

108TH CONGRESS  
1ST SESSION

# H. R. 395

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2003

Received

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. TELEMARKETING SALES RULE; DO-NOT-CALL REG-**  
5 **ISTRY FEES.**

6 The Federal Trade Commission may promulgate reg-  
7 ulations establishing fees sufficient to implement and en-  
8 force the provisions relating to the “do-not-call” registry  
9 of the Telemarketing Sales Rule (16 CFR  
10 310.4(b)(1)(iii)), promulgated under the Telemarketing  
11 and Consumer Fraud and Abuse Prevention Act (15  
12 U.S.C. 6101 et seq.). Such regulations shall be promul-  
13 gated in accordance with section 553 of title 5, United  
14 States Code. Fees may be collected pursuant to this sec-  
15 tion for fiscal years 2003 through 2007, and shall be de-  
16 posited and credited as offsetting collections to the ac-  
17 count, Federal Trade Commission—Salaries and Ex-  
18 penses, and shall remain available until expended. No  
19 amounts shall be collected as fees pursuant to this section  
20 for such fiscal years except to the extent provided in ad-  
21 vance in appropriations Acts. Such amounts shall be avail-  
22 able for expenditure only to offset the costs of activities  
23 and services related to the implementation and enforce-  
24 ment of the Telemarketing Sales Rule, and other activities  
25 resulting from such implementation and enforcement.

1 **SEC. 3. FEDERAL COMMUNICATIONS COMMISSION DO-NOT-**  
2 **CALL REGULATIONS.**

3 Not later than 180 days after the date of enactment  
4 of this Act, the Federal Communications Commission shall  
5 issue a final rule pursuant to the rulemaking proceeding  
6 that it began on September 18, 2002, under the Telephone  
7 Consumer Protection Act (47 U.S.C. 227 et seq.). In  
8 issuing such rule, the Federal Communications Commis-  
9 sion shall consult and coordinate with the Federal Trade  
10 Commission to maximize consistency with the rule promul-  
11 gated by the Federal Trade Commission (16 CFR  
12 310.4(b)).

13 **SEC. 4. REPORTING REQUIREMENTS.**

14 (a) **REPORT ON REGULATORY COORDINATION.**—  
15 Within 45 days after the promulgation of a final rule by  
16 the Federal Communications Commission as required by  
17 section 3, the Federal Trade Commission and the Federal  
18 Communications Commission shall each transmit to the  
19 Committee on Energy and Commerce of the House of  
20 Representatives and the Committee on Commerce,  
21 Science, and Transportation of the Senate a report which  
22 shall include—

23 (1) an analysis of the telemarketing rules pro-  
24 mulgated by both the Federal Trade Commission  
25 and the Federal Communications Commission;

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

5           (3) proposals to remedy any such inconsis-  
6           tencies.

7           (b) ANNUAL REPORT.—For each of fiscal years 2003  
8           through 2007, the Federal Trade Commission and the  
9           Federal Communications Commission shall each transmit  
10          an annual report to the Committee on Energy and Com-  
11          merce of the House of Representatives and the Committee  
12          on Commerce, Science, and Transportation of the Senate  
13          a report which shall include—

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

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

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

20                 (4) an analysis of the progress of coordinating  
21                 the operation and enforcement of the “do-not-call”  
22                 registry with similar registries established and main-  
23                 tained by the various States;

24                 (5) an analysis of the progress of coordinating  
25                 the operation and enforcement of the “do-not-call”

1 registry with the enforcement activities of the Fed-  
2 eral Communications Commission pursuant to the  
3 Telephone Consumer Protection Act (47 U.S.C. 227  
4 et seq.); and

5 (6) a review of the enforcement proceedings  
6 under the Telemarketing Sales Rule (16 CFR 310),  
7 in the case of the Federal Trade Commission, and  
8 under the Telephone Consumer Protection Act (47  
9 U.S.C. 227 et seq.), in the case of the Federal Com-  
10 munications Commission.

Passed the House of Representatives February 12,  
2003.

Attest:

JEFF TRANDAHL,

*Clerk.*