

107TH CONGRESS
1ST SESSION

H. R. 1424

To amend the Telemarketing and Consumer Fraud and Abuse Prevention Act to direct the Federal Trade Commission to prescribe rules that prohibit certain deceptive and abusive recovery practices in connection with telemarketing.

IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2001

Mr. BACA introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Telemarketing and Consumer Fraud and Abuse Prevention Act to direct the Federal Trade Commission to prescribe rules that prohibit certain deceptive and abusive recovery practices in connection with telemarketing.

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 “Deceptive and Abusive
5 Recovery Practices in Telemarketing Prevention Act”.

1 **SEC. 2. RULES PROHIBITING CERTAIN DECEPTIVE AND**
2 **ABUSIVE RECOVERY PRACTICES IN CONNEC-**
3 **TION WITH TELEMARKETING.**

4 (a) IN GENERAL.—Section 3(a) of the Telemarketing
5 and Consumer Fraud and Abuse Prevention Act (15
6 U.S.C. 6102(a)) is amended by adding at the end the fol-
7 lowing:

8 “(4) RULES PROHIBITING CERTAIN DECEPTIVE
9 AND ABUSIVE RECOVERY PRACTICES.—(A) The
10 Commission shall prescribe under this section rules
11 that prohibit requesting or receiving payment of any
12 fee or consideration to—

13 “(i) obtain, or assist in obtaining, any good
14 or service for which money or any item of value
15 was paid by a person in a previous tele-
16 marketing transaction; or

17 “(ii) recover, or assist in recovering, money
18 or any other item of value paid by a person in
19 a previous telemarketing transaction;

20 until 7 business days after the date the good or serv-
21 ice, or money or other item, respectively, is delivered
22 to the person.

23 “(B) Rules prescribed under subparagraph (A)
24 shall not apply to the request or receipt of payment
25 by an attorney specifically retained to provide serv-
26 ices described in subparagraph (A) (i) or (ii).”.

1 (b) DEADLINE.—The Federal Trade Commission
2 shall prescribe rules under the amendment made by sub-
3 section (a) by not later than 90 days after the date of
4 the enactment of this Act.

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