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\$ 100,000	\$7.09	\$7.09	\$11.29	\$ 100,000	\$6.56	\$6.56	\$9.80	
\$ 500,000	\$16.19	\$16.19	\$32.38	\$ 500,000	\$14.00	\$14.00	\$26.69	
\$ 1,000,000	\$26.25	\$26.25	\$56.00	\$ 1,000,000	\$21.88	\$21.88	\$48.13	

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## Opinion XML

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Posted on Thu, Apr. 14, 2005

### If flawed bill wins OK, better stock up on paper

Mercury News Editorial

The law that made junk faxes illegal more than a decade ago has been remarkably effective. The flood of faxes pitching everything from mortgages to cleaning services that used to drown fax machines and cost businesses and individuals a bundle has slowed to a trickle.

But if Congress passes the oddly named Junk Fax Prevention Act in its current form, the floodgates would reopen. The bill would gut the junk-fax ban, destroying one of the most successful congressional efforts to protect consumers from unwanted, intrusive marketing.

The bill's original intent was good. It was to allow legitimate businesses to continue faxing their customers without having to obtain written consent, a burdensome new requirement that would have imposed mountains of needless paperwork on business owners.

But in the process, lawmakers carved out an exemption to the ban that allows business to fax advertisements to anyone who has ever done business with them. The so-called "existing business relationship" exemption is unnecessary. It opens a loophole big enough to drive a semi full of fax paper through.

Under the exemption, any business you've ever visited could start faxing you ads about anything. Big-box stores and other large national businesses, including some Internet firms, could legitimately claim that they have an existing business relationship with just about every American and start faxing them coupons for shaving cream, offers for vacation packages in Florida or anything else.

Most legitimate businesses would not do this. But if even a few national firms decided it was a good idea, fax machines would become worthless. Blast fax companies, which used to send millions of faxes each day on behalf of other businesses, would be back in business with a vengeance.

The "existing business relationship" exemption would again legalize junk faxes, which are nothing less than advertising by theft. They force recipients to pay for ads they never wanted. The Senate committee considering the bill today should get rid of this provision before sending the rest to the Senate floor.

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