

government bureaucracy mandates but because a market-driven economy rewards well-built products.

Mr. Speaker, I urge my colleagues to vote for H.R. 3824, which will reduce unnecessary regulation.

Mr. HOBSON. Mr. Speaker, I was surprised when several of my constituents contacted me about a little-known law passed eight years ago which has not yet been implemented. The original intent of this law, the Fastener Quality Act of 1990, was to regulate and test certain critical nuts, bolts, and similar fasteners. Yet, eight years later, the National Institute for Standards and Technology (NIST), which is the agency responsible for implementing this law, has not done so. In the years that this law languished, the fastener industry and other regulatory federal agencies have taken steps to meet and surpass the original safety goals of the 1990 law. Unfortunately, this late attempt to impose these new requirements unnecessarily duplicates superior quality efforts already underway in the industry and the regulatory community.

Originally, the law was supposed to cover a specific number of critical fasteners used in such things as public buildings, bridges, and airliners. NIST since has expanded the scope of the original law to cover nearly half of all nuts, bolts, and other fasteners made or used in this country.

For example, an employer in my district supplies fasteners to the automotive industry. They are a certified QS 9000 facility, which means they meet strict quality standards and continually test their product at all stages of the manufacturing process. They meet the standards set by their customers and those set by the National Highway Traffic Safety Administration, which already regulates safety standards for these products. Under this 1990 law, they are additionally required to employ another separate, specially accredited lab to test their products, over and above the steps the company is already taking to ensure the safety and quality of their product.

This employer meets the standards provided for by their customer, the industry, and the industry safety regulator, in addition to maintaining a certified QS 9000 facility and providing for continual in-process testing of their products. Application of this 1990 law does not meet the demands of today's manufacturing processes, and would impose additional and costly requirements that duplicate these efforts and do not increase the public safety. Additionally, there are not enough accredited labs to do this testing. In my district, this means this same employer would have to shut down for six months until an accredited laboratory is available to duplicate the strong quality control efforts already being made by this manufacturer.

The legislation we are considering today requires the Secretary of Commerce to first study this issue and report to Congress on the best way to address the public safety intent of the original legislation in light of changes in manufacturing processes since passage of the original act. Mr. Speaker, H.R. 3824 will provide Congress the opportunity to rationally address the public safety aspect to fasteners in the context of today's modern manufacturing processes without imposing duplicative, unnecessary, or confusing new programs on responsible American manufacturers. I urge my colleagues to support this common-sense legislation.

Mr. BLILEY. Mr. Speaker, I rise in strong support of H.R. 3824, a bill amending the Fastener Quality Act. The Committee on Commerce was named as an additional committee of jurisdiction on this bill and has had a long-standing interest in the issue of fastener quality and the Fastener Quality Act. This interest goes back to the 100th Congress, at which time the Committee undertook an investigation of counterfeit and substandard fasteners. This investigation resulted in the issuance of a unanimously approved Subcommittee report entitled "The Threat from Substandard Fasteners: Is America Losing Its Grip?" which ultimately led to the approval by our respective committees of the Fastener Quality Act of 1990.

H.R. 3824, as reported, would amend the Fastener Quality act in two ways. First, the bill exempts fasteners approved for use in aircraft by the Federal Aviation Administration from the requirements of the Act. Secondly, it delays implementation of the final regulations until the Secretary of Commerce and the Congress have had an opportunity to consider developments in manufacturing and quality assurance techniques since the law was enacted.

While the Commerce Committee was generally pleased with the legislation reported by the Science Committee, we asked for several technical clarifications in the Manager's amendment under consideration today. First, we asked that language be clarified to ensure that all regulations issued pursuant to the Fastener Quality Act be place don hold until the Secretary of Commerce can deliver his report to Congress. Secondly, we asked that the report be delivered to both the Science Committee and the Commerce Committee directly so that we can continue our cooperative role in protecting American consumers from substandard fasteners. I appreciate Chairman SENSENBRENNER's willingness to listen to the concerns of Members of the Commerce Committee.

