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Protecting the Spirit of Giving Act (Introduced in Senate)

S 2529 IS

110th CONGRESS

1st Session

S. 2529

To improve disclosures for charitable giving, protect charities, inform consumers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

December 19, 2007

Mr. MENENDEZ (for himself and Mr. BAYH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve disclosures for charitable giving, protect charities, inform consumers, and for other purposes.

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 `Protecting the Spirit of Giving Act'.

SEC. 2. DEFINITIONS.

In this Act:

(1) CHARITABLE ORGANIZATION- The term `charitable organization' means any organization described in section 170 or 501(c) of the Internal Revenue Code of 1986.

(2) MANUFACTURER; PRODUCT; RETAILER- The terms `manufacturer', `product', and `retailer' have the meanings given the terms `manufacturer', `consumer product', and `retailer', respectively, in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)).

SEC. 3. CHARITABLE ORGANIZATION NOTIFICATION REQUIREMENT.

A retailer or manufacturer may not use the name of a charitable organization to solicit donations for that charitable organization, sell or market a product that is linked to the charitable organization or to which a portion of proceeds is dedicated to the charitable organization, or sell or market a product on behalf of a charitable organization, unless the retailer or manufacturer, for each such solicitation, sale, or promotion--

(1) notifies the charitable organization--

(A) of the manner in which such retailer or manufacturer intends to use the charitable organization's name, emblem, or logo to solicit donations or to sell or market a product; and

(B) the amount or percentage of the donation or purchase price that the retailer or manufacturer intends to remit to the charitable organization;

(2) obtains written approval, in advance, from the charitable organization to use the charitable organization's name in the manner requested; and

(3) limits the use of the charitable organization's name to the scope approved in advance by the charitable organization.

SEC. 4. CONSUMER DISCLOSURE REQUIREMENT.

A retailer or manufacturer that sells or markets a product with the intention of remitting a portion of the proceeds from the sale of such product to a charitable organization shall provide clear, written disclosure to the purchaser of such product of this intention, including--

(1) the actual or anticipated portion of the purchase price that will be remitted to the charitable organization;

(2) the maximum amount that will be remitted to the charitable organization, if applicable;

(3) the time period during which donations for the charitable organization will

be collected, if known; and

(4) the phone number or other contact information for the charitable organization.

SEC. 5. ENFORCEMENT.

(a) Unfair or Deceptive Act or Practice- A violation of section 3 or 4 shall be treated as a violation of a rule defining an unfair or deceptive act or practice described under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) Actions by the Federal Trade Commission- The Federal Trade Commission shall enforce the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this Act.

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