

October 6, 1999

REST OF THE TRUTH IN
TELEPHONE BILLING ACT OF 1999

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1999

Mr. MARKEY. Mr. Speaker, I rise to introduce the "Rest of the Truth in Telephone Billing Act of 1999." The title of the bill reflects the fact that some of the "truth in telephone billing" has already been proposed in a bill by two of my esteemed Commerce Committee colleagues, Chairman BLILEY and Telecommunications Subcommittee TAUZIN. I offer the "rest of the truth" to point out that a listing of fees and taxes only provides half the story. The other half of the story is the subsidies in the telecommunications marketplace, which I believe need to be made just as explicit on a consumer's bill as the fees and taxes in order to fully inform consumers of what they do and do not pay for when they subscribe to telecommunications services.

Mr. Speaker, the telecommunications marketplace is rife with such subsidies. Many of these subsidies are quite noble in intention and help to pay for affordable telecommunications service for the poor and for rural consumers. Yet many of these subsidies reflect a historic monopoly marketplace and should be revisited as the marketplace changes. For instance, some of these subsidies may still be needed and there are some which ought to be adjusted (or even eliminated) to reflect a more competitive marketplace.

The "truth," Mr. Speaker, is that many consumers in America today pay too much to support a bloated subsidy system that was designed to support inefficient monopoly-provided service. As efficiencies arrive in the marketplace due to technological changes and the competitive entry of new providers, I believe that many subsidized services could be provided at lower cost, and therefore less subsidy, than previously provided.

Providing subsidies sufficient to keep costs low in rural America and for the inner city poor, or to hook up schools and libraries, ought to be done in a manner that reflects the actual costs of providing the service. In order to ensure that we give consumers the rest of the truth in telephone billing, I suggest in the legislative proposal I am offering today, that we insist that both the fees and taxes AND the subsidies be made explicit for consumers and listed on their bills.

I suggest that we give consumers the full story. Consumers should know when they're paying \$8 in fees or \$18 in taxes. They should also know whether they're simultaneously receiving (or paying) a hitherto implicit subsidy to the tune of \$2 or \$200. I look forward to working with Chairman BLILEY and Chairman TAUZIN on their legislative proposal and to discussions with our other colleagues—both urban and rural—on how we can better ascertain the true costs, true taxes, true fees, and the true subsidies embedded in the telecommunications bills that consumers pay monthly.

EXTENSIONS OF REMARKS

THE NETIZENS PROTECTION ACT
OF 1999

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to announce the introduction of the Netizens Protection Act of 1999. This legislation is carefully tailored to protect consumers and Internet Service Providers (ISPs) from the costs and inconvenience of unsolicited e-mail.

My bill allows Internet Service Providers (ISPs) to take legal action against someone who uses their equipment or facilities—without their permission—to initiate the bulk transmission of unsolicited electronic messages. Equally important, it would also permit consumers to take action against someone who sent them unsolicited e-mail, so-called spam.

The bill is based on a simple principle of fairness: consumers should not have to pay for unwanted messages and neither should their ISP. Spam is not just a nuisance that can be cured by the judicious use of the delete key. Spam literally forces you to pay for the costs of some other person's advertisement—it is like getting a piece of junk mail and then having to pay for the cost of the stamp. Spam exposes you to dangerous viruses that can damage files or harm computer hardware. Spam often consists of illegal pyramid schemes and frequently contains illegal child pornography.

Moreover, even if an Internet user is not paying for the additional time online to retrieve unwanted mail, they are still being charged a higher rate by their ISP for filter services and larger bandwidths to combat "junk e-mail." Unwanted e-mail is costly to both the provider and consumer. The problem is that unlike regular junk mail, where the sender pays for the costs, spam shifts the costs from the sender to the recipient.

My legislation would require anyone sending an unsolicited electronic message to provide a name, a physical mailing address, and the electronic mail address of the person who initiated the message, along with a method by which the recipient of the message could contact the transmitter of the electronic mail to request that no further messages be sent. If someone was sent unsolicited e-mail from someone they contacted to request no further mail be sent, they could pursue legal action to recover treble damages.

Along with empowering the consumer to take action against spam, my bill also allows ISP's to seek legal remedies if someone violates their policies against unsolicited electronic mail messaging. Additionally, ISP's would be required to explain their unsolicited e-mail policies in simple terms so spammers could be forewarned and users could make an informed decision about what ISP to use, as well as whether they wanted unsolicited e-mail blocked. Consumers would and should be able to decide whether they want to receive unsolicited e-mail. My bill does that. Furthermore, the consumer would be able to take legal action if a spammer did not respect their wishes under the Netizens Protection Act.

The Netizens Protection Act is directed at the big spammers who tie-up networks with

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thousands upon thousands of messages. It would not go after someone who just sent a few messages either inadvertently or even intentionally. Language in my bill would allow someone to send up to 50 identical or substantially similar messages to recipients within a seven day period.

My legislation would also not interfere with or affect direct e-mail advertising or marketing. All avenues of legitimate direct marketing would remain. If any previous business relationship existed between the e-mailer and the e-mail recipient, my legislation would not affect the e-mail transaction. For example, if someone made a purchase at a retail store, a business relationship would exist, so that retailer could send e-mail updates to that customer and still maintain compliance with the Netizens Protection Act. Indeed, I believe that unless legislation is enacted to protect consumers from spam, it will discourage the expansion of Internet business and commerce.

HONORING JANICE JAMES

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1999

Mrs. NORTHUP. Mr. Speaker, several weeks ago I had the honor to meet with Janice James, the Kentucky Teacher of the Year. In light of constant stories about the crisis in our nation's schools, it is important to recognize the dedication and outstanding achievements of our teachers. Ms. James serves as the perfect example. It is my honor to pay tribute to someone who has made such a difference to so many children.

Janice James has had a distinguished career as a primary teacher at Price Elementary School in Louisville, Kentucky for 27 years. As part of her teaching philosophy she provides her students with numerous hands-on activities to keep them fully engaged. Ms. James also encourages her students to explore the process of learning by thinking out loud and by pushing them to find multiple solutions to problems. I was particularly impressed by her creative way to encourage students to think more broadly: she hands them a pair of rose-colored glasses every time she wants them to think in a different way.

Janice James has also instilled a sense of leadership in her students through their participation in the Price Leaders of Today program. Students are addressed by key leaders in the Louisville community and are inspired to become leaders and thinkers themselves. Janice James is a teacher who knows how to get the job done. She knows it takes hard work, it takes flexibility, and it takes a commitment to each child. I was proud to hear that Janice James supports what this Congress is trying to do—give schools and teachers the ability to make the choices which best reflect their students needs. We are all in agreement that such changes will help improve education—for Janice James and her students.

Ms. James' remarkable contribution to the field of education deserves our respect and our gratitude. Again, I offer my congratulations to Janice James for this outstanding achievement.