

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 August 10, 2009, 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).

For this edition of the Federal Trade Commission's regulatory agenda, the most important regulatory actions and a Statement of Regulatory Priorities are included in The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda. Since the fall 2007 edition, the Internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at www.reginfo.gov. Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (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's agenda also references the Web site 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 one proposed rule that would be a "significant regulatory action" under the definition in Executive Order 12866. This is the FACTA (or Fair and Accurate Credit Transactions Act of 2003) Risk-Based Pricing Final Rule, which staff anticipates being approved by the Commission during early 2010. There is further information about this in The Regulatory Plan and in the Agenda abstract for FACTA rulemakings.

The Commission has responded to OMB's request that agencies discuss international effects of their rulemakings in The Regulatory Plan narrative. The Commission has also 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 Appliance Labeling Rule, 16 CFR 305; (2) the Automotive Fuel Ratings, Certification, and Posting Rule, 16 CFR 306; (3) the Smokeless Tobacco Rules, 16 CFR 307; (4) the Pay-Per-Call Rule (or "the 1-900 Rule"), 16 CFR 308; (5) Telemarketing Sales Rule, 16 CFR 310; (6) Privacy of Consumer Financial Information, 16 CFR 313; (7) the Petroleum Market Manipulation Rule, to be codified at 16 CFR 317; (8) the Temporary Breach Notification Rule for Vendors of Personal Health Records, to be codified at 16 CFR 318; (9) the Rulemaking with Respect to Mortgage Loans, to be codified at 16 CFR 321, 322; (10) the Negative Option Rule, 16 CFR 425; (11) the Cooling-Off Rule, 16 CFR 429; (12) the Amplifier Rule, 16 CFR 432; (13) Mail

or Telephone Order Merchandise Rule, 16 CFR 435; (14) the Business Opportunity Rule, to be codified at 16 CFR 437; (15) the Used Car Rule, 16 CFR 455; and (16) certain rules implementing the Fair and Accurate Credit Transactions Act of 2003 (FACTA), 16 CFR 602, 603, 604, 610, 611, 613, 614, 641, 660, 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, Attorney, telephone: (202) 326-3355; e-mail: rgold@ftc.gov, or Robert A. Nelson, Jr., Paralegal, telephone: (202) 326-2931; e-mail: rnelson@ftc.gov, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

By direction of the Commission.

NAME: Donald S. Clark,
Secretary.

The 20 Regulatory Agendas

Federal Trade Commission - PreRule

Title	Regulation Identifier Number
Regulatory Review	3084-AA47
Regulations Under the Comprehensive Smokeless Tobacco Health Education Act of 1986	3084-AA48
Premerger Notification Rules and Report Form	3084-AA91
Used Motor Vehicle Trade Regulation Rule	3084-AB05
Mail or Telephone Order Merchandise Rule	3084-AB07
Trade Regulation Rule Concerning Power Output Claims for Amplifiers Utilized in Home Entertainment Products	3084-AB09
Trade Regulation Rule Concerning Cooling Off Period for Sales Made at Homes or at Certain Other Locations	3084-AB10
Use of Prenotification Negative Option Plans	3084-AB13

Federal Trade Commission - Proposed Rule

Title	Regulation Identifier Number
The Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA)	3084-AA99
Business Opportunity Rule	3084-AB04
Automotive Fuel Ratings, Certification and Posting	3084-AB14
Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (Appliance Labeling Rule)	3084-AB15
Rulemaking Proceeding With Respect to Mortgage Loans	3084-AB18
Telemarketing Sales Rule	3084-AB19

Federal Trade Commission - Final Rule

Title	Regulation Identifier Number
Fair and Accurate Credit Transactions Act of 2003	3084-AA94
Privacy of Consumer Financial Information	3084-AA97

Federal Trade Commission - Long-term Action

Title	Regulation Identifier Number
Trade Regulation Rule Pursuant to the Telephone Disclosure and Dispute Resolution Act of 1992	3084-AA78
Preservation of Consumers' Claims and Defenses ("Holder-in-Due Course Rule")	3084-AB16

Federal Trade Commission - Completed Action

Title	Regulation Identifier Number
Prohibitions on Market Manipulation and False Information in Subtitle B of the Energy Independence and Security Act of 2007	3084-AB12
Temporary Breach Notification Requirement for Vendors of Personal Health Records and Other Non-HIPAA Covered Entities	3084-AB17

Federal Trade Commission (FTC)

RIN: 3084-AA47

 [View Related Documents](#)

Title: Regulatory Review

Abstract: The Commission continues its review of current rules and guides to identify any that should be modified or rescinded. The Commission will continue to consider ways to streamline and improve the review program. No determination about whether to modify or rescind a rule, guide, or interpretation or any other procedural option should be inferred from the Commission's decision to publish a request for comments. In certain instances, the reviews may also address other specific matters or issues, such as proposed amendments. Finally, the Commission may modify the rule review timetable as circumstances warrant. On February 5, 2009, the Commission published a notice announcing it plans to review two rules (Automotive Fuel Ratings, Certification, and Posting Rule, 16 CFR 306, and Use of Prenotification Negative Option Plans, 16 CFR 425) and one guide (Guides for Private Vocational and Distance Education Schools, 16 CFR 254) in 2009 and modified the 10-year schedule for its regulatory review program. 74 FR 6129. The Commission expects to issue its next notice about the current rule and guide review schedule during early 2010.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: 16 CFR 1 et seq (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 15 USC 41 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice of Rules and Guides To Review in 2000	01/19/2000	65 FR 2912
Notice of Rules and Guides To Review in 2002	03/04/2002	67 FR 9630
Notice of Rules and Guides To Review in 2003	01/17/2003	68 FR 2465
Notice of Rules and Guides To Review in 2004	01/27/2004	69 FR 3867
Notice of Rules and Guides To Review in 2005	01/12/2005	70 FR 2074
Notice of Rules and Guides to Review in 2006	12/29/2005	70 FR 77077
Notice of Rules and Guides to Review in 2007	12/29/2006	71 FR 78390
Notice of Rules and Guides to Review in 2008	03/05/2008	73 FR 11844
Notice of Rules and Guides to Review in 2009	02/05/2009	74 CFR 6129
Notice of Rules and Guides to Review in 2010	01/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Federal Trade Commission (FTC)

RIN: 3084-AA48

 [View Related Documents](#)

Title: Regulations Under the Comprehensive Smokeless Tobacco Health Education Act of 1986

Abstract: The Comprehensive Smokeless Tobacco Health Education Act of 1986 requires health warnings on all packages and advertisements for smokeless tobacco. The Act directs the Commission to issue implementing rules governing the format and display of the warnings. On November 4, 1986, the Commission issued its rules setting out the provisions for the size, color, typeface, and rotation of the statutory warnings at 51 FR 40005. In FY 2000, the Commission undertook a periodic review of the

rules. The purpose of the review was to determine whether the rules continue to effectively meet the goals of the Act and to seek information concerning the rules, particularly their economic impact, in order to decide whether they should be amended. Staff plans to forward its recommendations to the Commission by early 2010.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: 16 CFR 307 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 15 USC 4401

