



## **CHRONOLOGY OF ACA INTERNATIONAL'S GOVERNMENT AFFAIRS ACHIEVEMENTS**

**May 2007 – December 2010**

### **December 2010: New Mexico Attorney General Releases Rule Regarding Collection of Time-barred Debt**

On Dec. 15, 2010, the New Mexico Attorney General released a rule concerning the collection of time-barred debt in New Mexico. The rule requires debt collectors to determine whether a debt is time-barred and provide certain disclosures when collecting time-barred debt in New Mexico. The rule is effective Dec. 15, 2010. In response to a request by ACA, the Attorney General will delay enforcement of the rule until March 15, 2011.

### **December 2010: ACA Interstate Committee Hosts Second Unit Leader and Lobbyist Conference Call**

With the past success of the September ACA Unit Leader & Lobbyist conference call, the Interstate Committee hosted a second call in early December. This conference call gives unit leaders and unit-retained lobbyists the opportunity to discuss and identify state government affairs priorities and share solutions and strategies to improve the state legislative climate for the credit and collection industry. The December call was once again a success with significant attendance and participation. The Interstate Committee will continue to host similar conference calls throughout 2011.

### **December 2010: House Energy and Commerce Letter Delivered to FCC in Opposition to TCPA Proposal**

On December 3rd, 11 members of the House Energy and Commerce Committee submitted a [formal letter](#) to the Federal Communications Commission (FCC) opposing the proposed rule that would prohibit the use of autodialers to contact consumers' wireless numbers. The bipartisan letter was led by Representatives Jim Matheson (D-UT) and Lee Terry (R-NE) as well as signed by incoming House Energy and Commerce Committee Chairman Fred Upton (R-MI). This letter is a strong signal to the FCC that ACA's coalition against the proposed rule has received significant legislative support.

In the letter, the legislators highlighted the many flaws in the FCC's proposed rule and urge its reconsideration. The legislators, along with ACA, look forward to working with the FCC to protect consumers from unsolicited telemarketing calls without unduly inhibiting consumers' access to critical information.

### **December 2010: ACA Works with Mid-Atlantic Unit to Address Attorney General Debt Collection Information**

The Mid-Atlantic Collectors Association and ACA worked with Pennsylvania Attorney General (now Governor-Elect) Tom Corbett through Stateside Associates to review and update important information about Pennsylvania law governing debt collection practices of both creditors and third-party debt collectors. Recent changes provide important clarification about how debt collectors and creditors may communicate with a consumer.

## **November 2010: ACA Formulates Legislative and Regulatory Strategic Plan for 112th Congress**

Every two years, ACA International gathers its relevant committees for the purpose of evaluating the key legislative and regulatory issues facing the industry and its members during the upcoming session of Congress. Following this year's historic mid-term elections, the biennial Legislative and Regulatory Strategic Planning Meeting took place on November 9th and 10th, prior to ACA's Fall Forum in Chicago.

This most recent meeting was particularly important due to the difficult political climate the industry faces both at the federal level and at state and local levels of government. Therefore, for the first time ever, ACA brought the Executive Committee, Legislative Council, and Interstate Committee together to determine the Legislative and Regulatory Strategic plan for the 112th Congress.

From a federal standpoint, the meeting focused future endeavors on four key issues: amending the Fair Debt Collection Practices Act (FDCPA), creating a regulatory path and legislative fix for the Telephone Consumer Protection Act (TCPA), resolving current debt media issues, and reducing the paperwork related to the Gramm-Leach-Bliley Act.

At the state level, ACA invited retained state government consulting firm Stateside Associates to participate in a robust discussion about state legislative priorities as well as developing an appropriate strategy for strengthening unit advocacy efforts. The group identified the varying requirements for licensure, statutes of limitations, and payment transaction fees as important state-level issues to be considered.

## **November 2010: ACA Submits Comments to FTC Regarding Decedent Debt Communications**

The Federal Trade Commission is seeking comment regarding a [proposed policy statement](#) clarifying how the FTC will enforce federal law regarding:

- Whom debt collectors are allowed to contact to discuss a decedent's debt;
- How collectors can contact and identify the right party to discuss a decedent's debt; and
- How collectors should avoid giving relatives the misleading impression they are personally obligated to pay the debt from their own assets, rather than from the decedent's estate.

The comment period has been extended to Dec. 1, 2010. ACA International submitted [comments](#) stating the association strongly supports the Commission's effort to use the proposed policy statement to bring clarity to the complexities involved when collecting on a decedent's debt.

