

Other lessons:

penetrating injuries are the most important type, accounting for up to 50% of all ocular injuries, and

there is no delayed primary closure in ophthalmology; the primary repair almost always is the definitive repair.

Finally, because of the nature of modern weaponry, ocular injuries often are bilateral. More than half of all eye injuries (57%) are caused by improvised explosive devices (IEDs). The remaining injuries were caused by rocket-propelled grenades, gunshot wounds, mortar and shrapnel, land mines, and other causes.

Surprisingly, according to Dr. Ward, the incidence of endophthalmitis was 0%, despite the fact that approximately 25% of ocular injuries are caused by intraocular foreign bodies. Another factor that did not seem to affect the incidence was that the foreign bodies were not removed for weeks in many cases. Dr. Ward wondered whether the lack of endophthalmitis may have been the result of the use of topical and systemic third- or fourth-generation fluoroquinolones.

The IEDs being used are increasingly more powerful, and Dr. Ward showed that the injuries sustained with more recent ones cause more damage.

Many more eye injuries do not result in evacuation to the combat support hospital, he said. "As of late 2005, approximately 3,000 ocular injuries were reported as having been treated and the soldiers returned to duty. There were a total of 14,559 eye-related patient encounters by optometrists in the theater of war. This [number] from the Army is considered low as the result of inconsistent reporting," Dr. Ward emphasized.

Armor to protect the eyes has been used over the centuries, and it has been shown to be effective in eliminating war-related problems. Sympathetic ophthalmia, Dr. Ward pointed out, developed in about 0.3 percent of ocular injuries during World War II. Only one documented case has been reported by U.S. forces since the beginning of Operation Iraqi Freedom.

A statistic that emphasizes the importance of prevention is that ocular injuries hold the number four slot for disability behind amputation, traumatic brain injury, and post-traumatic stress disorder.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ALTMIRE). The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 855.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 855.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DO-NOT-CALL REGISTRY FEE EXTENSION ACT OF 2007

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2601) to extend the authority of the Federal Trade Commission to collect fees to administer and enforce the provisions relating to the "Do-not-call" registry of the Telemarketing Sales Rule, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Do-Not-Call Registry Fee Extension Act of 2007".

SEC. 2. FEES FOR ACCESS TO REGISTRY.

Section 2, of the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) is amended to read as follows:

"SEC. 2. TELEMARKETING SALES RULE; DO-NOT-CALL REGISTRY FEES.

"(a) IN GENERAL.—The Federal Trade Commission shall assess and collect an annual fee pursuant to this section in order to implement and enforce the 'do-not-call' registry as provided for in section 310.4(b)(1)(iii) of title 16, Code of Federal Regulations, or any other regulation issued by the Commission under section 3 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102).

"(b) ANNUAL FEES.—

"(1) IN GENERAL.—The Commission shall charge each person who accesses the 'do-not-call' registry an annual fee that is equal to the lesser of—

"(A) \$54 for each area code of data accessed from the registry; or

"(B) \$14,850 for access to every area code of data contained in the registry.

"(2) EXCEPTION.—The Commission shall not charge a fee to any person—

"(A) for accessing the first 5 area codes of data; or

"(B) for accessing area codes of data in the registry if the person is permitted to access, but is not required to access, the 'do-not-call' registry under section 310 of title 16, Code of Federal Regulations, section 64.1200 of title 47, Code of Federal Regulations, or any other Federal regulation or law.

"(3) DURATION OF ACCESS.—

"(A) IN GENERAL.—The Commission shall allow each person who pays the annual fee described in paragraph (1), each person excepted under paragraph (2) from paying the annual fee, and each person excepted from paying an annual fee under section 310.4(b)(1)(iii)(B) of title 16, Code of Federal Regulations, to access the area codes of data in the 'do-not-call' registry for which the person has paid during that person's annual period.

"(B) ANNUAL PERIOD.—In this paragraph, the term 'annual period' means the 12-month period beginning on the first day of the month in which a person pays the fee described in paragraph (1).