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM (Regulatory Review)	03/07/2000	65 FR 11944
Comment Period End (Regulatory Review)	04/24/2000	
Comment Period Extended (Regulatory Review)	05/08/2000	65 FR 26534
Extended Comment Period End (Regulatory Review)	07/21/2000	
Extended Comment Period End	10/16/2000	
Reopening and Extension of Comment Period	10/13/2000	65 FR 60899
Commission Action (Regulatory Review)	01/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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Federal Trade Commission (FTC)

RIN: 3084-AA91

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Title: Premerger Notification Rules and Report Form

Abstract: The Premerger Notification Rules (HSR Rules or rules) and the Antitrust Improvements Act Notification and Report Form (HSR Form) were adopted pursuant to section 7A of the Clayton Act. Section 7A requires firms of a certain size contemplating mergers or acquisitions of a specified size to file notification with the Federal Trade Commission (FTC) and the U.S. Department of Justice (DOJ) and to wait a designated period of time before consummating the transaction. It also requires the FTC, with the concurrence of the U.S. Assistant Attorney General for Antitrust, to promulgate rules requiring that notification be in a form and contain information necessary to enable the FTC and DOJ to determine whether the proposed acquisition may, if consummated, violate the antitrust laws. These rules are continually reviewed in order to improve the program's effectiveness and to reduce the paperwork burden on the business community. Pursuant to the 2000 Amendments to section 7A of the Clayton Act, codified at 15 U.S.C. 18a, the filing thresholds are revised annually based on the change in gross national product. These thresholds have recently been raised with the baseline reporting figure of the size of transaction test under section 7A(a)(2)(B)(i) now \$65.2 million, which was effective 30 days from publication in the Federal Register. 74 FR 1687. Staff continues to review the Rules and the Form and anticipates sending a recommendation to the Commission during early 2010.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: 16 CFR 801 to 803 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 15 USC 18a Clayton Act

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Rule II (Rules of Practice)	02/01/2001	66 FR 8720
Interim Rule I (Statutory Changes)	02/01/2001	66 FR 8680
NPRM (Rule Change)	02/01/2001	66 FR 8723
Interim Final Rule With Request for Comments (Change From SIC to NAICS)	05/09/2001	66 FR 23561
Effective Date (Change from SIC to NAICS)	07/01/2001	
Final Rule Part 802.21	03/18/2002	67 FR 11904
Final Rules Parts 801 and 802	03/18/2002	67 FR 11898
Final Rules Parts 801 and 803	01/17/2003	68 FR 2425
NPRM (Noncorporate Entities)	04/08/2004	69 FR 18686
Final Rule (Noncorporate Entities)	03/08/2005	70 FR 11502
Effective Date (Final Rule on Noncorporate Entities)	04/07/2005	
NPRM (Internet Links and "Stale" Filings)	08/15/2005	70 FR 47733
NPRM (Internet Links and "Stale" Filings) Comment Period End	10/14/2005	
Final Rule (Internet Links and "Stale" Filings)	12/12/2005	70 FR 73369
Final Rule on Electronic Filings Effective	06/23/2006	
Final Rule (Electronic Filings)	06/23/2006	71 FR 35995
Staff Recommendation to Commission (Form Changes)	01/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Public Comment URL: www.regulations.gov

Related RINs: Previously Reported as 3084-AA23

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Federal Trade Commission (FTC)

RIN: 3084-AB05

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Title: Used Motor Vehicle Trade Regulation Rule

Abstract: Effective in 1985 and last reviewed in 1995, the Used Motor Vehicle Trade Regulation Rule (or Used Car Rule) sets out the general duties of a used vehicle dealer and provides for a label on the window of the car describing the condition of the car and whether it is warranted by the used vehicle dealer. The Used Car Rule also prohibits the used vehicle dealer from making statements contrary to those on the label. On July 21, 2008, the Commission published a notice seeking public comments on the effectiveness and impact of the Rule. The notice sought comments on a range of issues including whether a bilingual Buyers Guide would be useful or practicable, as well as what form such a Buyers Guide should take. Second, the notice sought comments on possible changes to the Buyers Guide that reflect new warranty products such as certified used car warranties, that have become increasingly popular since the Rule was last reviewed. Finally the notice sought comments on other issues including the continuing need for the Rule and its economic impact, and the effect of the Rule on the used car market. The comment period, as extended, ended on November 19, 2008, and staff anticipates sending a recommendation to the Commission by fall 2009.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 16 CFR 455 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 15 USC 2309

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	07/21/2008	73 FR 42285
ANPRM Comment Period End	09/19/2008	
ANPRM Comment Period Extended	09/25/2008	73 FR 55548
ANPRM Comment Period Extended To	11/19/2008	
Staff Recommendation to Commission	12/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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Federal Trade Commission (FTC)

RIN: 3084-AB07

 [View Related Documents](#)

Title: Mail or Telephone Order Merchandise Rule

Abstract: Issued in 1975, and last amended in 1995, the Mail or Telephone Order Merchandise Rule (or Rule) requires that, when sellers advertise merchandise, they must have a reasonable basis for stating or implying that they can ship within a certain time. If sellers make no shipment statement, they must have a reasonable basis for believing that they can ship within 30 days. In the event of delays in shipment, the rule establishes notification procedures whereby buyers have the option either to agree to the delay or to cancel the order and receive a prompt refund. The rule applies when a consumer places an order by mail or telephone and also by indirect use of telephone via facsimile or computer. On September 11, 2007, the Commission requested comments on the rule as part of the Commission's systematic review of all current Commission rules and guides. The Commission sought comments on possible non-substantive changes to the rule to bring it into conformity with changing conditions, including consumers using means other than the telephone to access the Internet when ordering, consumers paying for merchandise by demand draft or debit card, and merchants using alternative methods to make prompt rule-required refunds. The Commission also sought comments on, among other things, the economic impact and benefits of this rule; possible conflict between the rule and State, local, or other Federal laws or regulations; and the effect on the rule of any technological, economic, or other industry changes. The comment period closed on November 7, 2007. Staff has reviewed the comments and anticipates sending a recommendation to the Commission by early 2010.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: 16 CFR 435 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 15 USC 57a; 5 USC 552

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	09/11/2007	72 FR 51728
ANPRM Comment Period End	11/07/2007	
Recommendation to Commission	01/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business; Organizations

Federalism: No

Energy Affected: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Related RINs: Related to 3084-AA19
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Federal Trade Commission (FTC)

RIN: 3084-AB09

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Title: Trade Regulation Rule Concerning Power Output Claims for Amplifiers Utilized in Home Entertainment Products