However, [ACA's comments](#) expressed its disagreement with the Commission's proposal that, to avoid misimpressions of personal liability for the decedent's debt, the collector disclose to the individual (1) it is seeking payment from the assets in the decedent's estate and (2) the individual could not be required to use the individual's assets or assets owned jointly with the decedent to pay the debt.

Recognizing there may be circumstances in which the individual contacted may be jointly liable for the decedent's debt, ACA suggested the policy statement note it is not per se misleading if the collector does not make the proposed disclosure where the collector has reason to believe the individual contacted as an estate representative may also have individual liability for one or more of the decedent's debts.

Additionally, providing the Commission's required disclosure could disclose the existence of a debt to a third party, in violation of the FDCPA. ACA suggested the policy statement include a statement that where the debt collector delivers the disclosures required by the Commission, there is no third-party disclosure violation subjecting the collector to liability.

### **November 2010: ACPAC supported candidates experience tremendous success in midterm elections**

Months of research and preparation for the 2010 midterm elections translated into sweeping electoral success for ACPAC, ACA International's political action committee. Nearly ninety percent of the ACPAC supported candidates in the United States Senate and House of Representatives secured election. These results for ACPAC supported candidates will be essential as the industry moves forward with its new legislative and regulatory agenda.

### **November 2010: ACA Attends Republican Attorneys General Association Fall Meeting**

ACA participated in the Republican Attorneys General Association (RAGA) 2010 fall national meeting in New Orleans, LA. ACA had the unique opportunity to meet newly-elected attorneys general.

### **October 2010: TCPA Coalition circulates sign-on letter among House Energy and Commerce Committee members**

ACA's coalition to lobby against the Federal Communications Commission's (FCC's) proposed rule implementing the Telephone Consumer Protection Act (TCPA) made a positive step forward by securing bipartisan signatories for a sign-on letter among members of the House Energy and Commerce Committee.

The letter highlights the many flaws in the FCC's proposed rule and urges its reconsideration. This letter is critical to the coalition's efforts because it demonstrates that legislators support the coalition's stance opposing the proposed rule. ACA is grateful for the leadership of Representatives Jim Matheson (D-UT) and Lee Terry (R-NE) in taking the lead on this issue.

### **October 2010: FTC seeking comment on enforcing FDCPA when collecting decedent debt**

On October 4, 2010, the Federal Trade Commission (FTC) released a request for public comment on a proposed statement of enforcement policy regarding communications in connection with collection of a decedent's debt. Due to interplay of federal and state laws, the FTC acknowledges uncertainty over who a debt collector may communicate with to discuss a decedent's debt. Therefore, the FTC looks to set basic ground rules to ensure that collectors are aware of which people they can contact to collect decedent debt and how they may be contacted.

The proposed policy statement focuses on three main issues:

- (1) Defining the Commission's intent to bring enforcement actions against collectors communicating with third parties;
- (2) Clarifying how a debt collector may locate an appropriate person with whom to discuss the decedent's debt; and

(3) Emphasizing a debt collector may violate the FDCPA and FTC Act if misleading consumers when communicating with them about the consumer's personal obligation to pay a decedent's debt.

A copy of the proposal and the FTC's press release are available on the FTC's [website](#). ACA will be submitting comments which are due by Nov. 8, 2010.

### **October 2010: ACA Interstate Committee Hosts First-Ever Unit Leader and Lobbyist Conference Call**

On September 29, 2010, the ACA Interstate Committee hosted ACA's first-ever ACA Unit Leader and Lobbyist call. The meeting's purpose was to give unit leaders and unit-retained lobbyists the opportunity to discuss and identify state government affairs priorities and share solutions and strategies to improve the state legislative climate for the credit and collection industry. Over 120 unit leaders and unit-retained lobbyists made the call representing over 30 ACA units. ACA staff, members of the ACA Executive Committee, and ACA's retained consulting firm Stateside Associates, Inc. also attended the call.

### **October 2010: ACA Sends Letter to Attorneys General Offices in Anticipation of NAAG Meeting**

The National Association of Attorneys General (NAAG) held its fall consumer protection conference in October 2010. Among issues discussed include the relationship between attorneys general and the Bureau of Consumer Financial Protection that was created this fall. Although certain portions of the meeting were closed sessions for attorneys general and their staff, ACA sent a letter and background information about ACA to all AG consumer protection departments.