"(c) ADDITIONAL FEES.—

"(1) IN GENERAL.—The Commission shall charge a person required to pay an annual fee under subsection (b) an additional fee for each additional area code of data the person wishes to access during that person's annual period.

"(2) RATES.—For each additional area code of data to be accessed during the person's annual period, the Commission shall charge—

"(A) \$54 for access to such data if access to the area code of data is first requested during the first 6 months of the person's annual period; or

"(B) \$27 for access to such data if access to the area code of data is first requested after the first 6 months of the person's annual period.

"(d) ADJUSTMENT OF FEES.—

"(1) IN GENERAL.—

"(A) FISCAL YEAR 2009.—The dollar amount described in subsection (b) or (c) is the amount to be charged for fiscal year 2009.

"(B) FISCAL YEARS AFTER 2009.—For each fiscal year beginning after fiscal year 2009, each dollar amount in subsection (b)(1) and (c)(2) shall be increased by an amount equal to—

"(i) the dollar amount in paragraph (b)(1) or (c)(2), whichever is applicable, multiplied by

"(ii) the percentage (if any) by which the CPI for the most recently ended 12-month period ending on June 30 exceeds the baseline CPI.

"(2) ROUNDING.—Any increase under subparagraph (B) shall be rounded to the nearest dollar.

"(3) CHANGES LESS THAN 1 PERCENT.—The Commission shall not adjust the fees under this section if the change in the CPI is less than 1 percent.

"(4) PUBLICATION.—Not later than September 1 of each year the Commission shall publish in the Federal Register the adjustments to the applicable fees, if any, made under this subsection.

"(5) DEFINITIONS.—In this subsection:

"(A) CPI.—The term 'CPI' means the average of the monthly consumer price index (for all urban consumers published by the Department of Labor).

"(B) BASELINE CPI.—The term 'baseline CPI' means the CPI for the 12-month period ending June 30, 2008.

"(e) PROHIBITION AGAINST FEE SHARING.—No person may enter into or participate in an arrangement (as such term is used in section 310.8(c) of the Commission's regulations (16 C.F.R. 310.8(c))) to share any fee required by subsection (b) or (c), including any arrangement to divide the costs to access the registry among various clients of a telemarketer or service provider.

"(f) HANDLING OF FEES.—

"(1) IN GENERAL.—The commission shall deposit and credit as offsetting collections any fee collected under this section in the account 'Federal Trade Commission—Salaries and Expenses', and such sums shall remain available until expended.

"(2) LIMITATION.—No amount shall be collected as a fee under this section for any fiscal year except to the extent provided in advance by appropriations Acts."

SEC. 3. REPORT.

Section 4 of the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) is amended to read as follows:

"SEC. 4. REPORTING REQUIREMENTS.

"(a) BIENNIAL REPORTS.—Not later than December 31, 2009, and biennially thereafter, the Federal Trade Commission, in consultation with the Federal Communications Commission, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that includes—

"(1) the number of consumers who have placed their telephone numbers on the registry;

"(2) the number of persons paying fees for access to the registry and the amount of such fees;

"(3) the impact on the 'do-not-call' registry of—

"(A) the 5-year reregistration requirement;

"(B) new telecommunications technology; and

"(C) number portability and abandoned telephone numbers; and

"(4) the impact of the established business relationship exception on businesses and consumers.

"(b) ADDITIONAL REPORT.—Not later than December 31, 2009, the Federal Trade Commission, in consultation with the Federal Communications Commission, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that includes—

"(1) the effectiveness of do-not-call outreach and enforcement efforts with regard to senior citizens and immigrant communities;

“(2) the impact of the exceptions to the do-not-call registry on businesses and consumers, including an analysis of the effectiveness of the registry and consumer perceptions of the registry’s effectiveness; and

“(3) the impact of abandoned calls made by predictive dialing devices on do-not-call enforcement.”.

