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To require the Secretary of Labor to maintain a publicly available list of all employers that relocate a call center or contract call center work overseas, to make such companies ineligible for Federal grants or guaranteed loans, and to require disclosure of the physical location of business agents engaging in customer service communications, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2024

Mr. CASEY (for himself, Ms. BALDWIN, Mr. BLUMENTHAL, Ms. BUTLER, Mr. CARDIN, Mr. DURBIN, Mr. FETTERMAN, Mrs. GILLIBRAND, Ms. HASSAN, Mr. MARKEY, Mr. MERKLEY, Mr. PADILLA, Mr. PETERS, Ms. ROSEN, Mr. SANDERS, Ms. STABENOW, Mr. VAN HOLLEN, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Secretary of Labor to maintain a publicly available list of all employers that relocate a call center or contract call center work overseas, to make such companies ineligible for Federal grants or guaranteed loans, and to require disclosure of the physical location of business agents engaging in customer service communications, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “United States Call Center Worker and Consumer Protec-
 4 tion Act of 2024”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

**TITLE I—CONSEQUENCES FOR RELOCATING OR CONTRACTING
 OUT CALL CENTER WORK OVERSEAS**

Sec. 101. List of call centers relocating or contracting call center work overseas
 and ineligibility for grants or guaranteed loans.

Sec. 102. Rule of construction related to Federal benefits for workers.

Sec. 103. Report regarding Federal call center work locations.

Sec. 104. Requirement that call center work under a Federal contract be per-
 formed inside the United States.

**TITLE II—REQUIRED DISCLOSURE OF PHYSICAL LOCATIONS IN
 CUSTOMER SERVICE COMMUNICATIONS**

Sec. 201. Required disclosure by business entities engaged in customer service
 communications of physical location.

Sec. 202. Enforcement.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) **AGENCY.**—The term “agency” means a
 10 Federal or State executive agency or a military de-
 11 partment.

12 (2) **BUSINESS ENTITY.**—The term “business
 13 entity” means any organization, corporation, trust,
 14 partnership, sole proprietorship, unincorporated as-
 15 sociation, or venture established to make a profit, in
 16 whole or in part, by purposefully availing itself of

1 the privilege of conducting commerce in the United
2 States.

3 (3) CALL CENTER.—The term “call center”
4 means a facility or other operation whereby employ-
5 ees receive incoming telephone calls, emails, or other
6 electronic communication for the purpose of pro-
7 viding customer assistance or other service.

8 (4) CONSUMER.—The term “consumer” means
9 any individual within the territorial jurisdiction of
10 the United States who purchases, transacts, or con-
11 tracts for the purchase or transaction of any goods,
12 merchandise, or services, not for resale in the ordi-
13 nary course of the individual’s trade or business, but
14 for the individual’s use or that of a member of the
15 individual’s household.

16 (5) CONTRACTING CALL CENTER WORK OVER-
17 SEAS.—The term “contracting call center work over-
18 seas” means transferring the work of a call center,
19 or of one or more facilities or operating units within
20 a call center comprising at least 30 percent of the
21 total volume of the call center or operating unit
22 when measured against the previous 12-month aver-
23 age call volume of operations or substantially similar
24 operations, through a contract or other agreement to

1 another entity who will perform that work outside of
2 the United States.

3 (6) CUSTOMER SERVICE COMMUNICATION.—

4 The term “customer service communication” means
5 any telecommunication or wire communication be-
6 tween a consumer and a business entity in further-
7 ance of commerce.

8 (7) EMPLOYER.—The term “employer” means
9 any business enterprise that employs in a call cen-
10 ter—

11 (A) 50 or more employees, excluding part-
12 time employees; or

13 (B) 50 or more employees who in the ag-
14 gregate work at least 1,500 hours per week (ex-
15 clusive of hours of overtime).

16 (8) PART-TIME EMPLOYEE.—The term “part-
17 time employee” means an employee who is employed
18 for an average of fewer than 20 hours per week or
19 who has been employed for fewer than 6 of the 12
20 months preceding the date on which notice is re-
21 quired.

22 (9) RELOCATING AND RELOCATION.—The
23 terms “relocating” and “relocation” refer to the clo-
24 sure of a call center, or the cessation of operations
25 of a call center, or one or more facilities or operating

1 units within a call center comprising at least 30 per-
2 cent of the total volume of the call center or oper-
3 ating unit, when measured against the previous 12-
4 month average call volume of operations or substan-
5 tially similar operations, and the transferring of the
6 operations of the call center (or facilities or oper-
7 ating units) to another location outside of the
8 United States.

9 (10) SECRETARY.—The term “Secretary”
10 means the Secretary of Labor.

11 (11) TELECOMMUNICATION.—The term “tele-
12 communication” means the transmission, between or
13 among points specified by the communicator, of in-
14 formation of the communicator’s choosing, without
15 change in the form or content of the information as
16 sent and received.