Due to Chairman SENSENBRENNER's cooperation and the need to ensure enactment of this legislation prior to the July 26 effective date of the current regulations, the Commerce Committee has chosen not to exercise its right to a referral. I have been assured by Chairman SENSENBRENNER of his continued cooperation through this process, and look forward to working with him should this legislation be the subject of a House-Senate conference committee.

Mr. Speaker, I strongly support H.R. 3824, and urge my colleagues support this bill as well.

Mr. PORTER. Mr. Speaker, I rise today in support of H.R. 3824, a bill to amend the Fastener Quality Act of 1990. I am pleased that a proposed rule to implement this Act has been repeatedly delayed over the last few years. The proposed rule's effectiveness remains unproven and it would impose tremendous costs on industry which would, in turn, be passed on to the consumer. In my judgment, compliance with the proposed rule would not only result in a loss of jobs and productivity, but also would seriously interrupt deliveries to numerous industry sectors for which fasteners are an integral part of their product. These major industries, the aerospace, automotive, and heavy industries, should be strengthened, not weakened, by our laws. I am greatly concerned about the financial costs that would be

borne by these industries to implement regulations, the effects of which have not been ascertained.

For this reason, I strongly support passage of H.R. 3824 to ensure that the implementation of the Fastener Quality Act rule be delayed by one year. During this time the Commerce Secretary and the National Institute of Standards & Technology would be required to review current law and regulations and recommend changes to make regulations consistent with current industry practices. I believe that a thorough review of current policies will reveal duplicitous regulations. The reports submitted to Congress as a result of H.R. 3824 would take into account technological advances that have occurred since the passage of the Fastener Quality Act in 1990 and precipitate the necessary changes to ensure its effectiveness as intended by Congress. I urge my colleagues to support the passage of this bill.

Mr. BROWN of California. Mr. Speaker, we have no further speakers, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3824, as amended.

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

A motion to reconsider was laid on the table.

□ 1530

#### TELEMARKETING FRAUD PREVENTION ACT OF 1997

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1847) to improve the criminal law relating to fraud against consumers.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Telemarketing Fraud Prevention Act of 1997".*

#### SEC. 2. CRIMINAL FORFEITURE OF FRAUD PROCEEDS.

*Section 982 of title 18, United States Code, is amended—*

*(1) in subsection (a)—*

*(A) by redesignating the second paragraph designated as paragraph (6) as paragraph (7); and*

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

*"(8) The Court, in sentencing a defendant convicted of an offense under section 1028, 1029, 1341, 1342, 1343, or 1344, or of a conspiracy to commit such an offense, if the offense involves telemarketing (as that term is defined in section 2325), shall order that the defendant forfeit to the United States any real or personal property—*

*"(A) used or intended to be used to commit, to facilitate, or to promote the commission of such offense; and*

*"(B) constituting, derived from, or traceable to the gross proceeds that the defendant obtained directly or indirectly as a result of the offense.";* and

(2) in subsection (b)(1)(A), by striking "(a)(1) or (a)(6)" and inserting "(a)(1), (a)(6), or (a)(8)".

**SEC. 3. PENALTY FOR TELEMARKETING FRAUD.**

Section 2326 of title 18, United States Code, is amended by striking "may" each place it appears and inserting "shall".

**SEC. 4. ADDITION OF CONSPIRACY OFFENSES TO SECTION 2326 ENHANCEMENT.**

Section 2326 of title 18, United States Code, is amended by inserting ", or a conspiracy to commit such an offense," after "or 1344".

**SEC. 5. CLARIFICATION OF MANDATORY RESTITUTION.**

Section 2327 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "for any offense under this chapter" and inserting "to all victims of any offense for which an enhanced penalty is provided under section 2326"; and

(2) by striking subsection (c) and inserting the following:

"(c) **VICTIM DEFINED.**—In this section, the term 'victim' has the meaning given that term in section 3663A(a)(2)."