SEC. 4. RULEMAKING.

The Federal Trade Commission may issue rules, in accordance with section 553 of title 5, United States Code, as necessary and appropriate to carry out the amendments to the Do-Not-Call Implementation Act (15 U.S.C. 6101) made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BUTTERFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation, which we refer to as H.R. 2601, was introduced by the distinguished ranking member of the Subcommittee on Commerce, Trade, and Consumer Protection, my good friend Mr. STEARNS from the State of Florida. This bill is to extend the authority of the Federal Trade Commission to collect the fees that administer and enforce the provisions relating to the national do-not-call registry.

In 2003, Mr. Speaker, Congress passed the Do-Not-Call Implementation Act, which authorized the FTC to establish fees sufficient to implement the national do-not-call registry as originally authorized by the Telemarketing and Consumer Fraud and Abuse Prevention Act of 1994. I don’t think it’s hyperbole, Mr. Speaker, to say that this may quite possibly be one of the most popular laws and government initiatives in our Nation’s history. Consumers have registered more than 146 million telephone numbers since the registry became operational in 2003.

The FTC’s authority to annually establish the appropriate level of fees to charge telemarketers for access to the registry expires, yes, it expires in 2007, and Mr. STEARNS’s bill, as amended, in the Energy and Commerce Committee renders that authority permanent. If Members of Congress wish to avoid the wrath of millions of angry constituents who are being called by telemarketers during dinner time, it is in our best interest to facilitate the continuing operation of the do-not-call registry and vote for this bill.

As is the case with the vast majority of the legislation passed out of the sub-

committee of which I am a member, this is a bipartisan bill. I’m proud to say that, Mr. Speaker. We worked on this measure together. This is a bipartisan bill that was crafted in consultation with the appropriate agency of expertise, in this case the Federal Trade Commission. The bill passed my subcommittee by a voice vote on October 23; and a week later, on October 30, it was unanimously approved by the full Energy and Commerce Committee. It is fully deserving of quick passage on the floor of the House today.

As usual, Mr. Speaker, the staff on both sides of the aisle worked together on this bill, and with Ranking Member STEARNS as well as Ranking Member BARTON of the full committee, they should all be commended for their ongoing cooperation with the chairman, the distinguished gentleman from Michigan (Mr. DINGELL), and the distinguished gentleman from Illinois (Mr. RUSH), who chairs the subcommittee.

So, Mr. Speaker, with that said, I am going to urge a “yes” vote.

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from North Carolina for his support on this important bill.

I rise in support of H.R. 2601, the Do-Not-Call Registry Fee Extension Act of 2007. As the sponsor of the legislation and as ranking member on the committee with jurisdiction over the Federal Trade Commission and over consumer protection, I can assure the Members of the body that this is a necessary piece of legislation. It will have an immediate and meaningful impact on our constituents. I can remember when we marked this up when I was chairman of the Subcommittee on Commerce, Trade, and Consumer Protection and we started this whole process rolling.

The national do-not-call registry was enacted by Congress to provide citizens the ability to place their home phone numbers on a list that prohibits unsolicited phone solicitations. My colleagues, unfortunately, the authority of the Federal Trade Commission to collect fees to maintain the registry has expired. This legislation simply restores the commission’s authority to collect the necessary fees to maintain and update the registry and provides businesses with certainty on the fees that they pay to access the registry.

The bill also includes input from both the Federal Trade Commission and industry. We asked for their support. Substantively, the amended legislation provides permanency for the program through a consistent fee structure. This will help both business with predictability of fees and help the Federal Trade Commission excel by providing certainty of funding for this popular program, and this obviously makes budgeting far easier from year to year.

The legislation also provides for certain biannual reports by the Federal Trade Commission on the effectiveness of this registry that will provide Congress with the necessary information to provide adequate oversight, and that’s important too, Mr. Speaker.

