

## **Congress Considers New Telemarketing Legislation**

*April 8, 2002.* The House is considering new legislation, the Telemarketing Relief Act of 2002, which would require the promulgation of new rules by the Federal Trade Commission (“FTC”) to establishing a list of telephone numbers of consumers who do not want to receive telephone calls for telemarketing purposes. The rules, which would be implemented as an amendment to the Telemarketing and Consumer Fraud and Abuse Prevention Act, would also specify the manner by which consumers would notify the FTC of their desire to be on the list and of calls received in violation of the prohibition. Under the proposed legislation, the making of a call to a telephone number on the list would be deemed a deceptive or abusive telemarketing act or practice.

The legislation also requires the Federal Communications Commission, except in certain exempted circumstances, to promulgate similar rules prohibiting deceptive and other abusive telemarketing acts or practices. The FCC’s rules would apply to a provider of telephone exchange service or telephone toll service as defined under Section 3 of the Communications Act.

The proposed legislation would except certain called parties and activities. These would include: (i) charitable, political opinion polling, or other nonprofit activities; (ii) contacting a consumer with the consumer's prior written or verbal permission; (iii) contacting a consumer in response to the consumer's visit to an establishment with a fixed location; (iv) communications primarily in connection with an existing debt of the consumer that has not been paid or performed; (v) communications in connection with an existing relationship between a person and a consumer; (vi) compilation of a directory of telephone numbers, by a provider of telephone exchange service or telephone toll service as defined under Section 3 of the Communications Act; and (vii) business-to-business communications.

If you would like additional information on this proceeding or on telemarketing issues generally, please feel free to contact us by telephone or email at the address provided above.