



OFFICE OF ADVOCACY *FACTSHEET*

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Advocacy Urges FCC to Extend Compliance Deadline for "Do Not Fax" Rules

On September 7, 2004, the Office of Advocacy (Advocacy) filed a letter with the Federal Communications Commission (FCC) in support of the Fax Ban Coalition's and the National Association of Realtors' Petitions for Extension of Stay. The petitioners are requesting that the FCC extend the stay of its "Do Not Fax" rules for six months beyond the January 1, 2005, deadline. A complete copy of Advocacy's letter may be accessed at <http://www.sba.gov/advo/laws/comments/>.

- The FCC adopted its Do Not Fax rules on June 26, 2003. These rules removed the "established business relationship" exemption and will require all businesses to have express written permission from the recipient before sending a commercial advertisement via fax. On August 18, 2003, the FCC stayed enforcement of this rule until January 1, 2005.
- The FCC rule has an unintended consequence of being overly burdensome on small businesses, and Congress needs to correct this mistake through junk fax prevention legislation. H.R. 4600, the Junk Fax Prevention Act, passed the House of Representatives on June 16, 2004. The companion bill, S. 2603, passed the Senate Commerce Committee on July 22, 2004, and is awaiting consideration by the full Senate. A six-month extension would provide additional time for Congress to act and present legislation to the President to resolve this important issue.
- Without an extension of the stay, small businesses would need to take steps to obtain written consents from fax recipients with whom they have an existing business relationship in anticipation of the January 1, 2005, deadline. The economic impact of this requirement on small businesses will be significant. Furthermore, the fax rules included several provisions that need clarifying. The clarifications would be made through an order on reconsideration from the FCC, which has not been released yet, giving the small businesses less than four months before the end of the current stay.

For more information, visit Advocacy's website at <http://www.sba.gov/advo/> or contact Eric Menge at (202) 205-6533.