

## Do-Not-Call Implementation Act

[Public Law 108–10]

[As Amended Through P.L. 110-188, Enacted February 15, 2008]

【Currency: This publication is a compilation of the text of Public Law 108-10. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. [15 U.S.C. 6151 note] SHORT TITLE.

This Act may be cited as the “Do-Not-Call Implementation Act”.

### SEC. 2. [15 U.S.C. 6152] TELEMARKETING SALES RULE; DO-NOT-CALL REGISTRY FEES.

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

(b) ANNUAL FEES.—

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

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

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

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

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

(B) for accessing area codes of data in the registry if the person is permitted to access, but is not required to access, the “do-not-call” registry under section 310 of title 16, Code of Federal Regulations, section 64.1200 of title 47,

- Code of Federal Regulations, or any other Federal regulation or law.
- (3) DURATION OF ACCESS.—
- (A) IN GENERAL.—The Commission shall allow each person who pays the annual fee described in paragraph (1), each person excepted under paragraph (2) from paying the annual fee, and each person excepted from paying an annual fee under section 310.4(b)(1)(iii)(B) of title 16, Code of Federal Regulations, to access the area codes of data in the “do-not-call” registry for which the person has paid during that person’s annual period.
- (B) ANNUAL PERIOD.—In this paragraph, the term “annual period” means the 12-month period beginning on the first day of the month in which a person pays the fee described in paragraph (1).
- (c) ADDITIONAL FEES.—
- (1) IN GENERAL.—The Commission shall charge a person required to pay an annual fee under subsection (b) an additional fee for each additional area code of data the person wishes to access during that person’s annual period.
- (2) RATES.—For each additional area code of data to be accessed during the person’s annual period, the Commission shall charge—
- (A) \$54 for access to such data if access to the area code of data is first requested during the first 6 months of the person’s annual period; or
- (B) \$27 for access to such data if access to the area code of data is first requested after the first 6 months of the person’s annual period.
- (d) ADJUSTMENT OF FEES.—
- (1) IN GENERAL.—
- (A) FISCAL YEAR 2009.—The dollar amount described in subsection (b) or (c) is the amount to be charged for fiscal year 2009.
- (B) FISCAL YEARS AFTER 2009.—For each fiscal year beginning after fiscal year 2009, each dollar amount in subsection (b)(1) and (c)(2) shall be increased by an amount equal to—
- (i) the dollar amount in paragraph (b)(1) or (c)(2), whichever is applicable, multiplied by
- (ii) the percentage (if any) by which the CPI for the most recently ended 12-month period ending on June 30 exceeds the baseline CPI.
- (2) ROUNDING.—Any increase under subparagraph (B) shall be rounded to the nearest dollar.
- (3) CHANGES LESS THAN 1 PERCENT.—The Commission shall not adjust the fees under this section if the change in the CPI is less than 1 percent.
- (4) PUBLICATION.—Not later than September 1 of each year the Commission shall publish in the Federal Register the adjustments to the applicable fees, if any, made under this subsection.
- (5) DEFINITIONS.—In this subsection:

(A) CPI.—The term “CPI” means the average of the monthly consumer price index (for all urban consumers published by the Department of Labor).

(B) BASELINE CPI.—The term “baseline CPI” means the CPI for the 12-month period ending June 30, 2008.

(e) PROHIBITION AGAINST FEE SHARING.—No person may enter into or participate in an arrangement (as such term is used in section 310.8(c) of the Commission’s regulations (16 C.F.R. 310.8(c))) to share any fee required by subsection (b) or (c), including any arrangement to divide the costs to access the registry among various clients of a telemarketer or service provider.

(f) HANDLING OF FEES.—

(1) IN GENERAL.—The Commission shall deposit and credit as offsetting collections any fee collected under this section in the account “Federal Trade Commission—Salaries and Expenses”, and such sums shall remain available until expended.

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

**SEC. 3. [15 U.S.C. 6153] FEDERAL COMMUNICATIONS COMMISSION DO-NOT-CALL REGULATIONS.**

Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall issue a final rule pursuant to the rulemaking proceeding that it began on September 18, 2002, under the Telephone Consumer Protection Act (47 U.S.C. 227 et seq.). In issuing such rule, the Federal Communications Commission shall consult and coordinate with the Federal Trade Commission to maximize consistency with the rule promulgated by the Federal Trade Commission (16 CFR 310.4(b)).

**SEC. 4. [15 U.S.C. 6154] REPORTING REQUIREMENTS.**

(a) BIENNIAL REPORTS.—Not later than December 31, 2009, and biennially thereafter, the Federal Trade Commission, in consultation with the Federal Communications Commission, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that includes—

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

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

(3) the impact on the “do-not-call” registry of—

(A) the 5-year reregistration requirement;

(B) new telecommunications technology; and

(C) number portability and abandoned telephone numbers; and

(4) the impact of the established business relationship exception on businesses and consumers.

(b) ADDITIONAL REPORT.—Not later than December 31, 2009, the Federal Trade Commission, in consultation with the Federal Communications Commission, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that includes—

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

(2) the impact of the exceptions to the do-not-call registry on businesses and consumers, including an analysis of the effectiveness of the registry and consumer perceptions of the registry's effectiveness; and

(3) the impact of abandoned calls made by predictive dialing devices on do-not-call enforcement.

**SEC. 5. [15 U.S.C. 6155] PROHIBITION OF EXPIRATION DATE.**

(a) **NO AUTOMATIC REMOVAL OF NUMBERS.**—Telephone numbers registered on the national “do-not-call” registry of the Telemarketing Sales Rule (16 CFR 310.4(b)(1)(iii)) since the establishment of the registry and telephone numbers registered on such registry after the date of enactment of this Act, shall not be removed from such registry except as provided for in subsection (b) or upon the request of the individual to whom the telephone number is assigned.

(b) **REMOVAL OF INVALID, DISCONNECTED, AND REASSIGNED TELEPHONE NUMBERS.**—The Federal Trade Commission shall periodically check telephone numbers registered on the national “do-not-call” registry against national or other appropriate databases and shall remove from such registry those telephone numbers that have been disconnected and reassigned. Nothing in this section prohibits the Federal Trade Commission from removing invalid telephone numbers from the registry at any time.