

108TH CONGRESS
1ST SESSION

H. R. 395

To authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a “do-not-call” registry, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2003

Mr. TAUZIN (for himself and Mr. DINGELL) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a “do-not-call” registry, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Do-Not-Call Imple-
5 mentation Act”.

6 **SEC. 2. TELEMARKETING SALES RULE; DO-NOT-CALL REG-**
7 **ISTRY FEES.**

8 The Federal Trade Commission may promulgate reg-
9 ulations establishing fees sufficient to implement and en-

1 force the provisions relating to the “do-not-call” registry
2 of the Telemarketing Sales Rule (16 C.F.R.
3 310.4(b)(1)(iii)), promulgated under the Telephone Con-
4 sumer Fraud and Abuse Prevention Act (15 U.S.C. 6101
5 et seq.). Such regulations shall be promulgated in accord-
6 ance with section 553 of title 5, United States Code. Fees
7 may be collected pursuant to this section for fiscal years
8 2003 through 2007, and shall be deposited and credited
9 as offsetting collections to the account, Federal Trade
10 Commission—Salaries and Expenses, and shall remain
11 available until expended. No amounts shall be collected as
12 fees pursuant to this section for such fiscal years except
13 to the extent provided in advance in appropriations Acts.
14 Such amounts shall be available for expenditure only to
15 offset the costs of activities and services related to the im-
16 plementation and enforcement of the Telemarketing Sales
17 Rule, and other activities resulting from such implementa-
18 tion and enforcement.

19 **SEC. 3. FEDERAL COMMUNICATIONS COMMISSION DO-NOT-**
20 **CALL REGULATIONS.**

21 Not later than 180 days after the date of enactment
22 of this Act, the Federal Communications Commission shall
23 issue a final rule pursuant to the rulemaking proceeding
24 that it began on September 18, 2002, under the Telephone
25 Consumer Protection Act (47 U.S.C. 227 et seq.). In

1 issuing such rule, the Federal Communications Commis-
2 sion shall consult and coordinate with the Federal Trade
3 Commission to maximize consistency with the rule promul-
4 gated by the Federal Trade Commission (16 C.F.R.
5 310.4(b)).

6 **SEC. 4. REPORTING REQUIREMENTS.**

7 (a) REPORT ON REGULATORY COORDINATION.—
8 Within 45 days after the promulgation of a final rule by
9 the Federal Communications Commission as required by
10 section 3, the Federal Trade Commission and the Federal
11 Communications Commission shall each transmit to the
12 Committee on Energy and Commerce of the House of
13 Representatives and the Committee on Commerce,
14 Science, and Transportation of the Senate a report which
15 shall include—

16 (1) an analysis of the telemarketing rules pro-
17 mulgated by both the Federal Trade Commission
18 and the Federal Communications Commission;

19 (2) any inconsistencies between the rules pro-
20 mulgated by each such Commission and the effect of
21 any such inconsistencies on consumers, and persons
22 paying for access to the registry; and

23 (3) proposals to remedy any such inconsis-
24 encies.

1 (b) ANNUAL REPORT.—For each of fiscal years 2003
2 through 2007, the Federal Trade Commission and the
3 Federal Communications Commission shall each transmit
4 an annual report to the Committee on Energy and Com-
5 merce of the House of Representatives and the Committee
6 on Commerce, Science, and Transportation of the Senate
7 a report which shall include—

8 (1) an analysis of the effectiveness of the “do-
9 not-call” registry as a national registry;

10 (2) the number of consumers who have placed
11 their telephone numbers on the registry;

12 (3) the number of persons paying fees for ac-
13 cess to the registry and the amount of such fees;

14 (4) an analysis of the progress of coordinating
15 the operation and enforcement of the “do-not-call”
16 registry with similar registries established and main-
17 tained by the various States;

18 (5) an analysis of the progress of coordinating
19 the operation and enforcement of the “do-not-call”
20 registry with the enforcement activities of the Fed-
21 eral Communications Commission pursuant to the
22 Telephone Consumer Protection Act (47 U.S.C. 227
23 et seq.); and

24 (6) a review of the enforcement proceedings
25 under the Telemarketing Sales Rule (16 C.F.R.

1 310), in the case of the Federal Trade Commission,
2 and under the Telephone Consumer Protection Act
3 (47 U.S.C. 227 et seq.), in the case of the Federal
4 Communications Commission.

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