

# Congress of the United States

Washington, DC 20515

May 25, 2010

The Honorable Jon Leibowitz  
Chairman  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580


Dear Chairman Leibowitz:

We are writing to request another short-term delay in the implementation of the enforcement provision of the Red Flags Rule. This delay would provide the additional time needed for the Senate to pass legislation that would exempt certain low risk small businesses from the rule's mandate.

As you know, in October 2009, the House passed H.R. 3763 by a unanimous vote of 400-0. This bill would exempt certain small businesses, including health care providers with 20 or fewer employees, from complying with this rule. As the sponsors of this legislation, we strongly support its intent and believe that the Red Flags rule was never intended to apply to health providers, such as dentists and doctors. However, we recognize that the FTC has some concerns with this legislation as currently written, and we are supportive of the Senate Banking Committee's efforts to find language that is acceptable to all concerned parties.

Given the ongoing negotiations related to this important issue, we respectfully request that you delay enforcement of the Red Flags Rule until January 1, 2011 to give Congress the time needed to come to a consensus on how to best address this issue. We appreciate your consideration of this request and look forward to your response.

Sincerely,



Mike Simpson  
Member of Congress



John Adler  
Member of Congress



Paul Broun  
Member of Congress