



# Federal Register

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**Monday,  
December 20, 2010**

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**Part XXII**

## **Federal Trade Commission**

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**Semiannual Regulatory Agenda**

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**FEDERAL TRADE COMMISSION (FTC)**


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**FEDERAL TRADE COMMISSION****16 CFR Ch. I****Semiannual Regulatory Agenda****AGENCY:** Federal Trade Commission.**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The following agenda of Commission proceedings is published in accordance with section 22(d)(1) of the Federal Trade Commission Act, 15 U.S.C. 57b-3(d)(1), and the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 to 612, as amended by the Small Business Regulatory Enforcement Fairness Act. The Commission's agenda follows guidelines and procedures issued July 23, 2010, by the Office of Management and Budget in accordance with the provisions of Executive Order No. 12866 "Regulatory Planning and Review" of September 30, 1993, 58 FR 51735 (Oct. 4, 1993).

This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda. The Commission's Statement of Regulatory Priorities is included in the Plan. The Commission has no proposed rules that would be a "significant regulatory action" under the definition in Executive Order 12866.

Beginning with the fall 2007 edition, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov), in a format that offers users a greatly enhanced ability to obtain information from the Agenda database. Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the RFA (5 U.S.C. 602), the Commission's printed agenda entries include only: rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility

Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including the Federal Trade Commission's regulatory plan.

The Commission has one rulemaking that is in the Agency's regulatory flexibility agenda, the recently issued amendments to the Telemarketing Sales Rule, 16 C.F.R. 310, which relate to the provision of debt relief services to consumers. This rule is likely to have a significant impact on a substantial number of small entities.

The Commission's agenda also references the Web site [www.regulations.gov](http://www.regulations.gov) where appropriate. This is the Governmentwide Web site where members of the public can find, review, and submit comments on Federal rulemakings that are open for comment and published in the **Federal Register**.

The Commission has responded to the optional information requirement to identify rulemakings that are likely to have some impact on small entities but are not subject to the requirements of the RFA. The current rulemakings that are likely to have some impact on small entities but are not subject to the requirements of the RFA are: (1) the Automotive Fuel Ratings, Certification, and Posting Rule, 16 CFR 306; (2) the Pay-Per-Call Rule (or "the 1-900 Rule"), 16 CFR 308; (3) the Appliance Labeling Rule, 16 CFR 305, (4) Labeling Requirements for Alternative Fuels and Alternative-Fueled Vehicles, 16 CFR 309; (5) Children's Online Privacy Protection Rule, 16 CFR 312; (6) the Rulemakings with Respect to Mortgage Loans, to be codified at 16 CFR 321, 322; (7) Retail Food Store Advertising and Marketing Practices, 16 CFR 424; (8) the Negative Option Rule, 16 CFR 425; (9) the Cooling-Off Rule, 16 CFR 429; (10) the Amplifier Rule, 16 CFR 432; (11) the Holder-in-Due Course Rule, 16 CFR 433; (12) Mail or Telephone Order Merchandise Rule, 16 CFR 435; (13) the Business Opportunity Rule, to be codified at 16 CFR 437; (14) the Used Car Rule, 16 CFR 455; and (15) certain rules implementing the Fair and Accurate Credit Transactions Act of 2003 (FACTA), 16 CFR 602, 603, 604, 610, 611, 613, 614, 641, 642, 660, 680, 681, 682, and 698.

In addition, the Agency has responded to the optional information question that corresponds to Executive Order 13132, "Federalism," of August 4, 1999, 64 FR 43255 (Aug. 10, 1999), which does not apply to independent regulatory agencies. The Commission believes to the extent that any of the rules in this agenda may have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government" within the meaning of E.O. 13132, it has consulted with the affected entities. The Commission continues to work closely with the States and other governmental units in its rulemaking process, which explicitly considers the effect of the Agency's rules on these governmental entities.

Some of the rulemakings listed in the agenda are being conducted as part of the Commission's plan to review and seek information every 10 years about all of its regulations and guides, including their costs and benefits and regulatory and economic impact. These reviews incorporate and expand upon the review required by the RFA and regulatory reform initiatives directing agencies to conduct a review of all regulations and eliminate or revise those that are outdated or otherwise in need of reform.

