

(4) The term “telemarketing” means a plan, program, or campaign which is conducted to induce purchases of goods or services, or a charitable contribution, donation, or gift of money or any other thing of value, by use of one or more telephones and which involves more than one interstate telephone call. The term does not include the solicitation of sales through the mailing of a catalog which—

(A) contains a written description, or illustration of the goods or services offered for sale,

(B) includes the business address of the seller,

(C) includes multiple pages of written material or illustrations, and

(D) has been issued not less frequently than once a year,

where the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls takes orders only without further solicitation.

(Pub. L. 103–297, §7, Aug. 16, 1994, 108 Stat. 1550; Pub. L. 107–56, title X, §1011(b)(3), Oct. 26, 2001, 115 Stat. 396.)

Editorial Notes

AMENDMENTS

2001—Par. (4). Pub. L. 107–56 inserted “, or a charitable contribution, donation, or gift of money or any other thing of value,” after “services” in introductory provisions.

§ 6107. Enforcement of orders

(a) General authority

Subject to subsections (b) and (c), the Federal Trade Commission may bring a criminal contempt action for violations of orders of the Commission obtained in cases brought under section 53(b) of this title.

(b) Appointment

An action authorized by subsection (a) may be brought by the Federal Trade Commission only after, and pursuant to, the appointment by the Attorney General of an attorney employed by the Commission, as a special assistant United States Attorney.

(c) Request for appointment

(1) Appointment upon request or motion

A special assistant United States Attorney may be appointed under subsection (b) upon the request of the Federal Trade Commission or the court which has entered the order for which contempt is sought or upon the Attorney General’s own motion.

(2) Timing

The Attorney General shall act upon any request made under paragraph (1) within 45 days of the receipt of the request.

(d) Termination of authority

The authority of the Federal Trade Commission to bring a criminal contempt action under subsection (a) expires 2 years after the date of the first promulgation of rules under section 6102 of this title. The expiration of such author-

ity shall have no effect on an action brought before the expiration date.

(Pub. L. 103–297, §9, Aug. 16, 1994, 108 Stat. 1550.)

§ 6108. Review

Upon the expiration of 5 years following the date of the first promulgation of rules under section 6102 of this title, the Commission shall review the implementation of this chapter and its effect on deceptive telemarketing acts or practices and report the results of the review to the Congress.

(Pub. L. 103–297, §10, Aug. 16, 1994, 108 Stat. 1551.)

CHAPTER 87A—NATIONAL DO-NOT-CALL REGISTRY

Sec.

6151.	National do-not-call registry.
6152.	Telemarketing Sales Rule; do-not-call registry fees.
6153.	Federal Communications Commission do-not-call regulations.
6154.	Reporting requirements.
6155.	Prohibition of expiration date.

Editorial Notes

CODIFICATION

This chapter is comprised principally of Pub. L. 108–10, Mar. 11, 2003, 117 Stat. 557, which was formerly set out as a note under section 6101 of this title.

§ 6151. National Do-Not-Call Registry

(a) Authority

The Federal Trade Commission is authorized under section 6102(a)(3)(A) of this title to implement and enforce a national do-not-call registry.

(b) Ratification

The do-not-call registry provision of the Telemarketing Sales Rule (16 C.F.R. 310.4(b)(1)(iii)), which was promulgated by the Federal Trade Commission, effective March 31, 2003, is ratified.

(Pub. L. 108–82, §1, Sept. 29, 2003, 117 Stat. 1006.)

Editorial Notes

CODIFICATION

Section was formerly set out as a note under section 6102 of this title.

Section was enacted as part of Pub. L. 108–82, and not as part of the Do-Not-Call Implementation Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110–188, §1, Feb. 15, 2008, 122 Stat. 635, provided that: “This Act [amending sections 6152 and 6154 of this title and enacting provisions set out as a note under section 6152 of this title] may be cited as the ‘Do-Not-Call Registry Fee Extension Act of 2007.’”

Pub. L. 110–187, §1, Feb. 15, 2008, 122 Stat. 633, provided that: “This Act [enacting section 6155 of this title] may be cited as the ‘Do-Not-Call Improvement Act of 2007.’”

SHORT TITLE

Pub. L. 108–10, §1, Mar. 11, 2003, 117 Stat. 557, provided that: “This Act [enacting this chapter] may be cited as the ‘Do-Not-Call Implementation Act.’”