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TRANSPORTATION AND  
INFRASTRUCTURE

SUBCOMMITTEES:  
AVIATION

HIGHWAYS, TRANSIT, AND PIPELINES

RANKING MEMBER,  
WATER RESOURCES AND ENVIRONMENT

POLICY COMMITTEE

SPEAKER'S TASK FORCE FOR A  
DRUG FREE AMERICA

Federal Trade Commission

Office of the Secretary, Room H-135

600 Pennsylvania Avenue, NW (Annex T)

Washington, DC 20580

**Congress of the United States**  
**House of Representatives**

Washington, DC 20515

December 7, 2009

FOREIGN AFFAIRS  
SUBCOMMITTEES:  
AFRICA AND GLOBAL HEALTH  
EUROPE  
INTERNATIONAL TERRORISM,  
NONPROLIFERATION, AND TRADE

VETERANS' AFFAIRS  
SUBCOMMITTEES:  
RANKING MEMBER,  
ECONOMIC OPPORTUNITY  
HEALTH

RE: Notice of Proposed Rulemaking to Amend the Free Annual Disclosures Rule

Dear Secretary Clark:

We are writing to express our concern with the Federal Trade Commission's (FTC) proposed rule on Free Annual File Disclosures Amendments to the Rule to Prevent Deceptive Marketing of Credit Reports and to Ensure Access to Free Annual File Disclosures. While we support the underlying purpose of the rule and agree that the disclosures should enable a consumer to understand the difference between the website required by Federal law and those commercial websites that offer free credit reports, we are concerned that the rule violates Congressional intent.

Section 205(2)(B) of the *Credit CARD Act* directed the FTC to decide through rulemaking whether, for Internet offerings, the required disclosures should appear "on the advertisement or the website on which the free credit report is made available." The FTC departed from the two options provided by Congress and created a third approach that Congress did not consider – a separate landing page that presents a barrier between the Internet user and a website that he or she has requested. To the consumer, this landing page will not appear to be part of the requested website and the confusion that may be created by the separate landing page could discourage consumers from completing transactions with both the government site and commercial sites. Consumers may simply think that they clicked on a faulty link, or even a phishing site, and shut down their browsers.

Consumers should not be discouraged from visiting sites that offer products and services that contribute to financial literacy and help them better understand their credit history. We therefore respectfully request that the FTC revisit the language of Section 205 *Credit CARD Act* to ensure that the disclosure requirements comply with the dictates of the law.

Sincerely,

John Boozman  
Member of Congress

Mike Ross  
Member of Congress

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