17 (12) WIRE COMMUNICATION.—The term “wire
18 communication” means the transmission of writing,
19 signs, signals, pictures, and sounds of all kinds by
20 aid of wire, cable, or other like connection between
21 the points of origin and reception of such trans-
22 mission, including all instrumentalities, facilities, ap-
23 paratus, and services (among other things, the re-
24 ceipt, forwarding, and delivery of communications)
25 incidental to such transmission.

1 **TITLE I—CONSEQUENCES FOR**
 2 **RELOCATING OR CON-**
 3 **TRACTING OUT CALL CENTER**
 4 **WORK OVERSEAS**

5 **SEC. 101. LIST OF CALL CENTERS RELOCATING OR CON-**
 6 **TRACTING CALL CENTER WORK OVERSEAS**
 7 **AND INELIGIBILITY FOR GRANTS OR GUAR-**
 8 **ANTEED LOANS.**

9 (a) LIST.—

10 (1) NOTICE REQUIREMENT.—

11 (A) IN GENERAL.—Not fewer than 120
 12 days before relocating a call center outside of
 13 the United States, or contracting call center
 14 work overseas, an employer shall notify the Sec-
 15 retary of such relocation or contracting.

16 (B) PENALTY.—A person who violates sub-
 17 paragraph (A) shall be subject to a civil penalty
 18 not to exceed \$10,000 for each day of violation.

19 (2) ESTABLISHMENT AND MAINTENANCE OF
 20 LIST.—

21 (A) IN GENERAL.—The Secretary shall es-
 22 tablish, maintain, and make available to the
 23 public a list of all employers who relocate a call
 24 center or contract call center work overseas, as
 25 described in paragraph (1)(A).

1 (B) TERM.—Each employer included in
2 the list required by subparagraph (A) shall re-
3 main on the list for a period not to exceed 5
4 years after each instance of relocating a call
5 center or contracting call center work overseas.

6 (C) REMOVAL.—The Secretary may re-
7 move an employer from the list required by sub-
8 paragraph (A) if the Secretary determines
9 that—

10 (i)(I) the employer has relocated a call
11 center from a location outside of the
12 United States to a location in the United
13 States; and

14 (II) the new call center in the United
15 States employs a number of employees
16 equal to or greater than the number of em-
17 ployees who worked at the original call
18 center that was relocated to a location out-
19 side of the United States; or

20 (ii) in the case of an employer who
21 contracted call center work overseas, the
22 employer demonstrates that the contract or
23 agreement has been amended to require
24 that all employees performing call center

1 work under the contract or agreement will
2 be located in the United States.

3 (b) INELIGIBILITY FOR GRANTS OR GUARANTEED
4 LOANS.—

5 (1) INELIGIBILITY.—Except as provided in
6 paragraph (2) and notwithstanding any other provi-
7 sion of law, an employer who appears on the list re-
8 quired by subsection (a)(2)(A) shall be ineligible for
9 any direct or indirect Federal grants or Federal
10 guaranteed loans for 5 years after the date such em-
11 ployer was added to the list.

12 (2) EXCEPTIONS.—The Secretary, in consulta-
13 tion with the appropriate agency providing a loan or
14 grant, may waive the eligibility restriction provided
15 under paragraph (1) if the employer applying for
16 such loan or grant demonstrates that a lack of such
17 loan or grant would—

18 (A) threaten national security;

19 (B) result in substantial job loss in the
20 United States; or

21 (C) harm the environment.

22 (c) PREFERENCE IN FEDERAL CONTRACTING FOR
23 NOT RELOCATING OR CONTRACTING CALL CENTER
24 WORK OVERSEAS.—The head of an agency, when award-
25 ing a civilian or defense-related Federal contract, shall

1 give preference to a United States employer that does not
2 appear on the list required by subsection (a)(2)(A).

3 (d) EFFECTIVE DATE.—This section shall take effect
4 on the date that is 1 year after the date of the enactment
5 of this Act.

6 **SEC. 102. RULE OF CONSTRUCTION RELATED TO FEDERAL**
7 **BENEFITS FOR WORKERS.**

8 No provision of this title shall be construed to permit
9 withholding or denial of payments, compensation, or bene-
10 fits under any provision of Federal law (including Federal
11 unemployment compensation, disability payments, or
12 worker retraining or readjustment funds) to workers em-
13 ployed by employers that relocate operations outside the
14 United States.

15 **SEC. 103. REPORT REGARDING FEDERAL CALL CENTER**
16 **WORK LOCATIONS.**

17 By not later than 1 year after the date of enactment
18 of this Act, the Secretary of Labor shall prepare and sub-
19 mit to Congress a report that documents the location, and
20 amount, of call center work conducted by or for the Fed-
21 eral Government, including—

22 (1) a determination of the amount of such Fed-
23 eral call center work that is conducted by Federal
24 employees, and the amount conducted by Federal
25 contractors; and

1 (2) all locations at which such Federal call cen-
 2 ter work is being conducted, whether by Federal em-
 3 ployees or through Federal contracts.

