

MITCH McCONNELL  
Kentucky

361-A RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-1702  
(202) 224-2541

## United States Senate

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June 14, 2002

The Honorable Timothy Muris  
Chairman  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

Dear Chairman Muris:

I write to share with you concerns regarding the Federal Trade Commission's (FTC) proposal to establish a federal "do-not-call" list and the potentially harmful impact this proposal might have on legitimate charities.

As you well know, America is a generous and compassionate nation. In times of crisis, the American people open their hearts and their pocketbooks to aid their fellow citizens in need. Tragically, this support has proven an irresistible target to criminals who prey upon the generous and good-hearted nature of Americans. Each year, well-meaning Americans unwittingly contribute an estimated \$1.5 billion to fraudulent charities. All too often, these criminals prey on their well-intentioned victims by posing as representatives of law enforcement or firefighter organizations. Not only do these criminals steal valuable resources from worthy recipients, but they erode the trust of the American people in legitimate charitable organizations, like the Fraternal Order of Police (FOP).

In an effort to protect generous citizens and the charitable institutions they support, I was proud to introduce the Crimes Against Charitable Americans Act and secure its inclusion in the USA PATRIOT Act. This legislation strengthens federal laws regulating charitable phone solicitations. The bill also takes important steps to combat deceptive charitable solicitations by requiring telemarketers to make common sense disclosures such as the charity's identity and address at the beginning of the phone call.

As you know, several months after the enactment of the Crimes Against Charitable Americans Act, the FTC proposed the establishment of a federal, centralized "do-not-call" registry. If this new rule is adopted, individuals could place their names on the "do-not-call" list, and telemarketers would be prohibited from calling them. It is worth noting that the FTC's proposed "do-not-call" list would not apply to charitable or benevolent organizations, but would apply to any authorized agents they may hire to solicit donations.

The FTC proposed this new regulation on January 22, 2002 – almost three months after the USA PATRIOT Act was signed into law. When Congress enacted this legislation, it did not envision, nor did it call for, the FTC to propose a federal "do-not-call" list, and certainly not a list that applied to charitable organizations or their authorized agents. Since these regulations were first proposed, I have heard from several charitable organizations, many of whom supported the Crimes Against Charitable Americans Act, that are deeply concerned that this new, unanticipated

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FTC requirement will hinder their ability to raise charitable contributions. I have enclosed several letters that I recently received from the Grand Lodge Fraternal Order of Police, the Kentucky Professional Firefighters and the Kentucky Veterans of Foreign Wars that highlight these concerns. I share these concerns and have informed these organizations that the Crimes Against Charitable Americans Act never intended, called-for, required, or even envisioned the "do-not-call" list that the FTC is now proposing.

Thank you in advance for your attention to this matter. As the author of the Crimes Against Charitable Americans Act, I can assure you that Congress intended to strengthen and protect our nation's charities, not weaken them.

Sincerely,



MITCH McCONNELL  
UNITED STATES SENATOR

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