**SEC. 6. AMENDMENT OF FEDERAL SENTENCING GUIDELINES.**

(a) **DEFINITION OF TELEMARKETING.**—In this section, the term "telemarketing" has the meaning given that term in section 2326 of title 18, United States Code.

(b) **DIRECTIVE TO SENTENCING COMMISSION.**—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall—

(1) promulgate Federal sentencing guidelines or amend existing sentencing guidelines (and policy statements, if appropriate) to provide for substantially increased penalties for persons convicted of offenses described in section 2326 of title 18, United States Code, as amended by this Act, in connection with the conduct of telemarketing;

(2) submit to Congress an explanation of each action taken under paragraph (1) and any additional policy recommendations for combating the offenses described in that paragraph.

(c) **REQUIREMENTS.**—In carrying out this section, the Commission shall—

(1) ensure that the guidelines and policy statements promulgated or amended pursuant to subsection (b)(1) and any recommendations submitted thereunder reflect the serious nature of the offenses;

(2) provide an additional appropriate sentencing enhancement if offense involved sophisticated means, including but not limited to sophisticated concealment efforts, such as perpetrating the offense from outside the United States;

(3) provide an additional appropriate sentencing enhancement for cases in which a large number of vulnerable victims, including but not limited to victims described in section 2326(2) of title 18, United States Code, are affected by a fraudulent scheme or schemes;

(4) ensure that guidelines and policy statements promulgated or amended pursuant to subsection (b)(1) are reasonably consistent with other relevant statutory directives to the Commission and with other guidelines;

(5) account for any aggravating or mitigating circumstances that might justify upward or downward departures;

(6) ensure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code; and

(7) take any other action the Commission considers necessary to carry out this section.

(d) **EMERGENCY AUTHORITY.**—The Commission shall promulgate the guidelines or amendments provided for under this subsection as soon as practicable, and in any event not later than 120 days after the date of enactment of the Telemarketing Fraud Prevention Act of 1997, in accordance with the procedures set forth in sec-

tion 21(a) of the Sentencing Reform Act of 1987, as though the authority under that authority had not expired, except that the Commission shall submit to Congress the emergency guidelines or amendments promulgated under this section, and shall set an effective date for those guidelines or amendments not earlier than 30 days after their submission to Congress.

**SEC. 7. FALSE ADVERTISING OR MISUSE OF NAME TO INDICATE UNITED STATES MARSHALS SERVICE.**

Section 709 of title 18, United States Code, is amended by inserting after the thirteenth undesignated paragraph the following:

"Whoever, except with the written permission of the Director of the United States Marshals Service, knowingly uses the words 'United States Marshals Service', 'U.S. Marshals Service', 'United States Marshal', 'U.S. Marshal', 'U.S.M.S.', or any colorable imitation of any such words, or the likeness of a United States Marshals Service badge, logo, or insignia on any item of apparel, in connection with any advertisement, circular, book, pamphlet, software, or other publication, or any play, motion picture, broadcast, telecast, or other production, in a manner that is reasonably calculated to convey the impression that the wearer of the item of apparel is acting pursuant to the legal authority of the United States Marshals Service, or to convey the impression that such advertisement, circular, book, pamphlet, software, or other publication, or such play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the United States Marshals Service;"

**SEC. 8. DISCLOSURE OF CERTAIN RECORDS FOR INVESTIGATIONS OF TELEMARKETING FRAUD.**

Section 2703(c)(1)(B) of title 18, United States Code, is amended—

(1) by striking out "or" at the end of clause (ii);

(2) by striking out the period at the end of clause (iii) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following:

"(iv) submits a formal written request relevant to a law enforcement investigation concerning telemarketing fraud for the name, address, and place of business of a subscriber or customer of such provider, which subscriber or customer is engaged in telemarketing (as such term is in section 2325 of this title)."

