

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

July 30, 2007

Purpose: To revise and extend section 2 of the Do-Not-Call Implementation Act.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—110TH Cong., 1ST Sess.**

S. 781, 110TH Congress, 1ST Session

AUGUST 2, 2007

INTENDED to be proposed by Mr. _____

Viz: Strike out all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Do-Not-Call Registry
3 Fee Extension Act of 2007”.

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

5 Section 2, of the Do-Not-Call Implementation Act
6 (15 U.S.C. 6101 note) is amended to read as follows:

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

9 “(a) IN GENERAL.—The Federal Trade Commission
10 shall assess and collect an annual fee pursuant to this sec-
11 tion in order to implement and enforce the ‘do-not-call’
12 registry as provided for in section 310.4(b)(1)(iii) of title

1 16, Code of Federal Regulations, or any other regulation
2 issued by the Commission under section 3 of the Tele-
3 marketing and Consumer Fraud and Abuse Prevention
4 Act (15 U.S.C. 6102).

5 “(b) ANNUAL FEES.—

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

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

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

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

16 “(A) for accessing the first 5 area codes of
17 data; or

18 “(B) for accessing area codes of data in
19 the registry if the person is permitted to access,
20 but is not required to access, the ‘do-not-call’
21 registry under section 310 of title 16, Code of
22 Federal Regulations, section 64.1200 of title
23 47, Code of Federal Regulations, or any other
24 Federal regulation or law.

25 “(3) DURATION OF ACCESS.—

1 “(A) IN GENERAL.—The Commission shall
2 allow each person who pays the annual fee de-
3 scribed in paragraph (1), each person excepted
4 under paragraph (2) from paying the annual
5 fee, and each person excepted from paying an
6 annual fee under section 310.4(6)(l)(iii)(B) of
7 title 16, Code of Federal Regulations, to access
8 the area codes of data in the ‘do-not-call’ reg-
9 istry for which the person has paid during that
10 person’s annual period.

11 “(B) ANNUAL PERIOD.—In this para-
12 graph, the term ‘annual period’ means the 12-
13 month period beginning on the first day of the
14 month in which a person pays the fee described
15 in paragraph (1).

16 “(c) ADDITIONAL FEES.—

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

22 “(2) RATES.—For each additional area code of
23 data to be accessed during the person’s annual pe-
24 riod, the Commission shall charge—

1 “(A) \$54 for access to such data if access
2 to the area code of data is first requested dur-
3 ing the first 6 months of the person’s annual
4 period; or

5 “(B) \$27 for access to such data if access
6 to the area code of data is first requested after
7 the first 6 months of the person’s annual pe-
8 riod.

9 “(d) ADJUSTMENT OF FEES.—

10 “(1) In general.—

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

14 “(B) FISCAL YEARS AFTER 2009.—For
15 each fiscal year beginning after fiscal year
16 2009, each dollar amount in subsection (b)(1)
17 and (c)(2) shall be increased by an amount
18 equal to—

19 “(i) the dollar amount in paragraph
20 (b)(1) or (c)(2), whichever is applicable,
21 multiplied by

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

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

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

6 “(4) PUBLICATION.—Not later than September
7 1 of each year the Commission shall publish in the
8 Federal Register the adjustments to the applicable
9 fees, if any, made under this subsection.

10 “(5) DEFINITIONS.—In this subsection:

11 “(A) CPI.—The term ‘CPI’ means the av-
12 erage of the monthly consumer price index (for
13 all urban consumers published by the Depart-
14 ment of Labor).

15 “(B) BASELINE CPI.—The term ‘baseline
16 CPI’ means the CPI for the 12-month period
17 ending June 30, 2008.

18 “(e) PROHIBITION AGAINST FEE SHARING.—No per-
19 son may enter into or participate in an arrangement (as
20 such term is used in section 310.8(c) of the Commission’s
21 regulations (16 C.F.R. 310.8(c))) to share any fee re-
22 quired by subsection (b) or (c), including any arrangement
23 to divide the costs to access the registry among various
24 clients of a telemarketer or service provider.

25 “(f) HANDLING OF FEES.—

1 “(1) IN GENERAL.—The commission shall de-
2 posit and credit as offsetting collections any fee col-
3 lected under this section in the account ‘Federal
4 Trade Commission—Salaries and Expenses’, and
5 such sums shall remain available until expended.

6 “(2) LIMITATION.—No amount shall be col-
7 lected as a fee under this section for any fiscal year
8 except to the extent provided in advance by appro-
9 priations Acts.”.

10 **SEC. 3. REPORTS.**

11 Section 4(b) of the Do-Not-Call Implementation Act
12 (15 U.S.C. 6101 note) is amended—

13 (1) by striking “ANNUAL” in the heading and
14 inserting “BIENNIAL”;

15 (2) by striking “For each of fiscal years 2003
16 through 2007,” and inserting “Beginning with fiscal
17 year 2009,”; and

18 (3) by striking “annual” and inserting “bien-
19 nial”.

20 **SEC. 4. RULEMAKING.**

21 The Federal Trade Commission may issue rules, in
22 accordance with section 553 of title 5, United States Code,
23 as necessary and appropriate to carry out the amendments

1 to the Do-Not-Call Implementation Act (15 U.S.C. 6101
2 note) made by this Act.

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