

Calendar No. 537

110TH CONGRESS
1ST SESSION**S. 781****[Report No. 110-244]**

To extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007.

 IN THE SENATE OF THE UNITED STATES

MARCH 6, 2007

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

DECEMBER 12, 2007

Reported by Mr. INOUE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007.

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. EXTENSION OF AUTHORITY.**

4 ~~(a) FEES.—Section 2 of the Do-Not-Call Implemen-~~
5 ~~tation Act (15 U.S.C. 6101 note) is amended—~~

1 (1) by striking “for fiscal years 2003 through
2 2007,”; and

3 (2) by striking “for such fiscal years”.

4 (b) **REPORTS.**—Section 4(b) of that Act is amended
5 by striking “For each of fiscal years 2003 through 2007,
6 the” and inserting “The”.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Do-Not-Call Registry*
9 *Fee Extension Act of 2007”.*

10 **SEC. 2. FEES FOR ACCESS TO REGISTRY.**

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

13 **“SEC. 2. TELEMARKETING SALES RULE; DO-NOT-CALL REG-**
14 **ISTRY FEES.**

15 “(a) *IN GENERAL.*—*The Federal Trade Commission*
16 *shall assess and collect an annual fee pursuant to this sec-*
17 *tion in order to implement and enforce the ‘do-not-call’ reg-*
18 *istry as provided for in section 310.4(b)(1)(iii) of title 16,*
19 *Code of Federal Regulations, or any other regulation issued*
20 *by the Commission under section 3 of the Telemarketing*
21 *and Consumer Fraud and Abuse Prevention Act (15 U.S.C.*
22 *6102).*

23 “(b) *ANNUAL FEES.*—

1 “(1) *IN GENERAL.*—*The Commission shall charge*
 2 *each person who accesses the ‘do-not-call’ registry an*
 3 *annual fee that is equal to the lesser of—*

4 “(A) *\$54 for each area code of data accessed*
 5 *from the registry; or*

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

8 “(2) *EXCEPTION.*—*The Commission shall not*
 9 *charge a fee to any person—*

10 “(A) *for accessing the first 5 area codes of*
 11 *data; or*

12 “(B) *for accessing area codes of data in the*
 13 *registry if the person is permitted to access, but*
 14 *is not required to access, the ‘do-not-call’ registry*
 15 *under section 310 of title 16, Code of Federal*
 16 *Regulations, section 64.1200 of title 47, Code of*
 17 *Federal Regulations, or any other Federal regu-*
 18 *lation or law.*

19 “(3) *DURATION OF ACCESS.*—

20 “(A) *IN GENERAL.*—*The Commission shall*
 21 *allow each person who pays the annual fee de-*
 22 *scribed in paragraph (1), each person excepted*
 23 *under paragraph (2) from paying the annual*
 24 *fee, and each person excepted from paying an*
 25 *annual fee under section 310.4(b)(1)(iii)(B) of*

1 *title 16, Code of Federal Regulations, to access*
2 *the area codes of data in the ‘do-not-call’ registry*
3 *for which the person has paid during that per-*
4 *son’s annual period.*

5 “(B) *ANNUAL PERIOD.*—*In this paragraph,*
6 *the term ‘annual period’ means the 12-month pe-*
7 *riod beginning on the first day of the month in*
8 *which a person pays the fee described in para-*
9 *graph (1).*

10 “(c) *ADDITIONAL FEES.*—

11 “(1) *IN GENERAL.*—*The Commission shall charge*
12 *a person required to pay an annual fee under sub-*
13 *section (b) an additional fee for each additional area*
14 *code of data the person wishes to access during that*
15 *person’s annual period.*

16 “(2) *RATES.*—*For each additional area code of*
17 *data to be accessed during the person’s annual period,*
18 *the Commission shall charge—*

19 “(A) *\$54 for access to such data if access to*
20 *the area code of data is first requested during the*
21 *first 6 months of the person’s annual period; or*