The SPEAKER pro tempore (Mr. EWING). Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Massachusetts (Mr. DELAHUNT) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. Speaker, I rise today to urge my colleagues to support the final passage of H.R. 1847, the Telemarketing Fraud Prevention Act. This important legislation, which I introduced in January of last year, will take the strong action that is needed to step up the fight against a common enemy, the fraudulent telemarketer.

Telemarketing fraud has become a critical problem across the country, but especially in my home State of Virginia where it has made victims of countless unsuspecting folks and their families.

The tragedy of telemarketing fraud is that its perpetrators often target elderly victims who have contributed so much to society. Who are these vic-

tims? They are our veterans of World War II and Korea. They are our retired schoolteachers. They are our parents and grandparents.

Many of the victims, long-time residents of areas like the Shenandoah Valley in my district, come from a time when one's word was his or her bond, and they are often deceived by a con artist who will say whatever it takes to separate victims from their money.

It has been estimated by the FBI that nearly 80 percent of all targeted telemarketing fraud victims are elderly. Who are these people who victimize our Nation's elderly? They are white collar thugs who contribute nothing to our society but grief.

They choose to satisfy their greed by bilking others instead of doing an honest day's work. They strip victims not only of their hard-earned money, but also of their dignity. They are swindlers who con our senior citizens out of their life savings by playing on their trust, sympathy, and if that does not work, by playing on their fear.

These criminals have said that they do not fear prosecution because they count on their victims' physical or mental infirmity or the embarrassment that victims feel from being scammed that prevent them from testifying at trial.

If they are brought to trial, they are currently not deterred in engaging from telemarketing fraud because the penalties are so weak. In one example of how large a problem telemarketing fraud has become, more than 400 individuals were arrested in 1996 as a part of Operation Senior Sentinel. Retired law enforcement officers and volunteers recruited by the American Association of Retired Persons went under cover to record sales pitches from fraudulent telemarketers.

Volunteers from the 2-year-long operation discovered various telemarketing schemes. Some people were victimized by phony charities or investment schemes. Others were taken in by so-called premium promotions in which people were guaranteed one of four or five valuable prizes, but were induced to buy an overpriced product in exchange for a cheap prize. One of the most vicious scams preyed on those who have lost their money already, some telemarketers charge a substantial fee to recover money for those who had been victimized previously, and proceeded to renege on the promised assistance.

By the time the operation was over, it took the Department of Justice, the FBI, the Federal Trade Commission, a dozen U.S. Attorneys and States attorneys general, the Postal Service, the IRS, and the Secret Service to arrest over 400 fraudulent telemarketers in five States.

Clearly, telemarketing fraud is on the rise. According to Attorney General Reno, it is not uncommon for seniors to receive as many as five or more high-pressure phone calls a day.

Mr. Speaker, malicious criminal activity like this must be punished with the appropriate level of severity. H.R. 1847 will take a number of steps to raise the element of risk for fraudulent telemarketers by directing the U.S. Sentencing Commission to provide for substantially increased penalties for those convicted of telemarketing fraud offenses.

It also requires the Commission to provide an additional appropriate sentencing enhancement for cases in which a large number of vulnerable victims are affected by a fraudulent scheme or schemes. This provision will help to protect those most vulnerable in our society, including seniors and the disabled, from these malicious crimes.

Let me repeat that language from the bill, Mr. Speaker: substantially increased penalties. This language is different from the House-passed version of the bill, which included specific sentencing increases for four levels for general telemarketing fraud and eight levels for telemarketers who defraud the most vulnerable in our society.

Nevertheless, the language in the Senate-passed version was carefully chosen. A minimum increase of two levels is not substantial. The Sentencing Commission recently issued an amendment that would increase by two offense levels, the smallest increase possible, the penalties for fraud offenses that use mass marketing to carry out fraud. While their amendment was a step in the right direction, the step is much too small.