Abstract: Promulgated in 1974 and last reviewed within the last 5 years, the Trade Regulation Rule Concerning Power Output Claims for Amplifiers Utilized in Home Entertainment Products (Amplifier Rule or Rule) was to assist consumers in purchasing power amplification equipment for home entertainment purposes by standardizing the measurement and disclosure of various performance characteristics of the equipment. The Amplifier Rule establishes uniform test standards and disclosures so that consumers can make more meaningful comparisons of performance attributes. The Rule makes it an unfair or deceptive act or practice for manufacturers and sellers of sound power amplification equipment for home entertainment purposes to fail to disclose certain performance information in connection with direct or indirect representations of power output, power band, frequency, or distortion characteristics. The Rule also sets out standard test conditions for performing the measurements that support the required performance disclosures. Further, the Rule prohibits representations of performance characteristics if they are not obtainable when the equipment is operated by the consumer in the usual and ordinary manner without the use of extraneous aids. On February 22, 2008, the Commission announced that it was requesting comments on the rule as part of the Commission's systematic review of all current Commission rules and guides. The Commission sought comments on, among other things, the economic impact and benefits of this rule; possible conflict between the rule and State, local, or other Federal laws or regulations; and the effect on the rule of any technological, economic, or other industry changes. Staff is reviewing comments and anticipates further Commission action during the fall of 2009.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: 16 CFR 432 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 15 USC 41 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	02/27/2008	73 FR 10403
ANPRM Comment Period End	05/12/2008	
Commission Action	12/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 3084-AA81

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Federal Trade Commission (FTC)

RIN: 3084-AB10

 [View Related Documents](#)

Title: Trade Regulation Rule Concerning Cooling Off Period for Sales Made at Homes or at Certain Other Locations

Abstract: Last revised in 1995, the Trade Regulation Rule Concerning Cooling Off Period for Sales Made at Homes or at Certain Other Locations (or the Cooling-Off Rule) requires that a consumer be given a 3-day right to cancel certain sales greater than \$25.00 that occur at a place other than a seller's place of business. The Rule also requires a seller to notify buyers orally of the right to cancel; to provide buyers with a dated receipt or copy of the contract containing the name and address of the seller and notice of cancellation rights; and to provide buyers with forms which buyers may use to cancel the contract. On April 21, 2009, the Commission requested comments on the rule as part of the Commission's systematic review of all current Commission rules and guides. The Commission is seeking comments on, among other things, the economic impact and benefits of this rule; possible conflict between the rule and State, local, or other Federal laws or regulations; and the effect on the rule of any technological, economic, or other industry changes. At the request of several organizations, the comment period was reopened and extended to September 25, 2009. 74 FR 36972. Staff is reviewing comments as they are received and expects to prepare a recommendation for the Commission during the early part of 2010.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 16 CFR 429 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 15 USC 41 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	04/21/2009	74 FR 18170
ANPRM Comment Period End	06/22/2009	
ANPRM Comment Period Extended	07/27/2009	74 FR 36972
ANPRM Extended Comment Period End	09/25/2009	
Recommendation to Commission	02/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 3084-AA53

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Federal Trade Commission (FTC)

RIN: 3084-AB13

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Title: Use of Prenotification Negative Option Plans

Abstract: Issued in 1974 and last reviewed in 1997, the Trade Regulation Rule on Use of Prenotification Negative Option Plans (Negative Option Rule or Rule) governs the operation of prenotification subscription plans. Under these plans, sellers ship merchandise, such as books, compact discs, or tapes, automatically to their subscribers and bill them for the merchandise if consumers do not expressly reject the merchandise within a prescribed time. The Rule protects consumers by: (a) Requiring that promotional materials disclose the terms of membership clearly and conspicuously; and (b) establishing procedures for the administration of such "negative option" plans. The Commission requested comments on the rule on May 14, 2009, as part of the Commission's systematic review of all current Commission rules and guides. 74 FR 22720. The Commission sought comments on, among other things, the economic impact and benefits of this rule; possible conflict between the rule and State, local, or other Federal laws or regulations; the effect on the rule of any technological, economic, or other industry changes; and whether the

Rule should be extended to cover other types of negative option plans. The comment period closed on July 27, 2009. Staff received requests seeking to extend the comment period from several states, a county government agency, and an industry trade association; but the requests were too close to the end of the comment period to extend it. On August 7, 2009, the Commission granted these requests and reopened the comment period until October 13, 2009. 74 FR 40124.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: 16 CFR 425 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 15 USC 41 to 58

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	05/14/2009	74 FR 22720
ANPRM Comment Period Reopened	08/11/2009	74 FR 40121
ANPRM Revised Comment Period End	10/13/2009	
Recommendation to the Commission	07/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business; Organizations

Federalism: No

Energy Affected: No

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Federal Trade Commission (FTC)

RIN: 3084-AA99

 [View Related Documents](#)

Title: The Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA)

Abstract: This rulemaking is related to RIN 3084-AA44, which was withdrawn in 2000. The FDICIA assigns to the FTC responsibilities for certain non-federally insured depository institutions (DIs). The FTC is required to prescribe by regulation or order the manner and content of certain disclosures required of DIs that lack Federal deposit insurance. The Departments of Commerce, Justice, State, and Related Agencies Appropriations Act of 1993, containing the Commission's appropriation for 1993, provided that none of the funds were available for expenses authorized by section 151 of FDICIA. Legislation containing the Commission's appropriation for fiscal years 1994 to 2003 contained the same provision. However, the Consolidated Appropriations Act of 2004 and 2005 did not include the provision prohibiting the FTC from spending funds on the tasks imposed by section 151 of FDICIA. The Commission published a notice of proposed rulemaking (NPRM) requesting public comments on proposed disclosure requirements to implement section 151 on March 16, 2005. 70 FR 12823. The comment period ended on June 15, 2005. The Commission issued a supplemental NPRM on March 13, 2009. 74 FR 10843. The comment period closed on June 5, 2009. Staff expects to send a recommendation to the Commission by the end of 2009.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 1811 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/16/2005	70 FR 12823
NPRM Comment Period End	06/15/2005	
Revised NPRM	03/13/2009	74 FR 10843

Revised NPRM Comment Period End	06/05/2009	
Recommendation to Commission	12/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 3084-AA44

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Federal Trade Commission (FTC)

RIN: 3084-AB04

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Title: Business Opportunity Rule

Abstract: From the review of the current Franchise Rule (RIN 3084-AA63), staff recommended that the rule be split into two parts: One part addressing franchise issues and the second addressing business opportunity issues. On April 6, 2006, the Commission announced publication of a Notice of Proposed Rulemaking (NPRM) seeking comment on this proposed Business Opportunity Rule. The proposed rule addresses fraud in the offer and sale of business opportunity ventures by requiring business opportunity sellers to furnish specific pre-sale disclosures to prospective purchasers, as well as prohibiting specific conduct that the rulemaking record and the Commission's law enforcement experience show are prevalent problems. The extended comment period closed on July 17, 2006. A subsequent extended rebuttal comment period closed on September 29, 2006. After reviewing the comments, the Commission published a revised NPRM on March 26, 2008, that would require business opportunity sellers to furnish prospective purchasers with specific information that is material to the consumer's decision as to whether to purchase a business opportunity and which should help the purchaser identify fraudulent offerings. The revised NPRM also would prohibit other acts or practices that are unfair or deceptive within the meaning of section 5 of the Federal Trade Commission Act (the FTC Act). The comment period closed on May 27, 2008. The extended period for rebuttal comments closed on July 1, 2008. 73 FR 34895. The Commission held a day-long workshop on June 1, 2009, to explore proposed changes to the rule, including the effectiveness of the proposed one-page Business Opportunity Disclosure Form that sellers of business opportunities would be required to provide to prospective purchasers. The comment period closed on June 30, 2009. The Commission plans to issue a Staff Report on the proposed Business Opportunity Rule and a Federal Register Notice seeking comment in early 2010.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: To be codified at 16 CFR 437 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 15 USC 41 to 58