4 **SEC. 104. REQUIREMENT THAT CALL CENTER WORK UNDER**
 5 **A FEDERAL CONTRACT BE PERFORMED IN-**
 6 **SIDE THE UNITED STATES.**

7 The head of an agency, when awarding a civilian or
 8 defense-related Federal contract, shall require as a condi-
 9 tion of the contract that any call center work performed
 10 in connection with the contract or any subcontract under
 11 the contract shall be performed inside the United States.

12 **TITLE II—REQUIRED DISCLO-**
 13 **SURE OF PHYSICAL LOCA-**
 14 **TIONS IN CUSTOMER SERV-**
 15 **ICE COMMUNICATIONS**

16 **SEC. 201. REQUIRED DISCLOSURE BY BUSINESS ENTITIES**
 17 **ENGAGED IN CUSTOMER SERVICE COMMU-**
 18 **NICATIONS OF PHYSICAL LOCATION.**

19 (a) IN GENERAL.—Except as provided in subsection
 20 (b), a business entity that either initiates or receives a cus-
 21 tomer service communication shall require that each of its
 22 employees or agents participating in the communication
 23 disclose their physical location at the beginning of each
 24 customer service communication so initiated or received.

25 (b) EXCEPTIONS.—

1 (1) BUSINESS ENTITIES LOCATED IN THE
2 UNITED STATES.—The requirements of subsection
3 (a) shall not apply to a customer service communica-
4 tion involving a business entity if all of the employ-
5 ees or agents of the business entity participating in
6 such communication are physically located in the
7 United States.

8 (2) COMMUNICATION INITIATED BY CONSUMER
9 KNOWINGLY TO FOREIGN ENTITY OR ADDRESS.—
10 The requirements of subsection (a) shall not apply
11 to an employee or agent of a business entity partici-
12 pating in a customer service communication with a
13 consumer if—

14 (A) the customer service communication
15 was initiated by the consumer;

16 (B) the employee or agent is physically lo-
17 cated outside the United States; and

18 (C) the consumer knows or reasonably
19 should know that the employee or agent is
20 physically located outside the United States.

21 (3) EMERGENCY SERVICES.—The requirements
22 of subsection (a) shall not apply to a customer serv-
23 ice communication relating to the provision of emer-
24 gency services (as defined by the Federal Trade
25 Commission).

1 (4) BUSINESS ENTITIES AND CUSTOMER SERV-
2 ICE COMMUNICATIONS EXCLUDED BY FEDERAL
3 TRADE COMMISSION.—The Federal Trade Commis-
4 sion may exclude certain classes or types of business
5 entities or customer service communications from
6 the requirements of subsection (a) if the Commission
7 finds exceptionally compelling circumstances that
8 justify such exclusion.

9 (c) TRANSFER TO U.S.-BASED CUSTOMER SERVICE
10 CENTER.—A business entity that is subject to the require-
11 ments of subsection (a) shall, at the request of a customer,
12 transfer the customer to a customer service agent who is
13 physically located in the United States.

14 (d) CERTIFICATION REQUIREMENT.—Each year,
15 each business entity that participates in a customer service
16 communication shall certify to the Federal Trade Commis-
17 sion that it has complied or failed to comply with the re-
18 quirements of subsections (a) and (c).

19 (e) REGULATIONS.—Not later than 1 year after the
20 date of the enactment of this Act, the Federal Trade Com-
21 mission shall promulgate such regulations as may be nec-
22 essary to carry out the provisions of this section.

23 (f) EFFECTIVE DATE.—The requirements of sub-
24 section (a) shall apply with respect to customer service

1 communications occurring on or after the date that is 1
2 year after the date of the enactment of this Act.

3 **SEC. 202. ENFORCEMENT.**

4 (a) IN GENERAL.—Any failure to comply with the
5 provisions of section 201 shall be treated as a violation
6 of a regulation under section 18(a)(1)(B) of the Federal
7 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regard-
8 ing unfair or deceptive acts or practices.

9 (b) POWERS OF FEDERAL TRADE COMMISSION.—

10 (1) IN GENERAL.—The Federal Trade Commis-
11 sion shall prevent any person from violating section
12 201 and any regulation promulgated thereunder, in
13 the same manner, by the same means, and with the
14 same jurisdiction, powers, and duties as though all
15 applicable terms and provisions of the Federal Trade
16 Commission Act (15 U.S.C. 41 et seq.) were incor-
17 porated into and made a part of this Act.

18 (2) PENALTIES.—Any person who violates regu-
19 lations promulgated under section 201 shall be sub-
20 ject to the penalties and entitled to the privileges
21 and immunities provided in the Federal Trade Com-
22 mission Act in the same manner, by the same
23 means, and with the same jurisdiction, power, and
24 duties as though all applicable terms and provisions

1 of the Federal Trade Commission Act were incor-
2 porated into and made part of this Act.

3 (c) AUTHORITY PRESERVED.—Nothing in this sec-
4 tion or section 201 shall be construed to limit the author-
5 ity of the Federal Trade Commission under any other pro-
6 vision of law.

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