

**Comments to the Federal Trade Commission
From the National Consumers League
Regarding Monthly Registry Access, Project No. R411001
March 3, 2004**



The National Consumers League (NCL), a nonprofit organization founded in 1899 to identify, protect, represent, and advance the economic and social interests of consumers and workers, would like to late-file brief comments on the issue cited above. NCL has long been active on issues regarding the Telemarketing Sales Rule (TSR) and views the effective operation of the National Do Not Call Registry as a vital tool for consumers who choose to use it to avoid unwanted telephone solicitations.

The Consolidated Appropriations Act of 2004 mandates that the Federal Trade Commission (FTC) amend the TSR to require covered marketers to obtain the numbers on the registry once a month. The intent is to ensure that consumers who register their numbers receive the benefits of registration – fewer sales calls – within a shorter time than was previously the case. Thus, the FTC proposes to amend 16 CFR 310.4(b)(3)(iv) to substitute the phrase “no more than thirty (30) days prior to the date any call is made” for the current provision, which is “no more than three (3) months prior to the date any call is made.”

The FTC posits that that the term “monthly” could be ambiguous, and we agree. Congress never intended to set a schedule by which all covered marketers must scrub their calling lists against the numbers in the registry, regardless of how frequently or when they make sales calls, but the term “monthly” could be misconstrued as such. NCL also shares the FTC’s concern about potential abuses that would actually lengthen the interval between when consumers register their numbers and when they receive the benefits of registration. “Thirty (30)

days prior to the date any call is made” is more precise, describes the intent of the regulations more clearly, and will be more easily understood by both consumers and marketers.

The FTC has also asked for input on the effective date for this amendment. Modifying the registry system will take time; marketers will also need to retool their systems. In addition, NCL and other organizations that conduct public education about consumers’ Do Not Call rights and marketers’ obligations will need time to revise their educational materials. However, the effective date should be as soon as is practicable so that the benefits to consumers who use the registry will not be unduly delayed.

Respectfully submitted by:
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