### **October 2010: ACA Secures Bipartisan Sponsorship for House Energy and Commerce Committee Letter to FCC**

ACA has secured the sponsorship of House Energy and Commerce Committee members Representatives Jim Matheson (D-UT) and Lee Terry (R-NE) for a Congressional letter to the FTC opposing the proposed FCC rule prohibiting the use of autodialers to contact consumer wireless numbers without the consumer's prior written authorization. The Congressional letter has been a priority for the ACA-led coalition opposing the FCC proposed rule, as it adds another layer of opposition to the potentially harmful and unnecessary regulation. The letter will be circulating around congressional offices to secure additional support from Committee Members before it is sent to the FCC.

### **September 2010: ACA Submits Comments Seeking Clarification of HHS Proposed Rule Regarding the HITECH Act**

ACA submitted comments to the HHS regarding proposed HITECH Act rules. The proposed rule attempts to further regulate how covered entities, such as healthcare providers, and their business associates, including third-party debt collectors, can access private health information (PHI).

ACA's comments urged HHS to clarify: (1) that business associates are not required to separate any PHI requests related to cash payments; (2) that a patient requesting to restrict the use and disclosure of PHI is limited to cash payments and only takes effect at the time that all payments have been received in full; and (3) that covered entities are permitted to sell accounts for payment purposes

### **September 2010: ACA Submits Comments In Response to the FTC's Model FCRA Notices**

ACA filed comments to the FTC regarding their proposed model disclosure forms under the FCRA. ACA sought clarification in the model notice regarding permissible purposes for pulling consumer reports to make clear the collection of an account is a permissible purpose.

### **September 2010: ACA Interstate Committee Hosts ACA Unit Leader and Lobbyist Conference Call**

On September 29, 2010, the ACA Interstate Committee hosted ACA's first-ever ACA Unit Leader and Lobbyist call. The meeting's purpose is to give unit leaders and unit-retained lobbyists the opportunity to discuss and identify state government affairs priorities and share solutions and strategies to improve the state legislative climate for the credit and collection industry. Over 120 leaders and lobbyists made the call representing over 30 ACA units. Similar conference calls will continue on a timely basis.

### **September 2010: ACA and Illinois Unit Submit Joint Comments in Response to Proposed Regulation**

ACA and the Illinois Collectors Association filed joint comments in September 2010 responding to regulations proposed by the Illinois Department of Financial and Professional Regulation (IDFPR) that would make a number of changes to rules implementing the Illinois Collection Agency Act. Although the proposed amendments make a number of non-substantive changes, the proposal adds a section regarding unprofessional conduct. The IDFPR proposal incorporates by reference ACA International's Code of Ethics and Code of Operations and mandates a reasonable collection fee.

### **September 2010: ACA Submits Letter Opposing Resident Manager Requirement in Wyoming**

ACA submitted a letter in September 2010 to the Wyoming Joint Minerals, Business and Economic Development Committee opposing the resident manager requirement for out-state collection agencies seeking a license to operate in Wyoming. The Committee is considering a proposal revising the Wyoming Collection Agency Act which would continue the state's current resident manager requirement as a condition of licensure.

### **September 2010: ACA joins ASAE and USCoC to promote repeal of 1099 Reporting Requirement**

ACA has joined the ASAE and the U.S. Chamber of Commerce to promote the repeal of a provision in the new Health Care Bill known as the 1099 reporting requirement. This requirement forces companies to complete a 1099 information return with the Internal Revenue Service (IRS) if the payments to a payee in the course of a trade or business equal at least \$600 dollars. In this day and age, a frustratingly high number of minor business expenditures will now have to be carefully documented and submitted to the IRS. This requirement is a harmful burden to small businesses, creating tremendous opposition to the requirement, with businesses and industry associations calling for immediate repeal of the requirement. In response, the U.S. Chamber of Commerce, as well as the ASAE is circulating a letter of concerned parties to repeal this onerous regulatory requirement, and ACA has signed on to both of these letters.

### **July 2010: ACA enjoys record turnout at Legislative Day**

In conjunction with the 2010 ACA International Convention in Washington, D.C., ACA hosted a legislative day with more than 200 ACA members participating in 170 meetings with Members of Congress and their staff. In meetings with lawmakers, members focused on the need to modernize and update the Telephone Consumer Protection Act to allow businesses to contact consumers on their cell phones using modern technology. Additionally, attendees discussed the need for legislation that includes a common sense core list of informational items that lenders must be able to provide debt purchasers and third-party debt collectors in order to help consumers in their verification requests.