As the gentleman from North Carolina has mentioned, the popularity of this program has been very high and success of the do-not-call registry was confirmed by almost every member of our committee and their district. Many of our constituents still express their gratitude for enacting a simple law like this, the original law in providing a means to stop unwanted commercial solicitation over their home phone.

For those who avail themselves of this option, and remember now, if people out there want to use it, they have to call the toll-free number to get it, but the people who avail themselves of this have expressed satisfaction. They have experienced a noticeable decrease in phone calls interrupting their dinner and their family life.

So I am proud to be a sponsor of the reauthorization legislation. It’s important that the act and the list continue in effect. This is one example where our actions received near unanimous bipartisan support here in Congress. Here we are with the omnibus budget bill and all the controversy, but here is a good example of bipartisan support. It brings in both the public, industry, and the Federal Trade Commission. So I am confident that the reauthorization of the Do-not-call Act is supported by millions of Americans who have placed their number on the list. So I urge all Members to support and vote for this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. BUTTERFIELD. I want to thank the gentleman for his comments.

Mr. Speaker, I have no further requests for time, and I am ready to close this out. But I am sure the American people will be very appreciative that we are willing to extend this to become a permanent program, the do-not-call registry.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 2601, the “Do-Not-Call Registry Fee Extension Act of 2007”, of which I am the lead Democratic sponsor. This bill enjoys wide bipartisan support. Its passage will help to ensure the continued operation of one of the most popular Federal consumer protection programs ever adopted by the Congress, the registry that allows consumers to list their phone numbers and thereby protect themselves from unwanted telemarketing phone calls.

Congress originally assigned the task of implementing and enforcing the Do-Not-Call Registry to the Federal Communications Commission, but they proved less than enthusiastic and nothing ensued. Congress then directed the Federal Trade Commission (FTC) to perform these tasks. To date, the Registry established by the FTC includes more than 145 million telephone numbers, and the FTC has initiated 27 cases alleging Do-Not-Call violations, resulting in orders totaling \$8.8 million in civil

penalties and \$8.6 million in redress or disgorgement. This is a proud record indeed.

To maintain the success of this program, however, legislative action is needed. The authority of the FTC to collect fees to support maintenance of the Registry and the related enforcement program expired at the end on September 2007. H.R. 2601, whose lead sponsor is Rep. STEARNS, will provide the FTC with a permanent fee structure for this purpose, contingent on approval of the fees in annual appropriations acts. This will provide appropriate oversight over the funding mechanism. The bill also requires the FTC to prepare two reports on the use and effectiveness of the Registry, including allegations regarding abuse surrounding a number of exemptions. The Committee takes these consumer complaints seriously and intends to look into them, in connection with review of the FTC reports.

I urge my colleagues to vote for this important consumer protection bill.

Mr. BUTTERFIELD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and pass the bill, H.R. 2601, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DO-NOT-CALL IMPROVEMENT ACT OF 2007

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3541) to amend the "Do-not-call" Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Do-Not-Call Improvement Act of 2007".

SEC. 2. PROHIBITION OF EXPIRATION DATE FOR REGISTERED NUMBERS.

The Do-Not-Call Implementation Act (15 U.S.C. 6101 note) is amended by adding at the end the following:

"SEC. 5. PROHIBITION OF EXPIRATION DATE.

"(a) NO AUTOMATIC REMOVAL OF NUMBERS.—Telephone numbers registered on the national 'do-not-call' registry of the Telemarketing Sales Rule (16 C.F.R. 310.4(b)(1)(iii)) since the establishment of the registry and telephone numbers registered on such registry after the date of enactment of this Act, shall not be removed from such registry except as provided for in subsection (b) or upon the request of the individual to whom the telephone number is assigned.

"(b) REMOVAL OF INVALID, DISCONNECTED, AND REASSIGNED TELEPHONE NUMBERS.—The Federal Trade Commission shall periodically check telephone numbers registered on the national 'do-not-call' registry against national or other appropriate databases and shall remove from such registry those tele-

phone numbers that have been disconnected and reassigned. Nothing in this section prohibits the Federal Trade Commission from removing invalid telephone numbers from the registry at any time."

