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INTERNATIONAL MONETARY
POLICY AND TRADE

Congress of the United States

House of Representatives

Washington, DC 20515-1316

April 12, 2002

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Mr. Timothy J. Muris
Federal Trade Commission
Room 159
600 Pennsylvania Ave NW
Washington, DC 20580

Re: Telemarketing Rulemaking--Comment. FTC File No. R411001

Dear Chairman Muris:

This letter expresses my views on the FTC's proposed changes to the Telemarketing Sales Rule (TSR). As you must know, these changes will have a profound and lasting effect on an important industry and one that greatly affects our economy and the exchange of goods and services.

The teleservices industry in America employs over six million people, including many of my constituents. These employees, and the companies for whom they work, are engaged in millions of transactions every month and serve satisfied customers and clients with a wide array of products and services. Naturally, there are companies in the industry that take advantage of others and who do not follow rules now in place. You should continue to be vigilant in holding those persons and companies accountable. However, I ask that you not put a portion of a thriving industry at risk when the actions of a few are to blame.

One of your proposed rules, for example, significantly changes the way a teleservices firm handles an inbound call from a customer who may be interested in a related product or service. Also, an outright ban on legitimate companies on the use of pre-acquired account information for customer purchases, rather than dealing with those that abuse the availability of such information, seems excessive.

The FTC does not have jurisdiction in this matter over many entities such as banks, federal credit unions, long-distance telephone companies, airlines, and most insurance companies. Likewise, intrastate calls are not regulated by the FTC. As a result, the proposed rule will further fragment an industry based on who you regulate. Putting entities that may wish to perform the same business functions in two different classes based on who you regulate is unfair to legitimate teleservices companies and their employees.

Finally, several states have implemented their own Do Not Call (DNC) list and the industry itself maintains such a list. The FTC has not outlined how a national list would work or who would fund it. You should examine how the cost of such a list will affect small teleservices firms pursuant to the Regulatory Flexibility Act.

The telemarketing industry is already heavily regulated and appropriately so in many cases. However, in your attempt to address concerns by the public regarding this industry, I ask that you not damage those firms that comply with the law. The end result of that action would be economic hardship for the millions of American workers who participate in the teleservices industry.

Sincerely,

Donald A. Manzullo
Member of Congress