Finally, members explained the duplicative and unnecessary nature of the privacy notice requirement under the Gramm-Leach-Bliley Act. The house recently passed H.R. 3506 to eliminate the privacy notice, and attendees strongly urged the Senate to pass this non-controversial and common-sense legislation.

### **July 2010: ACA Attends National Conference of State Legislatures Annual Summit**

The ACA Board of Directors approved ACA participating in relevant associations to promote the industry to legislators and policymakers, to introduce ACA International as a premier resource and develop working relationships with these groups, and to ultimately confer with these groups on legislative and regulatory priorities.

ACA had the opportunity to meet state legislators from across the country at the National Conference of State Legislatures (NCSL) Legislative Summit, July 26-29, 2010 in Louisville, KY.

### **July 2010: ACA Participates in National Association of Attorneys General Annual Conference**

Rozanne Andersen, chief executive officer for ACA International, had the rare opportunity to sit on a panel to discuss debt collection issues before attorneys general from across the country and other guests attending the National Association of Attorneys General (NAAG) 2010 Summer Meeting in Seattle, Washington. In particular, the roundtable discussion focused on consumer complaints relating to debt collection efforts and how to improve the dialogue between state attorneys general and the credit and collection industry to productively address the rise in consumer complaints.

### **July 2010: Financial Reform Bill Signed Into Law**

On Wednesday, July 21<sup>st</sup>, President Barack Obama signed into law the new banking and consumer protection bill, which includes the creation of the new Bureau of Consumer Financial Protection (BCFP). The BCFP will take the consumer financial protection responsibilities from a variety of federal regulators and place them under one roof. The bill also provides the bureau with rulemaking authority in order for it to wield greater authority. While passage of the underlying bill is quite disappointing, ACA can point to many significant changes to a harsh initial proposal that has been made more reasonable as it worked its way through the process. For example, in the new law there are no restrictions on compensation or bonus pay for employees. Additionally, vague licensing language present in the House bill was removed from the new law. Also, injunctive relief provisions -- which allow the regulator to order a business to cease operations before findings of judicial wrongdoing -- now mirror the FTC's current capabilities. ACA will work to build solid relationships with the new regulatory regime, so that if and when the bureau does decide to consider rules, it will call on us as the leading industry resource to provide input on potential consequences and outcomes of particular actions. In addition, it's important to note that this regulator will have to act within the framework of the FDCPA, and ACA will monitor its actions closely and aggressively exercise our rights under the law should we find this new agency is exceeding that authority.

### **June 2010: ACA Attends Republican Attorneys General Association and Legislative Campaign Committee Conferences**

ACA continued to meet with republican attorneys general and legislators from across the country as part of its membership with the Republican Attorneys General Association (RAGA) and Legislative Campaign Committee (RLCC). These meetings offer ACA a unique opportunity to discuss the value of the debt collection industry as well as raise legislative and regulatory concerns directly with elected officials.

### **June 2010: ACA Obtains Clarification on New Regulations Promulgated by New York City Department of Consumer Affairs**

After the New York City Department of Consumer Affairs promulgated regulations in April 2010 implementing Local Law No. 15 passed in 2009, ACA contacted the Department to seek clarification regarding the regulations and Local Law No. 15. The Department issued an advisory letter responding to ACA's inquiries concerning the definition of communication, use of trade names and aliases, the requirement to provide in permitted communications with a consumer the name of a person to call back, the amount of debt that must be provided to the consumer in communications and mandated call recording requirements.

### **June 2010: ACA Coordinates Attorney General Meeting with Missouri Unit**

Through ACA's participation in the Democratic Attorneys General Association (DAGA), ACA was able to arrange a meeting between Missouri Attorney General Chris Koster's chief of staff and the Missouri Collectors Association to discuss the significance of the debt collection industry and provide information about the unit and ACA.

### **May 2010: ACA Submits Comments Regarding Proposed Rule Implementing New In-state Office Requirements in Colorado**

ACA filed comments responding to rule changes proposed by the Administrator for the Colorado Fair Debt Collection Practices Act implementing Colorado House Bill 10-1222 which is effective July 1, 2010. The legislation requires a collection agency's in-state office to accept payments physically made at the office for any debt the agency is attempting to collect and imposes additional special text requirements.

