

ADAM H. PUTNAM
12TH DISTRICT, FLORIDA

508 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0817
(202) 224-1252

710 EAST MAIN STREET
BARTOW, FL 33830-4832
(883) 534-3530

www.house.gov/putnam
ask.adam@mail.house.gov



Congress of the United States
House of Representatives

AGRICULTURE

SUBCOMMITTEES:
DEPARTMENT OPERATIONS, OVERSIGHT,
NUTRITION AND FORESTRY
LIVESTOCK AND HORTICULTURE
SPECIALTY CROPS AND
FOREIGN AGRICULTURE PROGRAMS
CONSULTATION, CREDIT, RURAL
DEVELOPMENT AND RESEARCH

BUDGET

GOVERNMENT REFORM

SUBCOMMITTEES
VICE CHAIRMAN
NATIONAL SECURITY, VETERANS AFFAIRS,
AND INTERNATIONAL RELATIONS
GOVERNMENT EFFICIENCY, FINANCIAL
MANAGEMENT AND INTERGOVERNMENTAL
RELATIONS

JOINT ECONOMIC COMMITTEE

September 13, 2002

The Honorable Timothy J. Muris
Chairman of the Federal Trade Commission
600 Pennsylvania Ave, N.W.
Suite 404
Washington, D.C., 20580

Dear Chairman Muris:

Enclosed please find correspondence from Commissioner Charles H. Bronson of the Florida Department of Agriculture and Consumer Services concerning the Federal Trade Commission's (FTC) review of its Telemarketing Sales Rule and the proposed changes relating to a national "No Call" Registry.

Commissioner Bronson raises several areas of concern regarding policy changes with regard to the national "No Call" Registry and its potential impact upon the state of Florida. I would greatly appreciate it if you were to look over the issues that Commissioner Bronson raises and respond to his concerns. Please send a copy of your response to me as well.

With my regards, I remain

Sincerely,

Adam H. Putnam
Member of Congress

AHP/twc
Enclosure



Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800

September 11, 2002

Please Respond to:

The Honorable Adam Putnam
United States House of Representatives
Washington, DC 20515

VIA FAX

Dear Representative Putnam:

In Florida, we have undertaken a tremendous effort to provide consumers with privacy protection while, at the same time, balancing the interests of businesses. Given our shared desire to afford consumers the greatest level of protection from unwanted telemarketing calls, I am compelled to write you today. Specifically, I want to voice my concerns regarding the Federal Trade Commission's (FTC) review of its Telemarketing Sales Rule and the proposed changes relating to a national "No Call" Registry.

I am hopeful that the proposed federal regulation will serve to augment and complement existing state efforts in this area. Consumers are best protected when state and federal resources and talents are used in conjunction with one another. While the proposed rule would not expressly replace existing state law, I believe we all recognize that, unless carefully crafted, the adoption of a federal rule that does not actively partner with the states will lead to erosion in consumer protection by creating gaps in enforcement. As the elected official charged with providing consumer services to Florida's citizens, I am greatly encouraged by the efforts of the FTC with regard to the proposed rule. However, my concern is that we find a way to use our respective resources creatively in such a way that consumer protection is advanced even further beyond the high level we currently enjoy in Florida. In reviewing the proposed rule and its interplay with existing state law, we have identified several areas of concern and we are hopeful that you will help resolve them.

States often charge consumers a nominal fee to have their names placed on a "no calls" list. These fees, along with revenues generated from list sales and fines levied as a result of enforcement actions, pay the costs associated with providing consumer service, handling consumer complaints and pursuing enforcement activities relating to telemarketers in violation of state law. The practical effect of free registration on a national "No Call" registry will certainly be the downsizing, if not outright elimination, of states' "No Call" programs. The FTC's action will certainly broaden the number of people on a registry. However, we anticipate that most consumers will continue to direct complaints to the state agency charged with consumer protection. How does the FTC anticipate the ability of states to review and process the thousands of complaints they will receive each month when funding is no longer available to support such programs?



Florida Agriculture and Forest Products
\$53 Billion for Florida's Economy

The Honorable Adam Putnam
Page 2
September 11, 2002

We know from experience in Florida that it is a tremendous task to verify complaints to determine their validity, as consumers oftentimes are unable to provide complete information about a call.

Enforcement is another key concern. It is anticipated, based on information we have received, that the states will enforce the national "No Call" Registry. Nevertheless, under federal law, states currently may only seek injunctive relief when enforcing the Telemarketing Sales Rule. Knowing that states are grappling with many of the same budgetary issues as the federal government, again what provisions has the FTC made for states to be able to provide enforcement for the national "No Call" Registry when the necessary budgetary resources to provide such enforcement are no longer available?

Currently, the FTC does not have jurisdiction over intrastate calls, insurance companies and common carriers that are currently covered by state laws. How will consumers who are only on the national registry be protected from these types of calls?

Additionally, what remedies will be available at the federal level to ensure consumer privacy? We continue to view the invasion of a consumer's privacy as a serious problem when said consumer does not want to be contacted at his or her home.

The right of the consumer must remain the paramount focus no matter what avenues are pursued on the federal level. Educating consumers will be vital to the success of any program, and I am committed to working with the FTC in this regard. However, we are all responsible to the citizens to ensure the work we have initiated over the past few years to establish "No Call" programs on the state level does not become eroded through well-intended federal legislation.

I appreciate any assistance you can provide on these critical but as of yet unresolved issues. Please feel free to contact me if you should have any questions or require additional information.

Sincerely,



CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE

cc: Florida's Congressional Delegation