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/12/2006	71 FR 19054
NPRM Comment Period Extended	06/01/2006	71 FR 31124
NPRM Comment Period End	06/16/2006	
Rebuttal Comment Period End	07/07/2006	
Extended Comment Period End	07/17/2006	
NPRM Comment Period Extended	08/15/2006	71 FR 46878
Extended Rebuttal Comment Period End	09/29/2006	
Revised NPRM	03/26/2008	73 FR 16110
Revised NPRM Comment Period End	05/27/2008	
Rebuttal Comment Period End	06/16/2008	
Extended Rebuttal Comment Period End	07/01/2008	73 FR 34895
Public Workshop	06/01/2009	

Staff Report

02/00/2010

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: Business

Federalism: No

Energy Affected: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Related RINs: Split From 3084-AA63

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Federal Trade Commission (FTC)

RIN: 3084-AB14

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Title: Automotive Fuel Ratings, Certification and Posting

Abstract: First issued in 1979 as required by section 203(c)(1) of the Petroleum Marketing Practices Act and last revised in 2008, the Automotive Fuel Ratings, Certification and Posting Rule (or the Fuel Rating Rule or Rule) sets out a uniform method by which the octane rating of automotive gasoline can be certified from the refiner through the chain of distribution and then displayed at the point of retail sale. The Rule enables consumers to buy gasoline with an octane rating that is high enough to prevent inefficient and harmful "engine knock" and to avoid buying a gasoline with an octane rating that is needlessly higher than the requirements of their automobiles. The Rule establishes standard procedures for determining, certifying and posting (by means of a label on the fuel dispenser) the octane rating of automotive gasoline intended for sale to consumers. The certification requirement may be satisfied by industry documents (shipping receipts, delivery tickets, etc.) on which the octane rating is noted, or can be accomplished with a one-time letter of certification. In addition, the Rule contains recordkeeping requirements that require gasoline refiners and importers to retain octane rating test records and gasoline distributors and retailers to retain octane certification records for 1 year. The 1993 revisions amended the Octane Posting Rule to require sellers of alternative liquid automotive fuels to determine, certify, and post an automotive fuel rating consisting of the common name of the fuel with a disclosure of the amount, expressed as a minimum percentage by volume, of the principal component of the fuel. During 2008, the Commission promulgated biodiesel labeling requirements for two categories of biomass-based diesel blends and biodiesel blends, as required by section 205 of the Energy Independence and Security Act of 2007. On March 2, 2009, the Commission requested comments on the rule as part of the Commission's systematic review of all current Commission rules and guides. 74 FR 9054. The Commission sought comments on, among other things, the economic impact and benefits of this rule; possible conflict between the rule and State, local, or other Federal laws or regulations; and the effect on the rule of any technological, economic, or other industry changes. The comment period closed on May 15, 2009. Staff anticipates that the Commission will issue an NPRM during the fall of 2009.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 16 CFR 306 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 15 USC 41 et seq; 15 USC 2801 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	03/02/2009	74 FR 9054
ANPRM Comment Period End	05/15/2009	
NPRM	12/00/2009	

Regulatory Flexibility Analysis Required: Undetermined Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 3084-

AA45; Previously Reported as 3084-AB08

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RIN: 3084-AB15

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Title: Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (Appliance Labeling Rule)

Abstract: Section 321 of the Energy Independence and Security Act of 2007 requires that the Commission conduct a rulemaking to consider the effectiveness of current energy labeling for lamps (commonly referred to as "light bulbs") and to consider alternative labeling approaches. On July 17, 2008, the Commission published a notice in the Federal Register requesting comments on this topic. 73 FR 40988. The comment period ended on September 29, 2008. As part of this effort, the Commission also held a public roundtable meeting on September 15, 2008. The Commission announced an NPRM on October 27, 2009, seeking comment about proposed labeling requirements for light bulbs. Comments are due by December 28, 2009. Section 325 of the Energy Independence and Security Act of 2007 provides the Commission with authority to promulgate energy labeling rules for consumer electronics, including televisions. On March 16, 2009, the Commission sought comment on whether it should require labels for televisions, personal computers, cable or satellite set-top boxes, stand-alone digital video recorder boxes, and personal computer monitors. 74 FR 11045. The Commission also sought comment on the need for such disclosures, any appropriate test procedures, the format of labels or disclosures, and the placement of labels on the products. Staff anticipates sending a recommendation to the Commission by the end of 2009.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 16 CFR 305 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: sec 321 of the Energy Independence and Security Act of 2007; sec 325 of the Energy Independence and Security Act of 2007

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Consumer Electronics--no later than 18 months after the Department of Energy publishes applicable test procedures	
Other	Statutory	Light Bulbs	06/01/2010

Timetable:

Action	Date	FR Cite
ANPRM	07/17/2008	73 FR 40988
Public Meeting	09/15/2008	
ANPRM Comment Period End	09/29/2008	
ANPRM (Consumer Electronics)	03/16/2009	74 FR 11045
ANPRM (Consumer Electronics) Comment Period End	05/14/2009	
NPRM (Light Bulbs)	11/10/2009	74 FR 57950
Recommendation to Commission (Consumer Electronics)	12/00/2009	
NPRM Comment Period End (Light Bulbs)	12/28/2009	
Final Action (Light Bulbs)	05/00/2010	

Regulatory Flexibility Analysis Required: Undetermined Government Levels Affected: No

Small Entities Affected: Business; Governmental

Federalism: No

Jurisdictions; Organizations

Energy Affected: No

Related RINs: Related to 3084-AB11

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Federal Trade Commission (FTC)

RIN: 3084-AB18

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Title: Rulemaking Proceeding With Respect to Mortgage Loans

Abstract: Section 626 of the Omnibus Appropriations Act of 2009 directed the Federal Trade Commission to initiate a rulemaking proceeding with respect to mortgage loans within 90 days after the date of enactment of that Act. The Act also mandated that the rulemaking be in accordance with section 553 of title 5, United States Code, and that any violation of a rule prescribed under this subsection shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices. To implement the Act, the Commission has commenced a rulemaking proceeding in two parts. On June 1, 2009, the Commission issued an ANPRM, the Mortgage Acts and Practices Rulemaking, that would address activities that occur throughout the life cycle of a mortgage loan; i.e., practices with regard to mortgage loan advertising and marketing, origination, appraisals, and servicing. 74 FR 26118. Another ANPRM, the Mortgage Assistance Relief Services Rulemaking, addresses the practices of entities (other than mortgage servicers) who offer assistance to consumers in dealing with owners or servicers of their loans to modify them or avoid foreclosure. 74 FR 26130. The Commission sought public comment with regard to the unfair and deceptive acts and practices that should be prohibited or restricted pursuant to any rules adopted in this proceeding. The comment period for the Mortgage Acts and Practices Rulemaking closed on July 30, 2009. The comment period for the Mortgage Assistance Relief Services Rulemaking closed on July 15, 2009. Staff anticipates that the Commission will announce NPRMs for both parts of the proceeding by the end of the year.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: To be codified at 16 CFR 321, 322 (To search for a specific CFR, visit the [Code of Federal Regulations.](#))

Legal Authority: Omnibus Appropriations Act 2009, PL 111-8

Legal Deadline: The Omnibus Appropriations Act of 2009 directed the Federal Trade Commission to initiate a rulemaking proceeding within 90 days of enactment, which occurred on March 11, 2009.