### **May 2010: ACA and FCA Work Together with Florida Legislators to Pass Reasonable Legislative Changes to Florida's Collection Law**

After ACA and the Florida Collectors Association (FCA) became aware of proposed legislation that would overhaul the state's licensing and collection requirements, the industry engaged with the state's attorney general and legislators to work on compromise legislation that addresses concern over enforcement but permits collectors to engage in professional collection activity. The Interstate Committee awarded FCA the maximum award from the ACA State Action Fund and ACA worked with the unit to pass amendments to the state's collection law to offer important clarification regarding methods collectors can use to determine the consumer's local time zone and stating a collector may contact a consumer directly if the consumer's attorney fails to respond to the debt collector within thirty days.

### **May 2010: ACA Members Answer Call to Action on Proposed FCC Rule**

Over the course of a week, members of ACA International have sent a powerful message to the Federal Communications Commission (FCC) by participating in ACA's Call to Action opposing the proposed FCC rule restricting the use of autodialers and pre-recorded messages to reach consumers on wireless numbers. Within the first day of the Call to Action more than three hundred letters were sent in to the comments section of the FCC website. By the end of the comment period on May 21<sup>st</sup>, over thirty-five associations and individual businesses submitted comments opposing the FCC proposed rule. Alongside these comments, over 1700 ACA members submitted comments to the FCC supporting our comments and opposing the FCC proposed rule. This popular support for ACA's position indicates the broad-based appeal of our proposals and strongly demonstrates the need for the FCC to modify its rule.

### **May 2010: ACA Attends Spring Democratic Attorneys General Conference**

ACA continues to network and communicate with attorneys general through its participation in the Republican and Democratic Attorneys General Associations.

**April 2010: ACA Coordinates Attorney General Meeting with Kansas Unit**

Through ACA's participation in the Democratic Attorneys General Association (DAGA), ACA was able to arrange a meeting between Kansas Attorney General Steve Six and the Kansas Collectors Association to discuss the significance of the debt collection industry and provide information about the unit and ACA.

**April 2010: U.S. House passes ACA-supported Gramm-Leach-Bliley Act Reforms**

On April 14th, the U.S. House of Representatives passed H.R. 3506 by voice vote on the Suspension Calendar, creating a positive policy step forward for our industry. H.R. 3506, which was sponsored by Representatives Erik Paulsen (R-MN) and Dennis Moore (D-KS), removes burdensome requirements under the Gramm-Leach-Bliley Act (GLBA). The legislation would waive an annual privacy notice requirement, which allows members covered by the GLBA to not have to send privacy notices mandated by the GLBA because they are prohibited from sharing information under the Fair Debt Collection Practices Act (FDCPA). This reform will save our members subject to the GLBA considerable money in production and mailing costs without any decrease in consumer protection. This progress is a significant victory for ACA's members, our sister organizations, and the industry at large. The measure now moves to the Senate for consideration, where identical language must also be passed before it can be sent to the President to be signed into law..

**March 2010: ACA Fly-In Gains Record Participation**

ACA International recently hosted its March 2010 Capitol Hill Fly-In. A record 42 participants held a total of 56 meetings with Members of Congress and their staff. In meetings with lawmakers, members focused on many of the critical issues facing the industry, such as the Consumer Financial Protection Agency (CFPA), Data Security issues, the Telephone Consumer Protection Act, and needed regulatory reform in the Gramm-Leach-Bliley Act. In addition to meetings with lawmakers on Capitol Hill, ACA International's Federal Government Affairs Office hosted receptions for House Minority Leader John Boehner (R-OH) and Senate Banking Committee Ranking Minority Member Sen. Richard Shelby (R-AL).

**March 2010: ACA Attends Republican Attorneys General Association Winter Meeting**

On February 28-March 1, 2010, ACA staff attended the Republican Attorneys General Association (RAGA) winter meeting in Washington, D.C. ACA met with a number of state attorneys general and staff, and participated in a political update meeting. ACA continues its efforts to inform policymakers about the credit and collection industry and arrange for our attorneys general to meet with debt collectors to better understand our commitment to professional practices.