Telemarketing fraud is a serious problem that is growing even as we speak. The Sentencing Guidelines should reflect this; but even with this recent action, they do not. From the House- and Senate-passed bills, it should have been clear to the Sentencing Commission last year the kind of significant increases Congress wanted. Unfortunately, it appears that our intention was not clear.

Therefore, let me make it clear right now, along with my colleague, the gentleman from Florida, and along with the good Senator from Arizona who sponsored this legislation in the Senate, that in the next year we expect the Sentencing Commission to make the kind of substantial penalty increases that are needed to adequately address the growing crime of telemarketing fraud.

In addition to this provision, the bill would also require the Commission to provide an additional appropriate sentencing enhancement if the offense involved sophisticated means, including, but not limited to, sophisticated and concealment efforts, such as perpetrating the offense from outside the United States.

This provision will target those who set up their telemarketing fraud operations in other countries, particularly Canada, in order to evade prosecution. Of the top 11 fraudulent telemarketing company locations in 1996, four were Canadian provinces.

The bill also addresses the problem of victims who are unable to recoup any of their losses after the criminal is caught and convicted. It includes provisions to requiring criminal asset forfeiture to ensure that the fruits of telemarketing fraud crimes will not be used to commit further crimes. It also includes mandatory victim restitution language to ensure that victims are the first to receive restitution for their losses.

The bill includes conspiracy language to the list of enhanced telemarketing fraud penalties. This provision will enable prosecutors to seek our masterminds behind the boiler rooms, the places where the fraudulent telemarketers conduct their illegal activities.

Finally, the bill includes a Senate-passed provision that will help law enforcement effectively combat the problem of telemarketing fraud operations that set up boiler rooms for a few months and then simply disappear.

The provision would protect telemarketing fraud victims by providing law enforcement with the authority to more quickly obtain the name, address, and physical location of businesses suspected of telemarketing fraud. This would only be allowed if the official submitted a written request for this information relevant to a legitimate law enforcement investigation.

Mr. Speaker, the Telemarketing Fraud Prevention Act will serve as a vital tool in the Federal arsenal of weapons available to law enforcement officials in the fight against this crime. I urge my colleagues to support the passage of this important legislation.

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

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

Mr. Speaker, I commend my colleague, the gentleman from Virginia (Mr. GOODLATTE), for introducing this measure, and I am pleased to join with him in supporting it.

As the gentleman has noted, this is actually the second time the House has considered this legislation. We passed it by voice vote last July. Since then, the other body has taken up the bill, amended it, and passed it in the form in which it appears before us today. If we approve this amended bill, it will go straight to the President for his signature.

The purpose of this legislation, as articulated again by the gentleman from Virginia (Mr. GOODLATTE), is to crack down on telemarketing fraud, one of the fastest growing white collar crimes in America.

I would ask that we just pause and reflect for one moment on a single statistic that I suggest is most disturbing, and that is \$40 billion. The Federal Bureau of Investigation has estimated that the amount of fraud that can be allocated to this single white collar economic crime exceeds \$40 billion annually and is growing.

I dare say that if we added all of the crimes committed by violence in this

country ranging from shoplifting to armed robbery, in the aggregate, it would pale in comparison in terms of economic loss to that statistic of \$40 billion a year.

Even those of us who have not been victims of fraud have plenty of experience with telemarketing. What family in America has not sat down for an evening meal only to have the telephone ring and at the other end is a telemarketer selling us something. I am sure many Members like I receive a constant flow of letters complaining about being plagued by telemarketing.

Furthermore, as a woman from Martha's Vineyard in my district laments, every third call is someone trying to sell something unsolicited. For most of us, this is merely a nuisance. We may not want to hear the sales pitch, but at least we usually know when to hang up. But when the caller is a sophisticated scam artist, things are rarely so clear.

We have all heard from constituents who were tricked into contributing to nonexistent charities or conned into throwing away their hard-earned money on phony real estate scams.