22 “(B) *\$27 for access to such data if access to*
23 *the area code of data is first requested after the*
24 *first 6 months of the person’s annual period.*

25 “(d) *ADJUSTMENT OF FEES.*—

1 “(1) *IN GENERAL.*—

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

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

9 “(i) *the dollar amount in paragraph*
10 *(b)(1) or (c)(2), whichever is applicable,*
11 *multiplied by*

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

16 “(2) *ROUNDING.*—*Any increase under subpara-*
17 *graph (B) shall be rounded to the nearest dollar.*

18 “(3) *CHANGES LESS THAN 1 PERCENT.*—*The*
19 *Commission shall not adjust the fees under this sec-*
20 *tion if the change in the CPI is less than 1 percent.*

21 “(4) *PUBLICATION.*—*Not later than September 1*
22 *of each year the Commission shall publish in the Fed-*
23 *eral Register the adjustments to the applicable fees, if*
24 *any, made under this subsection.*

25 “(5) *DEFINITIONS.*—*In this subsection:*

1 “(A) *CPI*.—The term ‘*CPI*’ means the aver-
2 age of the monthly consumer price index (for all
3 urban consumers published by the Department of
4 Labor).

5 “(B) *BASELINE CPI*.—The term ‘baseline
6 *CPI*’ means the *CPI* for the 12-month period
7 ending June 30, 2008.

8 “(e) *PROHIBITION AGAINST FEE SHARING*.—No per-
9 son may enter into or participate in an arrangement (as
10 such term is used in section 310.8(c) of the Commission’s
11 regulations (16 C.F.R. 310.8(c))) to share any fee required
12 by subsection (b) or (c), including any arrangement to di-
13 vide the costs to access the registry among various clients
14 of a telemarketer or service provider.

15 “(f) *HANDLING OF FEES*.—

16 “(1) *IN GENERAL*.—The commission shall deposit
17 and credit as offsetting collections any fee collected
18 under this section in the account ‘Federal Trade Com-
19 mission—Salaries and Expenses’, and such sums
20 shall remain available until expended.

21 “(2) *LIMITATION*.—No amount shall be collected
22 as a fee under this section for any fiscal year except
23 to the extent provided in advance by appropriations
24 Acts.”.

1 **SEC. 3. REPORT.**

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

4 **“SEC. 4. REPORTING REQUIREMENTS.**

5 *“(a) BIENNIAL REPORTS.—Not later than December*
 6 *31, 2009, and biennially thereafter, the Federal Trade Com-*
 7 *mission, in consultation with the Federal Communications*
 8 *Commission, shall transmit a report to the Senate Com-*
 9 *mittee on Commerce, Science, and Transportation and the*
 10 *House of Representatives Committee on Energy and Com-*
 11 *merce that includes—*

12 *“(1) the number of consumers who have placed*
 13 *their telephone numbers on the registry;*

14 *“(2) the number of persons paying fees for access*
 15 *to the registry and the amount of such fees;*

16 *“(3) the impact on the ‘do-not-call’ registry of—*

17 *“(A) the 5-year reregistration requirement;*

18 *“(B) new telecommunications technology;*

19 *and*

20 *“(C) number portability and abandoned*
 21 *telephone numbers; and*

22 *“(4) the impact of the established business rela-*
 23 *tionship exception on businesses and consumers.*

24 *“(b) ADDITIONAL REPORT.—Not later than December*
 25 *31, 2009, the Federal Trade Commission, in consultation*
 26 *with the Federal Communications Commission, shall trans-*

1 *mit a report to the Senate Committee on Commerce,*
2 *Science, and Transportation and the House of Representa-*
3 *tives Committee on Energy and Commerce that includes—*

4 “(1) *the effectiveness of do-not-call outreach and*
5 *enforcement efforts with regard to senior citizens and*
6 *immigrant communities;*

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

12 “(3) *the impact of abandoned calls made by pre-*
13 *dictive dialing devices on do-not-call enforcement.”.*

14 **SEC. 4. RULEMAKING.**

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

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