Except for notice of completed actions, the information in this agenda represents the judgment of Commission staff, based upon information now available. Each projected date of action reflects an assessment by the FTC staff of the likelihood that the specified event will occur during the coming year. No final determination by the staff or the Commission respecting the need for, or the substance of, a trade regulation rule or any other procedural option should be inferred from the notation of projected events in this agenda. In most instances, the dates of future events are listed by month, not by a specific day. The acquisition of new information, changes of circumstances, or changes in the law may alter this information.

**FOR FURTHER INFORMATION CONTACT:** For information about specific regulatory actions listed in the agenda, call, e-mail, or write the contact person listed for each particular proceeding. General comments or questions about the agenda should be directed to G. Richard Gold,

## FTC

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By direction of the Commission.  
**Donald S. Clark,**  
*Secretary.*

## Federal Trade Commission—Prerule Stage

| Sequence Number | Title                          | Regulation Identifier Number |
|-----------------|--------------------------------|------------------------------|
| 607             | Telemarketing Sales Rule ..... | 3084-AB19                    |

## Federal Trade Commission (FTC)

## Prerule Stage

**607. TELEMARKETING SALES RULE**

**Legal Authority:** 15 USC 6101 to 6108; 15 USC 41 to 58

**Abstract:** The Federal Trade Commission proposes to amend the FTC's Telemarketing Sales Rule (TSR or Rule) to address the sale of debt relief services (74 FR 41988). The Commission seeks public comment on the proposed amendments, which would: define the term "debt relief service;" ensure that, regardless of the medium through which such services are initially advertised, telemarketing transactions involving debt relief services would be subject to the TSR; mandate certain disclosures and prohibit misrepresentations in the telemarketing of debt relief services; and prohibit any entity from requesting or receiving payment for debt relief services until such services have been fully performed and documented to the consumer. The comment period, as extended, closed on October 26, 2009. The Commission received hundreds of comments from the public. The Commission held a public forum on November 4, 2009, where Commission staff and interested parties discussed the proposed amendments and issues raised in the comments. On July 29, 2010, the Commission announced rule amendments defining debt relief services, prohibiting debt relief providers from collecting fees until services have been provided, and requiring specific disclosures related to fundamental aspects of debt relief

services (75 FR 48458). The rule also extends the TSR's coverage to inbound calls and prohibits misrepresentations related to success rates and non-profit status. With the exception of the advance fee ban, the rule's provisions were effective September 27, 2010.

On October 27, 2010, the Commission announced an enforcement policy for the TSR Debt Relief Services Rule: The Commission will defer enforcement of the new rule for tax debt relief services until further notice. The enforcement policy states, however, that tax debt relief services must comply with the other portions of the FTC's Telemarketing Sales Rule during the enforcement deferral period. Companies that sell other kinds of debt relief services over the telephone continue to be subject to enforcement of the TSR Debt Relief Service Rule, including the prohibition against charging fees before settling or reducing a consumer's credit card or other unsecured debt.

Separately, Commission staff are considering proposed amendments to the TSR concerning caller identification services and disclosure of the identity of the seller or telemarketer responsible for telemarketing calls. Staff anticipates that the Commission will issue an advance notice of proposed rulemaking during the first quarter of 2011.

Commission staff are also considering possible amendments to the TSR that would provide new or strengthen existing anti-fraud provisions, as well as make explicit certain other

requirements in the TSR. Staff anticipates that the Commission will issue an advance notice of proposed rulemaking during the first quarter of 2011.

**Timetable:**

| Action                             | Date     | FR Cite     |
|------------------------------------|----------|-------------|
| NPRM                               | 08/19/09 | 74 FR 41988 |
| NPRM Comment Period End            | 10/09/09 |             |
| NPRM Comment Period Extended       | 10/15/09 | 74 FR 52914 |
| NPRM Extended Comment Period End   | 10/26/09 |             |
| Public Forum                       | 11/04/09 |             |
| Final Rule                         | 08/10/10 | 75 FR 48458 |
| Technical Correction to Final Rule | 08/24/10 | 75 FR 51934 |
| Effective Date                     | 09/27/10 |             |
| Effective Date (Advance Fee Ban)   | 10/27/10 |             |
| ANPRM (Caller ID)                  | 03/00/11 |             |
| NPRM (Anti-fraud)                  | 08/00/11 |             |

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3084-AB19

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