

108TH CONGRESS  
1ST SESSION

# S. RES. 242

To express the sense of the Senate concerning the do-not-call registry.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 2003

Ms. MURKOWSKI submitted the following resolution; which was referred to the  
Committee on the Judiciary

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## RESOLUTION

To express the sense of the Senate concerning the do-not-call registry.

Whereas on September 25, 2003, the United States District Court for the District of Colorado decided the case of *Mainstream Marketing Services, Inc. v. Federal Trade Commission*, 2003 U.S. Dist. LEXIS 16807;

Whereas the case considered the constitutionality of the amended telemarketing sales rules promulgated by the Federal Trade Commission, which established a do-not-call registry;

Whereas the district judge held that the do-not-call registry violated the First Amendment free speech rights of telemarketers and was therefore unconstitutional;

Whereas on September 25, 2003, Congress passed legislation reaffirming the authority of the Federal Trade Commission to establish the do-not-call registry;

Whereas over 50,000,000 telephone consumers have signed up for the do-not-call registry, which was to go into effect on October 1, 2003; and

Whereas the people of the United States have the right to protect the privacy of their homes from unsolicited commercial telemarketing calls: Now, therefore, be it

1       *Resolved*, That the Senate—

2               (1) strongly disapproves of the decision of the  
3       United States District Court in *Mainstream Mar-*  
4       *keting Services, Inc. v. Federal Trade Commission*;  
5       and

6               (2) directs the Senate Legal Counsel—

7                       (A) to intervene in any case brought to de-  
8       fend the constitutionality of the do-not-call reg-  
9       istry; or

10                      (B) if unable to intervene, to file an ami-  
11       cus curiae brief in support of the constitu-  
12       tionality of the do-not-call registry.

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