and I hope the FCC will regard, robotic calls by machines such as autodialers and computer-generated voices to be a much greater threat to the privacy of our homes than calls by live operators. At least you can vent your anger to a real person if they have interrupted your dinner. You can ask them questions and hold them accountable to some extent. At least a live person can only call one person at a time.

Among calls placed by live operators, there are some that we may not mind so much. Some are even helpful. We may not mind a call from a local business in town reminding us of a special sale or opportunity. If they are rude or intrusive, they are accountable in the local area by the damage to their reputation among the people who live there. For interstate calls, especially

from other time zones, there is no such accountability. Unwanted calls are tainting the wanted ones and make us cringe at the thought of answering the telephone at night. As I have said before, it's a classic case of the bad apples spoiling the whole barrel.

Chairman Markey and the Subcommittee on Telecommunications and Finance crafted an excellent bill that would enable the Federal Communications Commission to protect consumers from the calls they don't want, but not restrict their ability to receive the calls they do want. The FCC was given broad flexibility to fashion regulatory approaches to achieve this result. I am pleased to see that in working out a compromise on the legislation passed by the other body, the chairman preserved this flexibility. I commend him for preserving the opportunity for a choice by the consumer.

Under the legislation before us the FCC still has the same breadth of options available to address this issue. Some options are spelled out as examples for the Commission's consideration, but they are not limiting. I was concerned that the compromise with the other body might narrow the options and tilt the regulatory process toward adoption of a national data base. That has clearly not occurred here.

My own belief is that the national database will not bear up well under close scrutiny. I think the company-specific do-not-call approach offers consumers greater choice. To me, it seems more efficient in terms of the cost of implementation and the lag times required to implement it, as compared to the national database. But that is for the FCC to decide.

I am especially pleased that the Commission still has the opportunity to prescribe methods and procedures for local telephone solicitations that are different from that selected for the non-local calls. This will enable the Commission to take into account that telemarketers making local calls already have an accountability within the community by virtue of their reputation as businesses and as individuals. The other methods and procedures available to the Commission for the local option might be entirely different approaches from that selected for the nonlocal calls. For example, the Commission might decide to use a hybrid approach of a mandatory, company-specific do-not-call system at the local level and something else, perhaps even a national database for other calls.

Overall, Mr. Speaker, this is a good compromise. The FCC has the latitude, the tools, to strike a good balance between curbing annoying telemarketing while preserving telemarketing's contribution to commerce. I thank the chairman for his leadership and I wholeheartedly support and endorse this legislation.

Mr. RINALDO. Mr. Speaker, I yield 1 minute to the distinguished minority whip, the gentleman from Georgia [Mr. Gingrich].

Mr. GINGRICH. Mr. Speaker, I thank my friend for yielding time to me.

Mr. Speaker, I simply want to report to the House that the President 5 minutes ago met with the press and, in response to the Speaker's request for instructions on economic growth, said this House has had a full year to play around with the issue. He is requesting that the Democrats make in order this afternoon a vote on the Republican growth plan.

As soon as the transcript of his exact comments is available, I will bring the transcript to the floor and read his exact words into the Record. I think it is now up the Speaker to make in order a vote on the bill.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. Synar].

Mr. SYNAR. Mr. Speaker, I thank the chairman of the subcommittee for yielding this time to me.

Mr. Speaker, I rise in support of today's legislation, and I want to commend the gentleman from New Jersey [Mr. Rinaldo] and the gentleman from Massachusetts [Mr. Markey], as well as the staffs of the majority and the minority for the outstanding job that they have done to bring us this legislation today.

I also want to particularly commend the chairman of the subcommittee for his statement in which he says that the term "emergency purposes" is also intended to include any automated telephone calls that notify consumers of impending or current power shortages, whether these outages are for scheduled maintenance or unscheduled outages caused by storms or power interruptions for load management programs. That language is inserted, I'm told, in order to try to accommodate the concerns many of our rural electric cooperatives have had with respect to doing normal maintenance on their lines.

Mr. Speaker, I appreciate the personal attention of the subcommittee chairman, and I will convey to the REC's their concerns have been addressed by this legislation.

Mr. RINALDO. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from my home State of New Jersey [Mrs. Roukema].

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey.

The SPEAKER pro tempore. The gentlewoman from New Jersey [Mrs. Roukema] is recognized for 2 minutes.

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of S. 1462, the Telephone Advertising Regulation Act. I also want to thank the distinguished chairman of the Subcommittee on Telecommunications and Finance, Mr. Markey, and the distinguished ranking member, my colleague from New Jersey, Mr. Rinaldo, for their expeditious handling of this compromise legislation, which preserves the rights of consumers and protects the health and safety of the public. At long last a reliable law will be passed.

Telecommunications and computer technology advances have made information exchange easier, and brought our Nation and the world closer together. However, as with any vital technology, telecommunications and computer equipment may be used in a counterproductive and abusive fashion.

