



August 2, 2022

Via Electronic Submission

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Suite CC-5610 (Annex B)
Washington, DC 20580

Re: Proposed Rule, Federal Trade Commission; Telemarketing Sales Rule (87 Fed. Reg. 33,677 - 33,695, June 3, 2022)

To Whom it May Concern:

The U.S. Chamber of Commerce (“Chamber”) appreciates the opportunity to submit comments on the Federal Trade Commission’s (“Commission”) Notice of Proposed Rulemaking (“NPRM”) and Advanced Notice of Proposed Rulemaking (“ANPR”) to update the Commission’s Telemarketing Sales Rule (“TSR”) on deceptive or abusive telemarketing practices.

I. Comments on the Notice of Proposed Rulemaking

The NPRM proposes to substantially expand the scope of the TSR through increased document retention periods, additional categories of information collection, and other recordkeeping requirements. The Chamber is concerned that the expanded scope and duration of collected information will present a burden to those in the business community that utilize telemarketing.

The NPRM proposes increasing the retention period for keeping telemarketing records from two to five years – a 250% increase. While the Chamber supports ensuring effective enforcement of the TSR, we believe that the lengthened retention period is burdensome and will require additional resources to determine and build capability, and, separately, to retain records information for five years.

Moreover, the Chamber is concerned that additional recordkeeping requirements may not be technically feasible. We urge the Commission to weigh the technical feasibility before implementing any final rule that would impose such a burden on the business community.

II. Comments on the Advanced Notice of Proposed Rulemaking

The ANPR proposes to eliminate the TSR's existing Business-to-Business Exemption, which would effectively apply TSR requirements to telemarketing activities directed towards business. The Chamber supports the TSR's purpose to protect consumers from unscrupulous telemarketing practices, but the Business-to-Business Exemption has proven beneficial to the business community. The inclusion of business-to-business transactions in the TSR would also spread thin the Commission's already limited resources to address telemarketing abuses. The Chamber urges the Commission to not pursue a rulemaking that would eliminate the TSR Business-to-Business Exception.

III. Conclusion

The Chamber appreciates the Commission for considering our views on the NPRM and the ANPR and we look forward to collaborating on TSR issue moving forward. If you have any questions, please reach out to Matt Furlow at mfurlow@uschamber.com.

Sincerely,

A handwritten signature in black ink that reads "Jordan Crenshaw". The signature is written in a cursive, flowing style.

Jordan Crenshaw
Vice President
Chamber Technology Engagement Center
U.S. Chamber of Commerce