Action	Source	Description	Date
Other	Statutory	ANPRM	06/11/2009

Timetable:

Action	Date	FR Cite
ANPRM (Mortgage Assistance Relief Services)	06/01/2009	74 FR 26130
ANPRM (Mortgage Acts And Practices)	06/01/2009	74 FR 26118
ANPRM (Mortgage Assistance Relief Services) Comment Period End	07/15/2009	
ANPRM (Mortgage Acts and Practices) Comment Period End	07/30/2009	
NPRM (Mortgage Assistance Relief and Services)	12/00/2009	
NPRM (Mortgage Acts and Practices)	12/00/2009	

Regulatory Flexibility Analysis Required: Undetermined Government Levels Affected: Undetermined

Small Entities Affected: Business

Federalism: Undetermined

Energy Affected: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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Federal Trade Commission (FTC)

RIN: 3084-AB19

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Title: Telemarketing Sales Rule

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. Staff anticipates sending a recommendation to the Commission during spring 2010.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 16 CFR 310 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/19/2009	74 FR 41988
NPRM Comment Period End	10/09/2009	
NPRM Comment Period Extended	10/15/2009	74 FR 52914
NPRM Extended Comment Period End	10/26/2009	
Recommendation to Commission	04/00/2010	

Regulatory Flexibility Analysis Required: Undetermined Government Levels Affected: Undetermined

Small Entities Affected: Business; Governmental

Federalism: Undetermined

Jurisdictions; Organizations

Energy Affected: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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Federal Trade Commission (FTC)

RIN: 3084-AA94

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Title: Fair and Accurate Credit Transactions Act of 2003

Abstract: The Fair and Accurate Credit Transactions Act of 2003 (the FACT Act or FACTA or the Act) was enacted on December 4, 2003. The Act requires that the Commission undertake a number of rulemakings and studies. **EFFECTIVE DATES** The FACT Act required that the FTC, together with the Board of Governors of the Federal Reserve System (the Federal Reserve), jointly adopt the effective dates of portions of the statute where the effective dates are not prescribed within 2 months of enactment of the Act. On December 24, 2003, the Federal Reserve and the FTC jointly adopted Interim Final Rules that established December 31, 2003, as the effective date for provisions of the Act that determine the relationship between the Fair Credit Reporting Act and State laws and provisions that authorize rulemakings or other implementing actions by agencies (68 FR 74467). On December 24, 2003, the Federal Reserve and FTC also issued a notice of proposed rulemaking (NPRM) requesting comments and specifying the effective dates for the other provisions of the FACT Act for which the statute does not specify an effective date (68 FR 74529). On February 11, 2004, the Commission and the Federal Reserve published joint final rules that established a schedule of effective dates for many of the provisions of the FACT Act for which the Act itself did not specifically provide an effective date. The Agencies also made final what had previously been interim; namely, establishing December 31, 2003, as the effective date for provisions of the Act that determine the relationship between the Fair Credit Reporting Act and State laws and provisions that authorize rulemakings or other implementing actions by agencies. 69 FR 6526. **CREDIT REPORTS AND RELATED ISSUES** The FACT Act requires that the Commission adopt rules concerning credit reports and credit scores and related issues. Most of the proceedings are to be conducted jointly with the Federal Reserve, Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency, Office of Thrift Supervision (the banking agencies), and the National Credit Union Administration (NCUA). The rulemaking mandates are detailed below. **Circumvention** With respect to Credit Reports, the Act requires that the Commission issue rules by March 3, 2004, on preventing corporate and technological circumvention of the obligations imposed on nationwide consumer reporting agencies. On February 24, 2004, the FTC published an interim final rule prohibiting consumer reporting agencies from avoiding treatment as nationwide consumer reporting agencies and requested comments on this measure. 69 FR 8532. The interim final rule became effective on March 3, 2004. **Free Credit Reports** The FACT Act required that the Commission issue rules concerning: (1) A centralized source for free consumer reports by nationwide consumer reporting agencies and nationwide specialty consumer reporting agencies; (2) the provision of free credit reports by nationwide consumer reporting agencies and nationwide specialty consumer reporting agencies; and (3) a streamlined process for consumers to obtain free credit reports from specialized bureaus. On March 19, 2004, the Commission requested comments on a proposed rule that would establish a centralized source, a standardized form, and a streamlined process through which consumers may request a free annual file disclosure from each nationwide specialty consumer reporting agency. 69 FR 13192. On June 24, 2004, the Commission published a final rule effective on December 1, 2004, for the provision of free reports to consumers, including (1) A central source whereby consumers can make one request and receive their consumer report from each of the three major nationwide consumer reporting agencies and (2) rules with respect to the provision of free consumer reports by "nationwide specialty consumer reporting agencies," as defined in new FCRA section 603(w). 69 FR 35468. Section 205 of the Credit Card Accountability Responsibility and Disclosure Act of 2009 requires the Commission to issue a rule to prevent deceptive marketing of "free credit reports." On October 7, 2009, the Commission issued an NPRM to amend its Free Credit Reports rule to require prominent disclosures in advertising for "free credit reports" and to address practices that interfere with consumers' ability to obtain file disclosures from consumer reporting agencies. 74 FR 52915. Comments on the NPRM are due by November 30, 2009. **Use of Consumer Information by Affiliates for Marketing Purposes** The Commission, along with the banking agencies, the NCUA, and the Securities and Exchange Commission (SEC), is required to issue rules to implement the Act's provisions allowing consumers to opt out of marketing by affiliates. The Commission issued an NPRM on June 15, 2004. 69 FR 33324. The extended comment period closed on August 16, 2004. The agencies reviewed the comments and published a final rule on October 30, 2007. 72 FR 61424. The agencies made technical revisions to the rule on May 14, 2009. 74 FR 22639. **Enhancement of Opt Out Notice (Prescreen Rule)** The Commission, in consultation with the banking agencies and the NCUA, was also required to issue rules concerning the enhancement of notices to consumers about their right to opt out of prescreened solicitations. FACTA calls for these notices to be presented in a format and in a type, size, and manner that is simple and easy to understand. The Commission published an NPRM on October 1, 2004, 69 FR 58861, and subsequently published the final rule on January 31, 2005. 70 FR 5022. The prescreen rule was effective on August 1, 2005. **Disposal of Credit Report Information** By December 4, 2004, the Commission was required, in coordination with the banking agencies, NCUA, and the SEC, to issue rules concerning the proper disposal of credit report information and records. On April 20, 2004, the Commission published an NPRM and Request for Comments (69 FR 21388). The Commission and the other agencies published a Final Disposal Rule on November 24, 2004. 69 FR 68690. The Disposal Rule was effective on June 1, 2005. **Credit Bureau Charge for Credit Scores** The Commission is authorized to determine a fair and reasonable fee that consumer reporting agencies may charge for disclosure of credit scores. On November 8, 2004, the Commission issued an ANPRM seeking comments on rules effecting fair and reasonable fees for credit scores. 69 FR 64698. The comment period closed on January 5, 2005. Staff reviewed the comments and is monitoring the credit score market, where prices have continued to remain reasonable and competitive. **Furnisher Rules** The Commission is required, in coordination with the banking agencies and NCUA, to issue guidelines and rules concerning the accuracy of information furnished to consumer reporting agencies, and rules relating to the ability of consumers to dispute information directly with furnishers of