SEC. 3. REPORT ON ACCURACY.

Not later than 9 months after the enactment of this Act, the Federal Trade Commission shall report to Congress on efforts taken by the Commission, after the date of enactment of this Act, to improve the accuracy of the "do-not-call" registry.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes. The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BUTTERFIELD. Mr. Speaker, at this time I yield myself such time as I may consume.

The bill that we now consider on the floor is related to the previous bill that we just adopted. H.R. 3541, the Do-not-call Improvement Act of 2007, ensures that Americans who signed up to be on the do-not-call list remain on the do-not-call list. As the law currently stands, consumers are automatically purged from the registry after a 5-year period and they are forced to re-register their phone numbers with the FTC. Consequently, if we do nothing, of the 132 million telephone numbers that are currently listed on the do-not-call registry, almost 52 million of those numbers will expire and once again be fair game for telemarketers.

I guarantee you, Mr. Speaker, that the vast majority of these consumers are unaware that they must relist their phone numbers. As was the case with the previous bill, I don't think Members of Congress want to incur the wrath of millions of angry constituents and family members who thought they were safe from the nuisance of telemarketers, but are once again getting their pestering phone calls every evening. I might also add that September 28, the date in which 52 million numbers will expire, is right before election day. Need I say more?

The authors of the bill, my good friend Mr. DOYLE, who will speak in just a few moments, the gentleman from Pennsylvania, and my friend Mr. PICKERING from Mississippi, are both valued members of the Energy and Commerce Committee, and they are to be commended for their bipartisan cooperation. On October 30 the bill was amended at the full committee markup to require the FTC to periodically scrub the do-not-call registry to remove phone numbers that have been disconnected or reassigned and further

requires the commission to report to Congress on the accuracy of the registry. As such, H.R. 3541 ensures that the do-not-call list is fair and accurate and that only those American consumers who do not wish to be called by telemarketers are on the registry.

This is a thoughtful, bipartisan piece of legislation, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

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Mr. STEARNS. Mr. Speaker, I rise in support of this bill, H.R. 3541, the Do-Not-Call Improvement Act, and I thank my colleagues from Pennsylvania and Mississippi for their initiative here of making a good bill even better. This legislation simply removes the requirement from the Federal Trade Commission to automatically remove consumers' phone numbers from the registry.

My colleagues, the original act would have required consumers to re-register their phone number every 5 years and was intended, in part, to keep the list accurate and up to date. This will result in tens of millions of Americans being dropped off the list each year contrary to their intention. Millions of Americans would have to re-up, so to speak, to stay on the list. Most of them, in their day-to-day life, would be unaware that their number is about to expire.

So, this bill does a great service. This bill corrects this and would make numbers on the registry permanent, but at the same time require the Federal Trade Commission to keep the list accurate by simply removing invalid and disconnected phone numbers. As further assurance of this, the Federal Trade Commission must study and report to Congress on the accuracy of these numbers. I think that's important. And we mentioned that earlier in the bill, that we're going to have the Federal Trade Commission come back with a report to us. And this is a good area for the Federal Trade Commission to come back and talk about the accuracy of these millions and millions of numbers. So, I applaud my two colleagues for doing that.

Mr. Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Mr. Speaker, at this time, I would like to yield 4 minutes to my good friend from Pennsylvania, a gentleman who works so hard for his constituents, Mr. DOYLE.

Mr. DOYLE. I thank my friend from North Carolina.

Mr. Speaker, I rise today to urge my colleagues to approve H.R. 3541, the Do-Not-Call Improvement Act of 2007.

The national do-not-call registry was established in 2003 and is managed by the Federal Trade Commission and enforced by the FTC, the Federal Communications Commission, and State law enforcement officials. Most telemarketers are not allowed to call your number once it has been on the registry for 31 days. If they do, you can