Today, we unfortunately find that automatic dialing recorded message players are being used in record numbers to systematically solicit unsuspecting and unwilling residential and commercial telephone subscribers. This practice is an unwarranted invasion of privacy, and it can be dangerous and life-threatening. This Congress can no longer stand by the wayside and allow telephones to become a potential health hazard.

I am sure my colleagues have heard many complaints about computer-generated phone calls from their constituents. In my case, I have been contacted by a number of physicians in my district who have justifiably complained that their office emergency lines, typically reserved for critical cases, are being clogged with unsolicited computer calls. One of these physicians also happens to be my husband, Dr. Richard W. Roukema, who has repeatedly suffered this problem on his phone lines reserved for emergency calls from the hospital. I especially appreciate the support of Chairman Markey in this respect. His wife, also a practicing physician, understood the problem immediately.

This is harassment.

Computer calls are also harassing police and fire emergency numbers. This problem is particularly serious when the computer-generated call will not disconnect and free up the phone line until after its message has been completed. Mr. Speaker, this practice must stop before lives are lost.

S. 1462 contains a provision which prohibits computer-generated calls to emergency phone lines or pagers at hospitals, physicians' or medical service offices, health care facilities, and fire protection and law enforcement agencies.

Yet, as alluded to earlier, it is not just calls to doctors' offices or police and fire stations that pose a public health hazard. I have previously recounted the story of a New York mother who tried to call an ambulance for her injured child, and the sheer terror she experienced when she picked up her phone only to find it occupied by a computer call that would not disconnect. Fortunately, that injured child survived, but, Mr. Speaker, let us not wait for tragedy before we act.

S. 1462 also contains a provision requiring computer-generated calls to disconnect as soon as the receiver seeks to terminate the message. This is a commonsense provision which ensures the safety of telephone customers who may have received unsolicited and unwanted computer-generated calls.

Another important aspect of S. 1462 is that it protects the privacy of telephone subscribers by allowing those citizens who object to receiving computer-generated phone calls to add their names to a national database or a

comparable substitute as determined by the FCC. This key provision finally guarantees telephone subscribers freedom from unwanted intrusions into their privacy.

The Senate language has tightened up the prohibition on automatic dialing computers by completely prohibiting their use unless the FCC grants an exemption in the public interest. Such an exemption would include emergency information about natural disasters and health-related evacuations.

Under the provisions of the bill, live telemarketers will still be able to make commercial calls to those customers who have not requested an exemption from such calls. This will allow legitimate telemarketers to conduct business in a safe and responsible fashion, without penalty.

In conclusion, this compromise is faithful to the basic purposes of the original intent of the legislation. It preserves the privacy of the consumer through the ban on autodialers except where consumers choose the exemption.

I support the bill.

Mr. MARKEY. Mr. Speaker, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I would like to make it quite clear that that particular provision is a direct result of the interest which the husband of the gentlewoman from New Jersey [Mrs. Roukema] showed on this subject.

Mrs. ROUKEMA. My husband and your wife.

Mr. MARKEY. Mr. Speaker, I would simply like to point out that when the gentlewoman from New Jersey [Mrs. Roukema] a year or a year and a half ago approached me with this problem that her husband, a physician, had with the inability for him to have complete control over his telephones for emergency purposes, that that triggered the discussion, the process, which has resulted in the provision being built into this legislation which will protect not only your husband, but my wife, who is also a physician, and the other tens of thousands of physicians and emergency personnel across the country, from having their lines stopped up by these junk calls which in dire circumstances could prevent the proper treatment by physicians of some very serious medical problems in the country.

Mr. Speaker, I want to congratulate the gentlewoman from New Jersey [Mrs. Roukema] and congratulate her husband, because this provision is really in the name of her husband.

Mr. RINALDO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to once again thank the chairman of the full committee, the gentleman from Michigan [Mr. Dingell], for his work, along with his work, along with his staff on these issues. I would like to thank Senator Hollings, Senator Pressler, Senator Inouye, and Senator Danforth for their work on these issues.

I would like to thank John Windhausen and Mary McManus from the Senate Commerce staff for their work, and the yeoman work, to use the words of the gentlewoman from New Jersey [Mrs. Roukema], of Steve Cope from legislative counsel, who has helped us enormously.

When a bill of this magnitude is passed, I recognize my indebtedness to the people who work for me directly on an ongoing basis. At this juncture I would just like to personally acknowledge the work of Gerry Salemme and Jerry Waldron and Colin Crowell and Ed Joseph, who each have participated in this long process. Also I would like to note as well, so that all of the proper thank yours are made, Justin Lilley on the minority side as well, who helped to construct this effort that has produced a piece of legislation which the gentleman from New Jersey [Mr. Rinaldo] and I, the gentleman from Michigan [Mr. Dingell] and the gentleman from New York [Mr. Lent], have been able to bring out to the floor here today.

Mr. RINALDO. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I am glad to yield to the gentleman from New Jersey.

