

105TH CONGRESS
2D SESSION

H. R. 3134

To warn senior citizens of the dangers of telemarketing fraud and to provide them with information that will help them protect themselves.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1998

Mr. WEYGAND (for himself, Mr. WEXLER, Mr. KENNEDY of Rhode Island, Mrs. MALONEY of New York, Mr. FILNER, Mr. LAFALCE, Ms. MILLENDER-MCDONALD, and Mr. SHAYS) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To warn senior citizens of the dangers of telemarketing fraud and to provide them with information that will help them protect themselves.

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 “Protection Against
5 Scams on Seniors Act of 1998”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) telemarketing fraud costs consumers nearly
9 \$40,000,000,000 each year;

1 (2) nearly 10 percent of the 140,000 tele-
2 marketing firms in the United States engage in
3 fraud;

4 (3) senior citizens are often the target of tele-
5 marketing fraud;

6 (4) fraudulent telemarketers compile into
7 “mooch lists” the names of potentially vulnerable
8 consumers;

9 (5) according to the American Association of
10 Retired Persons, 56 percent of the names on “mooch
11 lists” are individuals age 50 or older;

12 (6) the Department of Justice has undertaken
13 successful investigations and prosecutions of tele-
14 marketing fraud through various operations, includ-
15 ing “Operation Disconnect”, “Operation Senior Sen-
16 tinel”, and “Operation Upload”;

17 (7) the Federal Bureau of Investigation has
18 helped provide resources to assist organizations such
19 as the American Association of Retired Persons to
20 operate outreach programs designed to warn senior
21 citizens whose names appear on confiscated “mooch
22 lists”;

23 (8) the Administration on Aging was formed, in
24 part, to provide senior citizens with the resources,

1 information, and assistance their special cir-
2 cumstances require;

3 (9) the Administration on Aging has a system
4 in place to effectively inform senior citizens of the
5 dangers of telemarketing fraud; and

6 (10) senior citizens need to be warned of the
7 dangers of telemarketing fraud before they become
8 victims.

9 **SEC. 3. PURPOSE.**

10 It is the purpose of this Act through education and
11 outreach to protect senior citizens from the dangers of
12 telemarketing fraud and to facilitate the investigation and
13 prosecution of fraudulent telemarketers.

14 **SEC. 4. DISSEMINATION OF INFORMATION.**

15 (a) IN GENERAL.—The Secretary of Health and
16 Human Services, acting through the Assistant Secretary
17 for Aging, shall publicly disseminate in each State infor-
18 mation designed to educate senior citizens and raise
19 awareness about the dangers of telemarketing fraud.

20 (b) INFORMATION.—In carrying out subsection (a),
21 the Secretary shall—

22 (1) inform senior citizens of the prevalence of
23 telemarketing fraud targeted against them;

24 (2) inform senior citizens of how telemarketing
25 fraud works;

1 (3) inform senior citizens of how to identify
2 telemarketing fraud;

3 (4) inform senior citizens of how to protect
4 themselves against telemarketing fraud, including an
5 explanation of the dangers of providing bank ac-
6 count, credit card, or other financial or personal in-
7 formation over the telephone to unsolicited callers;

8 (5) inform senior citizens of how to report sus-
9 pected attempts at telemarketing fraud;

10 (6) inform senior citizens of their consumer
11 protection rights under Federal law; and

12 (7) provide such other information as the Sec-
13 retary considers necessary to protect senior citizens
14 against fraudulent telemarketing.

15 (c) MEANS OF DISSEMINATION.—The Secretary shall
16 determine the means to disseminate information under
17 this section. In making such determination, the Secretary
18 shall consider—

19 (1) public service announcements;

20 (2) a printed manual or pamphlet;

21 (3) an Internet website; and

22 (4) telephone outreach to individuals whose
23 names appear on “mooch lists” confiscated from
24 fraudulent telemarketers.

1 (d) PRIORITY.—In disseminating information under
2 this section, the Secretary shall give priority to areas with
3 high concentrations of senior citizens.

4 **SEC. 5. AUTHORITY TO ACCEPT GIFTS.**

5 The Secretary may accept, use, and dispose of uncon-
6 ditional gifts, bequests, or devises of services or property,
7 both real and personal, in order to carry out this Act.

8 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated \$10,000,000
10 for fiscal year 1998 and such sums as may be necessary
11 for succeeding fiscal years.

12 **SEC. 7. DEFINITION.**

13 For purposes of this Act, the term “State” includes
14 the District of Columbia, the Commonwealth of Puerto
15 Rico, Guam, the Virgin Islands, American Samoa, and the
16 Commonwealth of the Northern Mariana Islands.

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