One recent Federal investigation uncovered a telemarketing scheme that bilked some 100,000 Americans out of \$35 million. The victims were mostly older Americans who, as my friend and colleague, the gentleman from Virginia (Mr. GOODLATTE), indicated, are the favorite targets of these criminals.

I would suggest, too, we hear much, and much of it is true, about the effort in Congress to federalize what is particularly State crimes. We hear the Chief Justice of the Supreme Court criticizing this body for the federalization of what have traditionally been State crimes. I agree with the Chief Justice. However, in this particular instance, there is a special place and a special role for the Federal Government.

I think that the gentleman from Virginia hit it on the mark when he talked about, in Canada, there is a source of telemarketing fraud that is going on. These crimes particularly are pernicious in the sense that no single jurisdiction can deal with them effectively because these scholars, if you will, in economic crime know that it is beyond the resources that exist currently at the State and local level to deal with this issue, and they can set up their operation in multiple jurisdictions and deal at the national level. This is where the Federal Government ought to allocate its resources. I am pleased that they are doing this.

As the gentleman said, seniors are especially vulnerable to telemarketing fraud because many of them are lonely, homebound, or infirm. For them, that unwanted telephone call can mean the loss of everything they have managed to save over a lifetime.

I am particularly pleased with the penalty enhancements in terms of those victims that are senior citizens. Furthermore, the fact that H.R. 1847

would permit Federal prosecutors to seek forfeiture of the proceeds of telemarketing fraud and of property used by the criminals to carry out the fraud, I think is a particularly important provision.

In these kinds of crime, forfeiture is an important tool that enables prosecutors to shut down a criminal enterprise. I am confident that, in this particular case, it absolutely has a deterrent effect. These people know what they are doing. The profit motive is so significant that they are willing to take the chance, because, historically, white collar crime and economic crime in this country have not received the kind of incarceration and sanctions that it so rightly deserves.

I and others have been working with the gentleman from Illinois (Mr. HYDE) to seek reform of some of the procedures used in Federal forfeiture cases, but I do not think there is any question, as I indicated, that forfeiture should be available in telemarketing fraud.

Again, as my friend, the gentleman from Virginia, pointed out, H.R. 1847 will also increase the penalties for telemarketing fraud by utilizing the Sentencing Commission. In this respect, I submit the Senate has substantially improved the bill. Our original version would have increased the penalties by specific amounts set forth in the legislation.

When the House considered the bill last July, I expressed reservations about that particular provision because I do not believe that Congress should usurp the role we assigned to the U.S. Sentencing Commission in prescribing appropriate sentencing ranges.

The bill before us today directs the Sentencing Commission to amend the Sentencing Guidelines to provide for substantially increased penalties for persons convicted of telemarketing fraud. I believe this is a major improvement in the bill, and I strongly support this change. I anticipate that the Sentencing Commission will listen clearly to the message intended to be sent by this body.

□ 1545

In sum, Mr. Speaker, criminals who prey on the vulnerabilities of others should be held to account. This legislation does just that. I commend the gentleman from Virginia (Mr. GOODLATTE) for his leadership on the issue and urge my colleagues to support this bill.

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

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds, and I do so to thank the gentleman from Massachusetts for his strong support for this legislation. He speaks from authority when he talks about this as a former prosecutor, and I very much respect his remarks and welcome them and welcome his support for this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I just rise briefly to commend both the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Massachusetts (Mr. DELAHUNT) for the great job that they have done in bringing this bill to the floor, apparently without opposition, and that is great work.

We have all heard stories from time to time of telemarketing scams that too often target, as both the gentleman from Virginia and the gentleman from Massachusetts have pointed out, our Nation's older citizens. However, yesterday, I met with a group of seniors in my district from Toms River, New Jersey, and one of my constituents brought this very issue to my attention and shared his own fears of being swindled.