information. The Commission and the other agencies issued an ANPRM for public comment on March 22, 2006, 71 FR 14419, and an NPRM on December 10, 2007. 72 FR 69279. The comment period closed on February 11, 2008. The agencies published final rules on July 1, 2009. 74 FR 31484. The rules will be effective on July 1, 2010. On July 1, 2009, the agencies also issued an ANPRM seeking comments on whether to propose an addition to one of the guides that would delineate circumstances under which a furnisher would be expected to provide an account opening date, or any other types of information, to a consumer reporting agency to promote the integrity of the information. The comment period closed on August 31, 2009; and the agencies are reviewing the comments. 74 FR 31529. Other Required and Discretionary Actions on Credit Reports and Related Issues With respect to credit reports and related issues, the Act requires the Commission jointly with the Federal Reserve to issue rules addressing the form, content, time, manner, definitions, exceptions, and model of the risk-based pricing notice. The agencies published a risk-based pricing proposal for public comment on May 19, 2008. 73 FR 28966. The comment period closed on August 18, 2008. The agencies expect to issue final rules during the fall of 2009. IDENTITY THEFT The FACT Act requires that the Commission adopt rules concerning identity theft and related issues. Some of the proceedings are to be conducted jointly (or in consultation) with the banking agencies and the NCUA. The rulemaking mandates are detailed below. Summary of Rights The Act requires the Commission to promulgate a summary of consumers' identity theft rights and to mount a public education campaign regarding consumers' new identity theft rights. The Commission issued the proposed summary of consumers' identity theft rights on July 16, 2004. 69 FR 42616. The Commission issued the final model summary on November 30, 2004. 69 FR 69776. Definitions FACTA requires the Commission to define certain terms that are relevant to consumers' new identity theft rights ("Identity Theft Definitions Rule") and to promulgate in a rule the length of time for active duty/military alerts. On April 28, 2004, the Commission published an NPRM proposing rules that would establish definitions for "identity theft" and "identity theft report"; the duration of an "active duty alert"; and the "appropriate proof of identity" for purposes of sections 605A (fraud alerts and active duty alerts), 605B (consumer report information blocks), and 609(a)(1) (truncation of Social Security numbers) of the FCRA, as amended by the FACT Act. 69 FR 23370. The Commission published an Identity Theft Definitions Rule on November 3, 2004. 69 FR 63922. Model Forms and Procedures FACTA also requires the Commission in consultation with the banking agencies and the NCUA to develop a model form and procedures to be used by identity theft victims for contacting and informing creditors and consumer reporting agencies of the fraud. On April 27, 2005, the Commission issued notice of its publication of guidance containing such model forms and procedures. 70 FR 21792. This guidance, "Take Charge: Fighting Back Against Identity Theft," is available at www.ftc.gov/bcp/edu/microsites/idtheft or by writing to FTC, Consumer Response Center, Room 130-B, 600 Pennsylvania Avenue NW, Washington, DC 20580. Red Flags The Commission is also required to jointly promulgate with the banking agencies and the NCUA identity theft "red flag" guidelines and rules to implement these guidelines (the "ID theft red flag rule") and an address change rule (the "address change rule"). The ID theft red flag rule would, among other things, require card issuers to investigate requests for card changes. The address change rule would require credit report users to investigate when the address on a credit report differs from the address on a credit application. The agencies jointly published proposed rules on July 18, 2006. 71 FR 40786. The comment period closed on September 18, 2006. The agencies reviewed the comments and issued a final rule on November 9, 2007. 72 FR 63718. The rule became effective on November 1, 2008. At the request of members of Congress, the Commission has delayed enforcement of the Red Flags portion of the rule until June 1, 2010, for entities subject to enforcement by the Commission. This delay in enforcement is limited to the Red Flags Rule and does not extend to the rule regarding address discrepancies applicable to users of consumer reports (16 CFR 641), or to the rule regarding changes of address applicable to card issuers (16 CFR 681.2). The FTC has launched a website at <http://www.ftc.gov/redflagsrule>, which includes "Fighting Fraud with the Red Flags Rule: A How-To Guide for Business," to help entities covered by the Red Flags Rule design and implement identity theft prevention programs. The rule requires "creditors" and "financial institutions" to develop written programs to identify the warning signs of ID theft, spot them when they occur, and take appropriate steps to respond to those warning "red flags." The FTC developed a compliance template (at www.ftc.gov/bcp/edu/microsites/redflagsrule/RedFlags_forLowRiskBusinesses.pdf) to help businesses and organizations at low risk to identity theft design their own identity theft prevention program. MISCELLANEOUS On May 20, 2004, the Commission issued a final rule effective on June 21, 2004, making technical changes to earlier rules, establishing a general organizational scheme for subchapter F of chapter I of title 16 of the Code of Federal Regulations, and setting forth general provisions applicable to all FTC rules under the FCRA. 69 FR 29061.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 16 CFR 602 to 604; 16 CFR 610 and 611; 16 CFR 613 and 614; 16 CFR 641 and 642; 16 CFR 660; 16 CFR 680 to 682; 16 CFR 698 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 108-159, 117 Stat 1952; PL 11-24, 123 Stat 1734

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Effective Date for FACTA Provisions Affecting FCRA and State Laws	12/31/2003
Other	Statutory	Rules Specifying Effective Dates of FACTA Provisions Where Statute Does Not Specify Dates	02/11/2004
Other	Statutory	Rules Prohibiting Consumer Reporting Agencies From Circumventing FACTA Provisions	03/03/2004
Other	Statutory	Rules Concerning Free Consumer Credit Reports	06/03/2004
Other	Statutory	Rules Allowing Consumers To Opt Out of Marketing by Affiliates	09/04/2004

Other	Statutory	Rules for Advertising Disclosures in Marketing Free Credit Reports	02/22/2010
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Timetable:

