

(c) **DEADLINE FOR REGULATIONS; EFFECTIVE DATE.—**

(1) **REGULATIONS.**—The Federal Communications Commission shall prescribe regulations to implement the amendments made by this section not later than 9 months after the date of enactment of this Act.

(2) **EFFECTIVE DATE.**—The requirements of section 228 of the Communications Act of 1934 (as added by this section), other than the authority to prescribe regulations, shall take effect one year after the date of enactment of this Act.

SEC. 4. AM RADIO SERVICE.

Section 331 of the Communications Act of 1934 is amended—

(1) in the heading of such section, by inserting "AND AM RADIO STATIONS" after "TELEVISION STATIONS";

(2) by inserting "(a) VERY HIGH FREQUENCY STATIONS.—" after "SEC. 331."; and

(3) by adding at the end the following new subsection:

"(b) **AM RADIO STATIONS.**—It shall be the policy of the Commission, in any case in which the licensee of an existing AM daytime-only station located in a community with a population of more than 100,000 persons that lacks a local full-time aural station licensed to that community and that is located within a Class I station primary service area notifies the Commission that such licensee seeks to provide full-time service, to ensure that such a licensee is able to place a principal community contour signal over its entire community of license 24 hours a day, if technically feasible. The Commission shall report to the appropriate committees of Congress within 30 days after the date of enactment of this Act on how it intends to meet this policy goal."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

APPENDIX B

PROPOSED RULES

Title 47 of the Code of Federal Regulations, parts 64 and 68, are proposed to be amended as follows:

1. The title of part 64 is revised to read as follows:

PART 64 -- MISCELLANEOUS RULES RELATING TO COMMON CARRIERS AND TELEMARKETERS

2. The table of contents for part 64 is amended by adding subpart K to read as follows:

Subpart K - Prerecorded or Artificial Messages

64.1100 Delivery restrictions.

3. The authority citation for subpart K is added to part 64 to read as follows:

Authority: 47 U.S.C. 151-154, 201-205, 227, 403.

4. Subpart K is added to part 64 to read as follows:

Subpart K - Prerecorded or Artificial Messages

§ 64.1100 Delivery restrictions.

(a) No person may

(1) Initiate any telephone call (other than a call made for emergency purposes or made with the prior express consent of the called party) using an automatic telephone dialing system or an artificial or prerecorded voice,

(i) To any emergency telephone line, including any 911 line and any emergency line of a hospital, medical physician or service office, health care facility, poison control center, or fire protection or law enforcement agency;

(ii) To the telephone line of any guest room or patient room of a hospital, health care facility, elderly home, or similar establishment;
or

(iii) To any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or any service for which the called party is charged for the call;

(2) Initiate any telephone call to any residential telephone line using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party, unless the call is initiated for emergency purposes or is exempted by § 64.1100(c);

(3) Use a telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine;

(4) Use an automatic telephone dialing system in such a way that two or more telephone lines of a multi-line business are engaged simultaneously.

(b) For the purpose of § 64.1100(a), the term "emergency purposes" means calls made necessary in any situation affecting the health and safety of consumers.

(c) The term "telephone call" in § 64.1100(a)(2) shall not include a call or message by, or on behalf of, a caller:

(1) that is not made for a commercial purpose,

(2) that is made for a commercial purpose but does not include the transmission of any unsolicited advertisement,

(3) to any person with whom the caller has had a prior or current business relationship at the time the call is made, or

(4) by a tax exempt nonprofit organization.

(d) Automatic Dialing Devices; identification of the caller. All artificial or prerecorded telephone messages shall:

(1) At the beginning of the message, state clearly the identity of the business, individual, or other entity initiating the call, and

(2) During or after the message, state clearly the telephone number or address of such business, other entity, or individual.

5. The authority citation for subpart D of part 68 is revised to read as follows:

Authority: 47 U.S.C. 154, 155, 227, 303, 403.

6. Section 68.318(c) is amended by adding paragraphs (c) (3) and (c) (4) to read as follows:

§ 68.318 Additional limitations.

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(3) Line Seizure by Automatic Dialing Devices. Automatic dialing devices which deliver a recorded message to the called party must release the called party's telephone line within 5 seconds of the time notification is transmitted to the system that the called party has hung up, to allow the called party's line to be used to make or receive other calls.

(4) Facsimile machines; identification of the sender of the message. It shall be unlawful for any person within the United States to use a computer or other electronic device to send any message via a telephone facsimile machine unless such message clearly contains, in a margin at the top or bottom of each transmitted page or on the first page of the transmission, the date and time it is sent and an identification of the business, other entity, or individual sending the message and the telephone number of the sending machine or of such business, other entity, or individual. Facsimile machines manufactured on and after December 21, 1992 must clearly mark such identifying information on each transmitted message.

APPENDIX C

INITIAL REGULATORY FLEXIBILITY ANALYSIS

Reasons for Action:

This rulemaking proceeding is initiated to obtain comment on proposed rules and regulations to implement the Telephone Consumer Protection Act of 1991, 47 U.S.C. § 227 (TCPA).

Objectives:

The Commission seeks to implement the TCPA and define exemptions to liability under the TCPA.

Legal Basis:

The proposed action is authorized under Sections 1, 4, 201-205, and 227 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154, 201-205, and 227.

Reporting, Recordkeeping and other Compliance Requirements:

This Notice of Proposed Rulemaking proposes rules to implement the TCPA and seeks comment on regulatory mechanisms to balance individuals' privacy rights, public safety interests, and commercial freedoms of speech and trade in a way that protects the privacy of individuals and permits legitimate telemarketing practices.

Federal Rules which Overlap, Duplicate or Conflict with these Rules:

None.

Description, Potential Impact, and Number of Small Entities Involved:

Proposed rules in this proceeding could affect the telemarketing practices of numerous businesses, including small entities. After evaluating the comments and reply comments in this proceeding, the Commission will examine further the impact of any rule changes on small entities, and will set forth its finding in the final Regulatory Flexibility Analysis.

Any Significant Alternatives Minimizing the Impact on Small Entities Consistent with the Stated Objectives:

The Notice of Proposed Rulemaking solicits comments on any significant alternatives minimizing the impact on small entities consistent with the stated objectives.