Seniors are apprehensive of these predators, and with good reason. It is a horrible day when greed motivates someone to strip the hard-earned earnings and livelihood an older adult has accumulated over a lifetime. These corrupt schemes will come to an end, or at least will begin to come to an end under this bill.

I fully support the provisions of the Telemarketing Fraud Prevention Act of 1997, which protects seniors and punishes ruthless criminals.

Under this bill, the U.S. Sentencing Commission must increase its punishment level guidelines by eight levels for persons convicted of telemarketing crimes against anyone 55 years of age.

There is no excuse for behavior that victimizes those who rely on their savings to survive. These con artists must be punished for such horrendous crimes. I sincerely hope that one day soon our Nation's seniors will no longer be preyed upon by these criminals.

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

#### GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1847, the bill under discussion.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. VENTO. Mr. Speaker, I rise in support of the Telemarketing Fraud Prevention Act. This legislation represents a positive step in combating the growing problem of consumer and telemarketing fraud. Unfortunately, illegal telemarketing often targets the elderly and the disabled, many of whom lose their life's savings to such scams.

Today telemarketing fraud is in focus. While conditions for older Americans have improved markedly since passage of the Older Americans Act of 1965, many still suffer in abusive situations ranging from financial exploitation to severe consumer and telemarketing fraud. Many seniors are faced with physical or mental disabilities, social isolation and limited financial resources which prevent them from

being able to protect or advocate for themselves.

According to the Federal Trade Commission (FTC), telemarketing fraud has mushroomed into a multi-billion dollar problem in the United States. Every year, thousands of consumers lose anywhere from a few dollars to their life savings to telephone con artists. The Telemarketing Fraud Prevention Act will protect consumers from losing their hard earned income to telemarketing scams.

Specifically, HR 1847 increases the penalties against fraudulent telemarketing by increasing the recommended prison sentences for people convicted of consumer scams and deception. This legislation further increases the penalties incurred for telemarketing and consumer cams specifically targeted at older Americans.

In addition to increasing the consequences of fraudulent telemarketing, the Telemarketing Fraud Prevention Act provides the necessary tools and resources to prevent and uncover illegal schemes that are targeted at older Americans. Telephone companies would be required to provide the name, address and physical location of businesses suspected of conducting telemarketing scams. Since scam artists are relentless in their pursuit of older Americans, this measure would allow Law Enforcement Officials to move more quickly in preventing such schemes and scams from occurring.

Along with the FTC, several sources confirm that telemarketing fraud against older Americans is growing substantially. A 1996 American Association of Retired Persons (AARP) survey of people 50 years or older revealed that 57% were likely to receive calls from telemarketers at least once a week. Moreover, more than half the respondents indicated that they could not distinguish a legitimate telemarketer from a fraudulent one. It is not surprising that a fraud perpetrator would solicit an older American to attain a significant amount of money—often with a single phone call. Many senior citizens have worked diligently throughout their lives to build savings and retirement income.

Congress is moving in the right direction by addressing the growing problems of consumer and telemarketing fraud. We need to provide adequate tools for our Law Enforcement Officers to combat and respond to telemarketing fraud, to punish those who perpetrate it, and to deter others from entering the arena. The Telemarketing Fraud Prevention Act is an important step in protecting our senior citizens from deception tactics and fraudulent activities.

Mr. McCOLLUM. Mr. Speaker, in the 104th Congress, the House of Representatives passed by voice vote an identical version of H.R. 1847, the "Telemarketing Fraud Prevention Act." The Senate failed to act on that legislation before final adjournment, and Mr. GOODLATTE, a dedicated Member of the Judiciary Committee, picked up the flag and decided to advance this important issue in the 105th Congress.

Once again, due to amendments made by the Senate, the House must pass H.R. 1847, a bill which will finally give some measure of protection to this Nation's elderly who are bilked by crooked telemarketers. As the Subcommittee on Crime heard last Congress, some retirees have lost their entire savings to mail and phone scams. The Federal Trade