Action	Date	FR Cite
NPRM (Effective Date FACT Act Provisions)	12/24/2003	68 FR 74529
Joint Interim Final Rules (Effective Date FACT Act Provisions)	12/24/2003	68 FR 74467
Joint Final Rules (Effective Date FACT Act Provisions)	02/11/2004	69 FR 6526
Interim Final Rule/Request for Comments (Prohibition Against Circumvention)	02/24/2004	69 FR 8532
NPRM/Request for Comments (Free Annual Credit File Disclosures)	03/19/2004	69 FR 13192
NPRM (Identity Theft Definitions Rule)	04/28/2004	69 FR 23370
NPRM - Request for Comments (Disposal of Consumer Report Information)	04/20/2004	69 FR 21388
Final Rule (Miscellaneous Technical Amendments)	05/20/2004	69 FR 29061
NPRM - Request for Comments (Affiliate Marketing)	06/15/2004	69 FR 33324
Final Rule (Free Annual Credit File Disclosures)	06/24/2004	69 FR 35468
Proposed Summaries and Notices (Model Disclosures for Identity Theft Rights)	07/16/2004	69 FR 42616
Comment Period Extended (Affiliate Marketing)	07/21/2004	69 FR 43546
NPRM (Prescreen Opt Out Disclosure)	10/28/2004	69 FR 58861
Final Rule (Identity Theft Definitions Rule)	11/03/2004	69 FR 63922
ANPRM (Credit Score Fees)	11/08/2004	69 FR 64698
Final Rule (Disposal of Consumer Report Information)	11/24/2004	69 FR 68690
Final Action (Model Disclosures for Identity Theft Rights)	11/30/2004	69 FR 69776
Effective Date (Identity Theft Definitions Rule)	12/01/2004	
Comment Period Ended (Credit Score Fees)	01/05/2005	
Effective Date (Model Disclosures for Identity Theft Rights)	01/31/2005	
Final Rule (Prescreen Opt Out Disclosure)	01/31/2005	70 FR 5022
Notice of Publication (Guidance for Identity Theft Victims)	04/27/2005	70 FR 21792
Effective Date for Disposal Rule	05/01/2005	
ANPRM (Furnisher Accuracy and Dispute Rules)	03/22/2006	71 FR 14419
ANPRM Comment Period End (Furnisher Rules)	05/22/2006	
NPRM (Identity Theft Red Flags and Address Changes Rules)	07/18/2006	71 FR 40786
NPRM Comment Period End (Red Flags and Address Changes Rules)	09/18/2006	
Final Rule (Affiliate Marketing)	10/30/2007	72 FR 61424
Final Rule (Red Flags and Address Changes)	11/09/2007	72 FR 63718
NPRM (Furnisher Rules)	12/13/2007	72 FR 70944
NPRM (Risk Based Pricing Rule)	05/19/2008	73 FR 28966
Technical Changes (Red Flags and Address Changes)	05/14/2009	74 FR 22639
ANPRM (Furnisher Rule)	07/01/2009	74 FR 31529
Final Rule (Furnisher Rules)	07/01/2009	74 FR 31484
ANPRM Comment Period End (Furnisher Rule)	08/31/2009	
NPRM (Advertising Disclosures for Free Credit Report Claims)	10/15/2009	74 FR 52915
NPRM Comment Period End (Advertising Disclosures for Free Credit Report Claims)	11/30/2009	
Final Rule (Risk Based Pricing)	12/00/2009	

Regulatory Flexibility Analysis Required: Undetermined Government Levels Affected: Federal; Local; State; Tribal
Federalism: No

Energy Affected: No

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Federal Trade Commission (FTC)

RIN: 3084-AA97

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Title: Privacy of Consumer Financial Information

Abstract: This rulemaking is related to RIN 3084-AA85. In 2000, the Commission, the banking agencies, and the Securities and Exchange Commission published rules (Privacy Rules) for the Gramm-Leach-Bliley Act (GLB Act) requirement that financial institutions provide a notice of its privacy policies and practices to its customers. The Privacy Rule does not specify any format or standardized wording for these notices. In response to concerns expressed by representatives of financial institutions, consumers, privacy advocates, and Members of Congress, the agencies conducted a workshop in December 2001 to consider how financial institutions could provide more useful privacy notices to consumers. Subsequently, the agencies published an advance notice of proposed rulemaking (ANPRM) and requested comments on a variety of subjects including the goals, elements, language, costs and benefits, and permissible aspects of alternative privacy notices. 68 FR 75164. The comment period ended on March 29, 2004. Six of these agencies (seven as of April 2006) thereafter funded consumer research and testing to inform the development of alternative privacy notices that are easier for consumers to understand and use. As directed by section 728 of the Financial Services Relief Act of 2006, Public Law No. 109-351, which added section 503(e) to the GLB Act, the Commission, together with seven other Federal agencies (the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, the Securities and Exchange Commission, and the Commodity Futures Trading Commission), must propose a model form that may be used at the option of financial institutions for the privacy notices required under GLB within 280 days after enactment, or by April 11, 2007. On March 29, 2007, the agencies published an NPRM proposing a model form of the prototype privacy notice developed during the consumer research testing project undertaken by first six, then seven, of these agencies. 72 FR 14940. Errata were published in the Federal Register on April 5, 2007. 72 FR 16875. The comment period ended on May 29, 2007. On November 17, 2009, the agencies announced a model privacy form that financial institutions may rely on as a safe harbor to provide disclosures under the privacy rules. In addition, the agencies other than the SEC are eliminating the safe harbor permitted for notices based on the Sample Clauses currently contained in the privacy rules if the notice is provided after December 31, 2010.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 16 CFR 313 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 15 USC 6801 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Public Workshop	12/04/2001	
ANPRM	12/30/2003	68 FR 75164
ANPRM Comment Period End	03/29/2004	
NPRM	03/29/2007	72 FR 14940
Errata	04/05/2007	72 FR 16875
NPRM Comment Period End	05/29/2007	
Final Rule	12/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information

Public Comment

URL: www.regulations.gov/AGCY_FEDERALTRADECOMMISSION.cfmURL: www.regulations.gov/AGCY_FEDERALTRADECOMMISSION.CFM

Related RINs: Related to 3084-AA85; Related to 3064-AC77; Related to 1550-AB86

Related Agencies: Joint: SEC; Joint: FDIC; Joint: CFTC; Joint: NCUA; Joint: OCC; Joint: OTS; Joint: FRS

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RIN: 3084-AA78

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Title: Trade Regulation Rule Pursuant to the Telephone Disclosure and Dispute Resolution Act of 1992

