

AMENDMENT NO.

CAL. NO.

[STAFF WORKING DRAFT]

June 23, 2005

Purpose: To require post-date-of-enactment authorization for an established business relationship to a telephone facsimile machine.

IN THE SENATE OF THE UNITED STATES—109TH Cong., 1ST Sess.

S. 714, 109TH Congress, 1ST Session

JUNE —, 2005

() Referred to the Committee on _____ and ordered to be printed

() Ordered to lie on the table and to be printed

INTENDED to be proposed by Mrs. BOXER (for herself and Mr. SMITH)

Viz:

1 On page 2, line 15, strike “and”.

2 On page 2, between lines 15 and 16, insert the following:
3

4 “(ii) the sender obtained the number
5 of the telephone facsimile machine
6 through—

7 “(I) the voluntary communication
8 of such number, within the context of

1 such established business relationship,
2 from the recipient of the unsolicited
3 advertisement, or

4 “(II) a directory, advertisement,
5 or site on the Internet to which the
6 recipient voluntarily agreed to make
7 available its facsimile number for pub-
8 lic distribution,

9 except that this clause shall not apply in
10 the case of an unsolicited advertisement
11 that is sent based on an established busi-
12 ness relationship with the recipient that
13 was in existence before the date of enact-
14 ment of the Junk Fax Prevention Act of
15 2005 if the sender possessed the facsimile
16 machine number of the recipient before
17 such date of enactment; and

18 On page 2, strike lines 16 through 26 and insert the
19 following:

20 “(iii) the unsolicited advertisement
21 contains a notice meeting the requirements
22 under paragraph (2)(D),

23 except that the exception under clauses (i) and
24 (ii) shall not apply with respect to an unsolic-
25 ited advertisement sent to a telephone facsimile

1 machine by a sender to whom a request has
2 been made not to send future unsolicited adver-
3 tisements to such telephone facsimile machine
4 that complies with the requirements under
5 paragraph (2)(E); or”.

6 On page 7, line 17, strike “(1)(C)(ii),” and insert
7 “(1)(C)(iii),”.

8 On page 7, line 25, strike “(1)(C)(ii)” and insert
9 “(1)(C)(iii)”.

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