

# Legislative Alerts

May, 2007

## **Caller ID and Restricted Calling Hours**

From time to time, TeleDirect would like to inform you, our customers, about pending legislation that may affect your ability to conduct business. We encourage you to take proactive measures and persuade your local senators and representatives to defeat legislation that impacts your business. There are two areas of pending legislation that we would like contact centers to be particularly aware of, Caller ID and Restricted Calling Hours.

### **Caller ID:**

Currently there are 3 bills pending in the United States Congress that restrict the use of Caller ID. If passed, these bills could greatly impact Contact Centers' ability to conduct business. Below is a summary of each of the 3 bills. Bills introduced in the House of Representatives are prefixed H.R. while bills introduced in the Senate are prefixed S.

We encourage you to contact your local senators and representatives in Congress and voice your concerns. **We support the American TeleServices Association's position on these 3 bills, which is to defeat S.704 and H.R.740 and Support H.R.251.** Many of you either outsource to contact center vendors or conduct campaigns on their behalf. S.704 and H.R.740 will limit the ability for a contact center vendor to send the Caller ID of their client when conducting outbound calling campaigns.

### **Bills**

**S.704:** Truth in Caller ID Act of 2007

**Sponsor:** Senator Bill Nelson [D-FL] (introduced 2/28/2007)

**Latest Major Action:** 2/28/2007, Referred to Senate committee. Status: Read twice and referred to the Committee on Commerce, Science, and Transportation.

**Summary:**

Truth in Caller ID Act of 2007 - Amends the Communications Act of 1934 to make it unlawful for any person in the United States, in connection with any telecommunications service or Internet protocol (IP)-enabled voice service, to cause any caller identification (ID) service to transmit misleading or inaccurate caller ID information, unless such transmission is exempted in connection with: (1) authorized activities of law enforcement agencies; or (2) a court order specifically authorizing the use of caller ID manipulation.

Provides civil and criminal penalties for violations. Allows for enforcement by states [(with authorized intervention by the Federal Communications Commission (FCC)].

Read More: <http://www.govtrack.us/congress/bill.xpd?bill=s110-704>

**H.R.251: Truth in Caller ID Act of 2007 – THIS IS THE LEAST RESTRICTIVE!**

**Sponsor:** Representative Eliot Engel [D-NY 17<sup>th</sup>] (introduced 1/5/2007)

**Latest Major Action:** 2/2/2007, Referred to House subcommittee. Status: Referred to the Subcommittee on Telecommunications and the Internet.

**Summary:**

Truth in Caller ID Act of 2007 - Amends the Communications Act of 1934 to make it unlawful for any person in the United States, in connection with any telecommunication service or VOIP (voice over Internet protocol) service, to cause any caller identification service to transmit misleading or inaccurate caller identification information ("spoofing"), unless such transmission is exempted in connection with authorized activities of law enforcement agencies.

Read More: <http://www.govtrack.us/congress/bill.xpd?bill=h110-251>

**H.R.740: Preventing Harassment through Outbound Number Enforcement (PHONE) Act of 2007**

**Sponsor:** Representative Robert Scott [D-VA 3<sup>rd</sup>] (introduced 1/31/2007)

**Latest Major Action:** 4/25/2007, Senate committee/subcommittee actions. Status: Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.

**Summary:**

Preventing Harassment through Outbound Number Enforcement (PHONE) Act of 2007 - Amends the federal criminal code to prohibit: (1) using or providing false caller ID information with intent to defraud or using or providing such information without authorization and with intent to deceive the recipient of a phone call about the identity of the caller; or (2) attempts or conspiracies to do so. Imposes a fine and/or prison term of up to one year for violations and up to five years for violations for commercial gain.

Exempts from the prohibitions of this Act: (1) lawfully authorized investigative, protective, or intelligence activities of a federal, state, or local law enforcement agency or U.S. intelligence agency; and (2) activities relating to witness protection.

Provides for forfeiture of property traceable to a violation of this Act or of equipment, software, or other technology used to commit a violation of this Act.

Includes fraud and related activity in connection with electronic mail and caller ID spoofing as predicate activities for money laundering.

Read More: <http://www.govtrack.us/congress/billtext.xpd?bill=h110-740>

**Restricted Calling Hours:**

Below is another bill, the Protection from Telemarketers Act, which is also pending in Congress. If passed, this bill will have a large impact on the Telemarketing industry, as it

will dictate when Telemarketers can contact their customers. Again, we encourage you to contact your local senators and representatives in Congress and voice your concerns.

**H.R.1652: Protection from Telemarketers Act**

**Sponsor:** Representative Peter King [R-NY-3<sup>rd</sup>] (introduced 3/22/2007)

**Latest Major Action:** 3/22/2007, Referred to House committee. Status: Referred to the House Committee on Energy and Commerce.

**Summary:**

Protection From Telemarketers Act - Amends the Telemarketing and Consumer Fraud and Abuse Prevention Act to require the Federal Trade Commission (FTC) to include in rules respecting abusive telemarketing acts or practices a requirement that telemarketers not initiate any outbound telephone calls during the hours of 5 to 7 p.m. in the locality of the person called.

Read More: <http://www.govtrack.us/congress/bill.xpd?bill=h110-1652>