Mr. RINALDO. Mr. Speaker, I just want to underscore what the chairman of the committee has stated. I think it is important to note for the Record that we have a situation on the Subcommittee on Telecommunications and Finance where both majority and minority staffs work very well together in an effort to work out problems with legislation, to compromise effectively, to negotiate, and to come up with the kind of package that meets the needs of the people we represent and the people of this great country of ours, and I would particularly acknowledge the endeavors of David Leach, Jerry Waldron, Colin Crowell, Mike Regan, Justin Lilley, and Cathy Reid, for the fine job they have done, not working for any partisan interest, but working together to achieve the kind of results that we see here this morning, of course once again, in the very bipartisan and fair manner in which Chairman Markey runs the subcommittee.

Mr. MARKEY. Mr. Speaker, reclaiming my time, I thank the gentleman from New Jersey [Mr. Rinaldo].

Mr. Speaker, I would just like to say that this is the beginning of the end for junk faxes and junk calls in America. This knows no partisan line. This is not a Democrat or Republican issue, this is not a liberal or conservative issue. When those junk faxes start coming over your machine, you do not think like a Republican or a Democrat, you just think how are you going to be able to get your hands around the neck of the person making you pay with your paper for whatever message they are trying to send you.

We are sending instructions over to the FCC that we want them to begin the process here of shutting down the abuse of the telephones and fax machines that have grown over the last half a decade.

Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. Richardson].

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I want to just attest to the effective bipartisanship of both the gentleman from Massachusetts [Mr. Markey] and the gentleman from New Jersey [Mr. Rinaldo] on a number of telecommunications issues.

Last night we passed the Corporation for Public Broadcasting bill that had a number of provisions important to women and minorities in rural areas, giving them access to telemarketing. I especially want to note the cooperation I got from the gentleman from Massachusetts [Mr. Markey] on a number of issues relating to exemptions when there are medical emergencies and safety issues.

Mr. Speaker, I can attest again to the gentleman from New Jersey [Mr. Rinaldo] and the gentleman from Massachusetts [Mr. Markey] effectively working on a number of bills. I think we have had a lot of suspensions in this area, and I just want to join in commending them for this very strong effort and their excellent staffs.

Mr. Speaker, I rise today in strong support of S. 1462, the Automated Telephone Consumer Protection Act. I commend the gentlemen from Massachusetts and New Jersey for producing a final product that strikes an appropriate balance so that individuals will be protected from unwanted calls while still having the ability to take advantage of doing some of their shopping and subscription renewals at home over the telephone.

As an early cosponsor of the House version of the bill, H.R. 1304, I am a strong supporter of the effort to control unwanted calls. The question, however, was how to do this while still allowing those telephone solicitation calls that consumers might want: From their alma mater, from their favorite charity, from their newspaper or magazine about a lapsed subscription. This bill gives the Federal Communications Commission [FCC] a way of regulating these types of calls and provides some necessary guidance and considerations for the FCC as part of their deliberations.

The bill appropriately singles out calls in which there is an existing business relationship between the caller and the consumer. Different rules should apply to these types of calls. Businesses need to be able to contact customers with whom they have a prior or existing business relationship. Generally, these calls are not objectionable to the recipient; they allow the customer to take advantage of special promotions and other offers from vendors with whom they are already familiar. At the same time, I want to emphasize that these vendors should be keeping track of customers' wishes regarding telephone calls and where and when he likes to receive them or not. Responsible telemarketers should respect certain basic privacy concerns irregardless of whether there is an existing business relationship.

Responsible telemarketing practices will not be restricted by this legislation, and the industry will continue to play a beneficial consumer role in our society. For example, newspapers often use telemarketing to renew lapsed subscriptions or offer special promotions to people who receive the paper only a few days a week. Customers are familiar with these calls and generally find it a convenience not to have to get in touch with their distributor about renewal.

Finally, the bill allows the FCC to evaluate alternatives for protecting residential phone customers from unwanted calls. The FCC is authorized to consider several options for how best to accomplish this. It is my personal opinion that the creation of a giant national database containing the names of people who do not wish to receive telemarketing calls is not the best way to go. This proposal is extremely problematic and may cause more harm than good. I would, therefore, urge the FCC to adopt another, less intrusive, means of protecting residential telephone customers from unwanted telemarketing.

Once again, let me congratulate the sponsors of the bill for their extraordinary efforts to produce a final products that deals with various concerns raised by different parties. Because of the leadership of the subcommittee chairman and ranking Republican member, we are able to pass this consensus bill before the end of the first session. I would urge my colleagues to vote for the bill.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to note that, as usual, from my 5 years as subcommittee chairman, the gentleman from New Mexico [Mr. Richardson] has, as he has on every single piece of legislation, inserted provisions that are going to be very important and vital for the protection of the American public. I would like to make that notation here before we conclude debate.

Mr. Speaker, again, we worked in a bipartisan fashion. We hope that the House sees fit to accept this legislation today.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Mazzoli). The question is on the motion offered by the gentleman from Massachusetts [Mr. Markey] that the House suspend the rules and pass the Senate bill, S. 1462, as amended.

**The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the Senate bill, as amended, was passed.**

**A motion to reconsider was laid on the table.**