

Congress of the United States
Washington, DC 20515

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FEDERAL TRADE COMMISSION
2009 OCT 14 AM 10:48
CONG. CORRES. BRANCH

October 9, 2009

The Honorable Jon Leibowitz
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Dear Chairman Leibowitz:

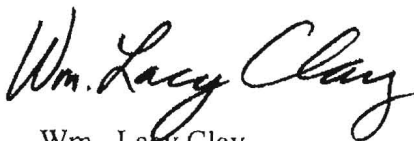
We write to respectfully request that the Federal Trade Commission consider extending the public comment period in the matter of amendments to 16 C.F.R. Part 310 outlined in the Notice of Proposed Rulemaking (NPRM) in *Telemarketing Sales Rule*, 74 FR 41988, which was published August 19, 2009 in the Federal Register.

A number of our constituents have asked us to contact the FTC to urge you to consider extending the public comment period. Due to the August recess and the current schedule of congressional matters, we are concerned that there has not been the proper focus on this issue by many Members. We understand from the Notice that the FTC has indicated that empirical data is somewhat lacking on these issues and that a number of academic studies are being undertaken regarding these regulations.

While we understand that you have temporarily extended the public comment period, we suggest a short extension of one hundred and twenty days that would allow for the full and fair consideration of these issues and would better engage the public in the process and provide more feedback and comments to the FTC in your deliberations and rulemaking.

Chairman Leibowitz, we respectfully request that you consider our concerns with regards to the comment period. Please do not hesitate to contact us if you have any questions and thank you in advance for your attention to this matter.

Sincerely,



Wm. Lacy Clay
Member of Congress



Jesse L. Jackson, Jr.
Member of Congress



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

October 20, 2009

The Honorable William Lacy Clay
United States House of Representatives
Washington, DC 20515

Dear Representative Clay:

Thank you for the letter from you and Representative Jackson to the Federal Trade Commission regarding the proposed amendments to the Telemarketing Sales Rule covering debt relief services which the Commission announced on July 30, 2009.¹ Your letter requests that the Commission extend the period for public comment on the proposed rule by 120 days, given your concern that the August recess and the current schedule of Congressional matters may have limited the extent to which Members of Congress have focused on the rulemaking proceeding.

The proposed rule involves important issues, and the Commission welcomes comments on the proposal. The Commission has thus far received more than 150 comments, including some comments from industry members, and has also received similar requests to extend the public comment period from a number of other Members of Congress. As you point out, the Commission recently voted to extend the comment period by 15 days, until Monday, October 26, 2009, thereby allowing additional time for commenters to submit their comments without causing undue delay.² Of course, the Commission always welcomes and considers comments from Members of Congress, even if submitted after a given comment period closes.

As you may know, the FTC staff are holding a public forum on November 4 to discuss the comments received on the proposed rule, and to allow members of the public a further opportunity to express their views. Although requests to participate in the public forum were

¹ See *FTC Seeks Public Comment on Proposed Rules to Protect Consumers of Debt Relief Services* (July 30, 2009), available at <http://www.ftc.gov/opa/2009/07/tsr.shtm>; *Federal Trade Commission: Telemarketing Sales Rule: Notice of Proposed Rulemaking and Announcement of Public Forum*, 74 Fed. Reg. 41988 (August 19, 2009).

² *Federal Trade Commission: Telemarketing Sales Rule: Extension of Comment Period in the Notice of Proposed Rulemaking*, 74 Fed. Reg. 52914 (October 15, 2009).

The Honorable William Lacy Clay -- Page 2

due on October 9, 2009, the final group of participants has not yet been determined, so please let us know if you would like to participate. More information about the public forum can be found at the FTC's website, at www.ftc.gov/opa/2009/08/tsrforum.shtm.

We appreciate your interest in this matter. Please let us know whenever we can be of service with respect to any other matter.

Sincerely,

A handwritten signature in black ink that reads "Donald S. Clark". The signature is written in a cursive style with a long horizontal line extending to the right.

Donald S. Clark
Secretary of the Commission