

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL TRADE COMMISSION

16 CFR Part 310

Telemarketing Sales Rule; Extension of Comment Period in the Notice of Proposed Rulemaking

AGENCY: Federal Trade Commission ("Commission" or "FTC").

ACTION: Extension of comment period.

Supplementary information: On August 19, 2009, the Commission published an NPRM proposing amendments to the Telemarketing Sales Rule (16 CFR part 310) to address concerns about debt relief services. In that Notice, the Commission solicited comment regarding the proposed Rule and provided for a 60-day comment period. Thus, the comment period for the NPRM would close October 9, 2009.

manner detailed in the SUPPLEMENTARY INFORMATION section below.

FOR FURTHER INFORMATION CONTACT: Allison Brown, Division of Financial Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580, (202) 326-3224.

SUPPLEMENTARY INFORMATION: On August 19, 2009, the Commission published an NPRM proposing amendments to the Telemarketing Sales Rule (16 CFR part 310) to address concerns about debt relief services. In that Notice, the Commission solicited comment regarding the proposed Rule and provided for a 60-day comment period. Thus, the comment period for the

NPRM would close October 9, 2009. On September 17, 2009, U.S.

Congressman Dan Burton sent a letter to FTC Chairman Jon D. Leibowitz requesting a 120-day extension of the comment period, and on October 2, 2009, U.S. Congressman Pete Sessions and nine other Members of Congress⁴ sent a letter to Chairman Leibowitz similarly requesting a 120-day extension of the comment period. In their letters, Congressman Burton and the other Members of Congress state that the NPRM involves issues that are important to many Members of Congress, who were unable to give the issues proper consideration due to the August recess and ensuing and pressing Congressional business. They also state that many members of the public will be unable to participate in the comment process given the current comment deadline.

The Commission concludes that although an extension is warranted, an extension of 120 days is unnecessary to ensure that interested parties have an adequate opportunity to prepare and submit comments and would cause undue delay. In addition, the FTC staff is holding a public forum on November 4, 2009 to discuss the comments received on the proposed rule and allow members of the public to express views about the proposed rule. The public forum provides another opportunity to provide information to the Commission.

⁴ The other signatories are Rep. John Sullivan, Rep. Steve Scalise, Rep. Lynne Westmoreland, Rep. Sam Johnson, Rep. Sue Myrick, Rep. Marsha Blackburn, Rep. Mike Coffman, Rep. Tom Price, and Rep. Mary Fallin.

Requests to participate in the public forum are due on October 9, 2009.⁵

Accordingly, the Commission has decided to extend the comment period from October 9, 2009 to October 26, 2009. Interested parties are invited to submit written comments electronically or in paper form. Comments should refer to "Telemarketing Sales Rule - Debt Relief Amendments, R411001" to facilitate the organization of comments. Please note that your comment—including your name and your state—will be placed on the public record of this proceeding, including on the publicly accessible FTC Website at (<http://www.ftc.gov/os/publiccomments.shtm>).

Because comments will be made public, they should not include any sensitive personal information, such as any individual's: Social Security Number; date of birth; driver's license number, other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. Comments also should not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, comments should not include any "[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential," as provided in Section 6(f) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled "Confidential," and must comply with FTC Rule 4.9(c), 16 CFR 4.9(c).⁶

Because paper mail addressed to the FTC is subject to delay due to heightened security screening, please consider submitting your comments in electronic form. Comments filed in electronic form should be submitted by using the following weblink: (<https://www1.ftc.gov/opa/2009/08/tsrforum.shtm>).

⁵ Additional information about the public forum is available at (<http://www1.ftc.gov/opa/2009/08/tsrforum.shtm>).

⁶ The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. See FTC Rule 4.9(c), 16 CFR 4.9(c).

DATES: Written comments addressing the debt relief amendments to the TSR must be received on or before October 26, 2009.

ADDRESSES: Interested parties are invited to submit written comments electronically or in paper form. For important information concerning the comments you file, please review the SUPPLEMENTARY INFORMATION section below. Comments in electronic form should be filed at the following electronic address: (<https://secure.commentworks.com/ftc-TSRDebtRelief>) (following the instructions on the web-based form). Comments in paper form should be mailed or delivered to the following address: Federal Trade Commission, Office of the Secretary, Room H-135 (Annex T), 600 Pennsylvania Avenue, NW, Washington, DC 20580, in the

¹ The Notice was announced in a press release on July 30, 2009, available at: (<http://www.ftc.gov/opa/2009/07/tsr.shtm>).

² 74 FR 41988 (Aug. 19, 2009).

secure.commentworks.com/ftc-TSRDebtRelief) (and following the instructions on the web-based form). To ensure that the Commission considers

¹16 CFR Part 610.

²Section 603(p) of the FCRA defines a "nationwide consumer reporting agency" as a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis. At this time, there are three nationwide consumer reporting agencies – Equifax Inc., Experian, and TransUnion LLC.

³Nationwide specialty consumer reporting agencies are defined in section 603(w) of the FCRA. Specifically, section 603(w) defines "nationwide specialty consumer reporting agency" as a CRA that compiles and maintains files on consumers on a nationwide basis relating to (1) medical records or payments; (2) residential or tenant history, (3) check writing history, (4) employment history, or (5) insurance claims.

⁴Pub. L. 111-24, 123 Stat. 1734 (May 22, 2009).