

108TH CONGRESS  
1ST SESSION

# H. R. 526

To direct certain Federal agencies to issue rules that coordinate with the establishment by the Federal Trade Commission of a list of telephone numbers of consumers who do not want to receive telephone calls for telemarketing purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2003

Mrs. JOHNSON of Connecticut (for herself and Mr. SIMMONS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Financial Services and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To direct certain Federal agencies to issue rules that coordinate with the establishment by the Federal Trade Commission of a list of telephone numbers of consumers who do not want to receive telephone calls for telemarketing 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 “Telemarketing Relief  
5       Act of 2003”.

1 **SEC. 2. ESTABLISHMENT OF TELEMARKETER NO-CALL**  
2 **RULES BY FEDERAL AGENCIES.**

3 (a) IN GENERAL.—Not later than 90 days after the  
4 date of enactment of this Act, the agencies identified in  
5 subsection (b) shall issue rules that are substantially simi-  
6 lar to the Telemarketing Sales Rule promulgated by the  
7 Federal Trade Commission (16 C.F.R. 310).

8 (b) AGENCIES REQUIRED TO ISSUE RULES.—

9 (1) The Securities and Exchange Commission  
10 shall promulgate rules required by subsection (a)  
11 pursuant to section 3(d) of the Telemarketing and  
12 Consumer Fraud and Abuse Prevention Act (15  
13 U.S.C. 6102(d)), subject to the exception set forth  
14 in section 3(d)(1)(B) of that Act.

15 (2) The Commodity Futures Trading Commis-  
16 sion shall promulgate rules required by subsection  
17 (a) pursuant to section 6(f) of the Commodity Ex-  
18 change Act (7 U.S.C. 9b), subject to the exceptions  
19 set forth in paragraph (2) of that section.

20 (3) The Board of Governors of the Federal Re-  
21 serve System, the Federal Home Loan Bank Board,  
22 and the National Credit Union Administration  
23 Board shall each promulgate rules required by sub-  
24 section (a) pursuant to section 18(f) of the Federal  
25 Trade Commission Act (15 U.S.C. 57a), subject to

1 the exceptions set forth in clauses (A) and (B) of  
2 paragraph (1) of that section.

3 (c) FEDERAL COMMUNICATION COMMISSION  
4 RULES.—

5 (1) PROMULGATION.—Not later than 90 days  
6 after the date of enactment of this Act, the Federal  
7 Communications Commission shall promulgate rules  
8 substantially similar to the Telemarketing Sales  
9 Rule promulgated by the Federal Trade Commission  
10 (16 C.F.R. 310).

11 (2) APPLICATION.—The rules promulgated by  
12 the Federal Communications Commission under  
13 paragraph (1) shall apply to telephone solicitations,  
14 as defined under section 227(a)(3) of the Commu-  
15 nications Act of 1934 (47 U.S.C. 227(a)(3)).

16 (3) ENFORCEMENT.—Rules issued by the Fed-  
17 eral Communications Commission under this Act  
18 shall be enforced by the Federal Communications  
19 Commission in the same manner as rules issued by  
20 the Commission under the Communications Act of  
21 1934 (47 U.S.C. 151 et seq.)

22 (d) ENFORCEMENT OF NO-CALL LIST MAINTAINED  
23 BY FEDERAL TRADE COMMISSION.—Rules issued under  
24 this section shall prohibit the making of any telephone call  
25 for telemarketing purposes to a telephone number included

1 on the registry established and published by the Federal  
2 Trade Commission under the Telemarketing Sales Rule  
3 (16 C.F.R. 310).

4 **SEC. 3. EXCEPTIONS.**

5 The rules under this Act shall not prohibit use of a  
6 telephone number of a consumer for any of the following:

7 (1) Charitable, political opinion polling or other  
8 political activities, or other nonprofit activities.

9 (2) Use with the consumer's prior written or  
10 verbal permission.

11 (3) Use primarily in connection with an existing  
12 debt of the consumer or contract with the consumer  
13 that has not been paid or performed, respectively.

14 (4) Compilation, by a provider of telephone ex-  
15 change service or telephone toll service as defined  
16 under section 3 of the Communications Act of 1934  
17 (47 U.S.C. 153), of a directory of telephone num-  
18 bers of that provider.

19 (5) Use by one business to communicate with  
20 another business.

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