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“Do-Not-Call List” Testimony
Before the Senate Committee on Commerce, Science, and Transportation*

Testimony by: Lee Hammond**

September 30, 2003

Chairman McCain:

My name is Lee Hammond and I am a member of AARP's Board of Directors. On behalf of AARP and its thirty-five million members, thank you for inviting us here this morning to discuss the importance of implementing and enforcing the Federal Trade Commission's (FTC) national Do Not Call registry. AARP's members have been among the millions of Americans who have taken the initiative to place their phone numbers into the Registry in an effort to reduce the amount of unwanted telemarketing calls. We share your indignation over recent court decisions to stymie this effort and we are here today to offer our assistance in doing what we can to make the Registry and its necessary enforcement, a reality.

AARP's interest in the Telemarketing Sales Rule and concerns about telemarketing abuses are long-standing. Seven years ago we were active participants in the original rulemaking proceeding. Since the adoption of the Rule in 1995, AARP has dedicated significant resources to educating consumers about telemarketing fraud and to working with federal, state and local law enforcement agencies to combat it. We have also worked with state legislatures to enact state telemarketing legislation.

Telemarketing fraud is a major concern for AARP because of the severe effects it has on older Americans, who are victimized in disproportionate numbers. In 1996, we launched a campaign against telemarketing fraud that involved research examining older victims and their behavior, partnerships with enforcement and consumer protection agencies, and repeated delivery of a consistent research-based message. That is: "Fraudulent telemarketers are criminals. Don't fall for a telephone line." AARP has repeated this warning to consumers through public service announcements, educational workshops and program activities since that time.

Due in large part to these concerns, AARP became involved in all facets of telemarketing laws and regulations, participating in workshops held by the FCC and FTC and providing comments and testimony at every opportunity. Our support for a Do Not Call registry has been consistent and long-standing.

Mr. Chairman, following our active involvement in the various proceedings, AARP was front and center in applauding the Federal Trade Commission following its announcement of the creation of the national Do Not Call registry. Our Executive Director and CEO William Novelli commended the Commission for its aggressive action saying that the Registry "will go a long way toward eliminating unwanted telephone calls and return the control of the telephone where it belongs, with the consumer."

Since that day, we have devoted time and resources to ensuring not only that the Registry, moved forward as anticipated, despite a series of roadblocks along the way. We have made certain that AARP's members and the general public were properly educated and made aware of the list. We provided information through our website, publications, and state offices to inform consumers how to sign up for the list and to explain some of the exemptions. Additionally, we worked with the Federal Communications Commission to ensure that their amendments to the Telephone Consumer Protection Act mirrored the fine work of the FTC.

The implementation of a National Do Not Call Registry – that does not preempt the existing laws of some thirty-six states – has been a benchmark of AARP's advocacy efforts in this area. The recognition of the need for the Registry by the Commission late last year was a marvelous holiday present for consumers over the age of fifty, who have long lamented the nuisance created by unwanted telemarketing calls and have been frightened by the danger of telemarketing fraud. Unfortunately, it could become an early Halloween nightmare.

Despite the wishes the some fifty million Americans who have already signed up for the list and were expecting to see it go into effect tomorrow, and the fine work of Congress to overturn the ruling of one federal judge, another federal judge has seen fit to bring the enforcement of the Registry to a grinding halt. Fortunately, the FCC has assured the American people that they will exercise their enforcement authority under the law mitigating the blow to some extent.

We know that we won't be able to completely resolve this problem in the next twenty-four hours. However, we do hope that when tomorrow arrives, the telemarketing industry will heed the resounding voices of millions of consumers who have expressed their desire not to receive telemarketing calls and cease making them.

Mr. Chairman, AARP appreciates having the opportunity to testify today in support of the FTC's efforts to protect consumers by implementing and enforcing the national Do Not Call registry.

Thank you for providing us with the opportunity to voice our views and we look forward to working with you and your colleagues to resolve this problem.

* The *Richmond Journal of Law & Technology* has not verified the accuracy of these remarks.

** Mr. Hammond is a member of the Board of Directors of the AARP. For more information, please contact Mr. Jeff Kramer in Federal Affairs at (202) 434-3800.