Abstract: Congress enacted the Telephone Disclosure and Dispute Resolution Act of 1992 (TDDRA) to curtail certain unfair and deceptive practices perpetrated by some pay-per-call businesses and to encourage the growth of the legitimate pay-per-call industry. TDDRA mandated that the FTC promulgate a rule to curb these practices; the Pay-Per-Call or 900-Number Rule became effective on November 1, 1993. (58 FR 44769; parts of rule became effective September 24, 1993) TDDRA granted the Commission limited jurisdiction over common carriers for purposes of the rule. The rule requires that advertisements for 900-numbers contain certain disclosures and that anyone who calls a 900-number service be given the opportunity to hang up at the conclusion of the preamble without incurring any charge for the call. It also establishes procedures for resolving billing disputes for 900-number calls and other telephone-billed purchases. The rule itself required the Commission to initiate a review of the rule prior to November 1997. As part of this review, the Commission published a notice in the Federal Register on March 12, 1997, requesting comments on, among other things, the economic impact of and the continuing need for the rule, and the effect on the rule of any technological or industry changes. 62 FR 11750. The Commission also sought comments, pursuant to authority granted under the Telecommunications Act of 1996, on whether to expand the rule to govern other similar audio information and entertainment services. Staff held a public workshop on June 19 to 20, 1997, during which members of the industry discussed issues raised in the comments, including billing and collection issues and possible ways to expand the definition of "pay-per-call services." Many commenters reported that the rule has been successful in reducing the abuses that led to the passage of TDDRA. Despite the success of the rule in correcting the abuses in the 900-number industry, complaints about other types of audiotext services (accessed via dialing patterns other than 900 numbers) are being reported. The majority of complaints now involve 800 numbers, international numbers, or other dialing patterns that do not use the 900-number prefix. Many consumer and law enforcement agencies also have received complaints from consumers who have discovered unexplained charges (in some cases, recurring charges) on their telephone bills for services that were never authorized, ordered, received, or used, a practice known as "cramming." On October 30, 1998, the Commission published an NPRM that would expand the definition of "pay-per-call" services beyond 900 numbers and that would implement measures to combat telephone bill cramming. 63 FR 58524. The proposed revisions would: (1) Require the express authorization of the person to be billed for the purchase of any "telephone-billed purchases" that cannot be blocked by 900-number blocking; (2) prohibit vendors from billing consumers for monthly or other recurring charges for pay-per-call services unless the vendor had entered into a "presubscription agreement" with the person to be billed and had sent the consumer a written copy of the agreement; and (3) give consumers legal recourse to dispute unauthorized charges crammed on phone bills and have those charges removed. The comment period was extended to March 10, 1999 (64 FR 61; Jan. 4, 1999), and a workshop-conference was held on May 20 to 21, 1999. At the workshop, participants discussed issues raised by the comments, such as the meaning of "express authorization" and the requirements for a presubscription agreement. Staff plans to forward a recommendation to the Commission by the end of 2010.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 16 CFR 308 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 15 USC 5701 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Request for Comments	03/12/1997	62 FR 11750
Comment Period End	05/12/1997	
Public Workshop	06/19/1997	
Public Workshop	06/20/1997	
NPRM	10/30/1998	63 FR 58524
Comment Period End	01/08/1999	
Comment Period Extended	01/04/1999	64 FR 61
Public Workshop-Conference	02/25/1999	
Extended Comment Period End	03/10/1999	
Public Workshop	05/21/1999	
Public Workshop	05/20/1999	
Recommendation to Commission	12/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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Federal Trade Commission (FTC)

RIN: 3084-AB16

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Title: Preservation of Consumers' Claims and Defenses ("Holder-in-Due Course Rule")

Abstract: Issued in 1975, the Holder-in-Due Course Rule requires sellers to insert language into consumer credit contracts that preserve any claims and defenses that consumers might have against the seller. The Commission promulgated the rule after concluding that the use of certain credit transactions to foreclose consumer claims and defenses arising from credit sale transactions was an unfair practice. This rule eliminated the holder-in-due course doctrine as a legal defense for separating the consumer's obligation to pay from the seller's duty to perform. The Rule specifically requires sellers entering into "consumer credit contracts" or accepting the proceeds of "purchase money loans" to ensure that sales finance contracts and loan contracts contain one of two clauses that preserve the buyer's right to assert against any "holder" of the credit contract the sales-related claims and defenses that the buyer may have against the seller. During 2011, the Commission plans to request comments on the rule as part of the Commission's systematic review of all current Commission rules and guides. Staff plans to recommend that the Commission seek comments on, among other things, the economic impact and benefits of this rule; possible conflict between the rule and State, local, or other Federal laws or regulations; and the effect on the rule of any technological, economic, or other industry changes.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 16 CFR 433 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 15 USC 45 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	01/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: Business; Governmental
Jurisdictions; Organizations

Federalism: No

Energy Affected: No

Related RINs: Related to 3084-AA08

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RIN: 3084-AB12

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Title: Prohibitions on Market Manipulation and False Information in Subtitle B of the Energy Independence and Security Act of 2007

Abstract: Section 811 of the Energy Independence Security Act, which became effective on December 19, 2007, prohibits any

manipulative or deceptive device or contrivance in connection with the wholesale purchase or sale of crude oil, gasoline, or other petroleum distillates in contravention of such rules or regulations as the Commission may prescribe. Section 813 specifies the methods of enforcing such a rule. On May 1, 2008, the Commission announced an ANPRM requesting comments on the manner in which it should carry out its responsibilities under this section. 73 FR 25614. The extended comment period ended June 23, 2008. 73 FR 32259. After considering the comments, the Commission issued an NPRM on August 19, 2008. 73 FR 48317. The comment period, as extended, closed on October 17, 2008. The Commission hosted a 1-day public workshop on November 6, 2008, in Washington, DC, that discussed the ongoing petroleum market manipulation rulemaking proceeding. 73 FR 53394. The Commission issued a revised NPRM on April 22, 2009. 74 FR 18304. The comment period closed on May 20, 2009. On August 6, 2009, the Commission announced a final rule that prohibits fraud or deceit in wholesale markets for petroleum products, and intentional omissions of material information that are likely to distort the market conditions for any such product. 74 FR 40686. The rule is effective on November 4, 2009. On November 13, 2009, the FTC issued its Compliance Guide for these Petroleum Market Manipulation Regulations. The Guide answers commonly asked questions and examines various scenarios to help those trading in wholesale petroleum markets comply with the regulations. The Guide is available on the FTC's Web site at www.ftc.gov/ftc/oilgas/rules.htm.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: To be codified at 16 CFR 317 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: The Energy Independence and Security Act, codified at 42 USC 17301 to 17305

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	05/07/2008	73 FR 25614
ANPRM Comment Period Extended	06/06/2008	73 FR 32259
ANPRM Comment Period End	06/23/2008	
NPRM	08/19/2008	73 FR 48317
NPRM Comment Period Extended	09/16/2008	73 FR 53393
NPRM Comment Period End	10/17/2008	
Public Workshop	11/06/2008	
Revised NPRM	04/22/2009	74 FR 18304
Revised NPRM Comment Period End	05/20/2009	
Final Rule	08/12/2009	74 FR 40686
Final Rule Effective	11/04/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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RIN: 3084-AB17

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Title: Temporary Breach Notification Requirement for Vendors of Personal Health Records and Other Non-HIPAA Covered Entities

Abstract: Section 13407 of the American Recovery and Reinvestment Act of 2009 requires that the Commission issue temporary breach notification requirements for vendors of personal health records and third parties that offer products or services through the websites of vendors of personal health records. These entities are generally not covered by the Health Insurance

Portability and Accountability Act (HIPAA). The notification requirements for these entities are triggered when there is a breach of security with respect to individually identifiable health information contained in a personal health record. The Commission published an NPRM on April 20, 2009, and sought comments at that time. The Commission announced an interim final rule on August 17, 2009. 74 FR 42962. The interim rule provision as issued will be effective until Congress enacts new legislation implementing any recommendations contained in a separately required report by the Commission and the Department of Health and Human Services which is due on February 19, 2010.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: To be codified at 16 CFR 318 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: sec 13407 of the American Recovery and Reinvestment Act of 2009

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Interim Final Regulations	08/18/2009

Timetable:

Action	Date	FR Cite
NPRM	04/20/2009	74 FR 17914
NPRM Comment Period End	06/01/2009	
Interim Final Rule	08/25/2009	74 FR 42962

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: Business; Governmental

Federalism: No

Jurisdictions; Organizations

Energy Affected: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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