**March 2010: Onerous Debt Buyer Legislation in Minnesota Comes to a Halt**

The credit and collection industry responded swiftly and forcefully to legislation introduced in Minnesota that would impose requirements on debt buyers similar to those passed in North Carolina in 2009. The bill would have required debt buyers to satisfy unreasonable requirements to file litigation and would have significantly impacted the Minnesota lending market. After testifying, the industry was successful in ensuring the legislation will not be considered during the 2010 legislative session, working with relevant Minnesota House committee members, and coordinating member communications with their legislators. ACA, the Minnesota Association of Collectors (MAC), DBA International, NARCA, CLLA, the Minnesota Creditors Rights Association, and many individual businesses and members participated in the successful effort.

### **December 2009: Senate Passes Health Care Legislation Omitting Potentially Onerous Provisions**

At the outset of the health care debate, it was made known to ACA that the Senate Finance Committee was considering placing limitations on non-profit providers that would hurt accounts receivable companies who served these clients. ACA worked directly with the committee to educate it on the importance of vibrant back office assistance for non-profit providers, and legislative language that would have unduly limited these organizations' efforts was not included in the Senate passed bill. At no point was there discussion of including similar language in the House-passed bill.

### **October 2009: ACA Submits Comments Opposing Proposed Legislation in Massachusetts**

ACA responded to legislation proposed in the Massachusetts Legislature which imposed unreasonable restrictions on the credit and collection industry. ACA worked directly with the New England Collectors Association to coordinate advocacy efforts and worked with members of sister trade associations to discuss future strategy.

### **October 2009: ACA Hosts Fall 2009 Fly-In**

ACA members also hit the Hill to advocate on behalf of the industry. Thirty-four ACA Members met with 51 Members of Congress and their staff and discussed issues critical to the credit and collection industry, specifically reforms to the Gramm-Leach-Bliley Act, proposed legislation to improve debt media, student loans, the ability to call wireless numbers under the Telephone Consumer Protection Act, and the proposed creation of the Consumer Financial Protection Agency (CFPA). As part of the fly-in, Senator John Thune (R-SD), Representative Dennis Moore (D-KS), and Senator Charles Grassley (R-IA) all visited ACA's office and addressed the members during the course of the fly-in.

### **October 2009: ACA Attends Democratic Attorneys General Association 2009 Fall Policy Conference**

ACA attended the 2009 Fall Policy Conference hosted by the Democratic Attorney Generals Association (DAGA). At the meeting, ACA had the opportunity to speak directly with state Attorneys General from across the country and to discuss initiatives currently pursued by the association and its members such as Ask Doctor Debt, the Collectors Pledge, and others.

### **September 2009: ACA Presents CFPA Proposal to House Financial Services Chairman Barney Frank**

ACA staff and Immediate Past President Jay Gonsalves, a constituent of Chairman Frank's, met one on one with the chairman to discuss the foreseeable impact of the proposed CFPA to the credit and collection industry and laid out ACA's vision of how the CFPA could be modified to better fit the collection industry.

### **September 2009: ACA Holds Grand Opening of Federal Government Affairs Office in DC**

On Sept. 30, 2009, ACA International held the official grand opening for its federal government affairs office in Washington, D.C. President Karolyn Rubin welcomed guests and congratulated the many ACA members whose commitment to the association's legislative and regulatory initiatives led to the purchase of the Washington, D.C., building. She then cut a ceremonial red ribbon and welcomed guests inside for a reception.

### **September 2009: ACA Files a Comment Regarding Protecting Consumers in Debt Collection Proceedings**

On September 1, ACA filed a comment with the FTC regarding the protection of consumers in debt collection proceedings. In the comment, ACA explained it supports legislation limiting the

garnishment of a consumer's bank account to satisfy a judgment if the financial institution administering the account reasonably identifies exempt funds were deposited to the consumer's account, either by direct deposit or electronic payments. The comment also stated ACA believes financial institutions should encourage consumers to have a separate account specifically to deposit exempt funds. Such accounts prevent commingling of exempt and non-exempt funds and mitigate improper garnishment. Such legislation balances the rights of creditors and collectors to use garnishment and the rights of consumers to protect assets that are exempt from garnishment. It would also lessen the strain on the already overburdened court system as the private sector would be responsible for ensuring consumer exempt monies are not garnished.

#### **August 2009: ACA Participates in FTC Roundtable**

ACA International's Executive Vice President and General Counsel Rozanne Andersen was invited by the FTC to participate in its two-day public event, "Protecting Consumers in Debt Collection Litigation and Arbitration: A Roundtable Discussion," on August 5 and 6, 2009 in Chicago. The event was jointly hosted by the FTC and the Searl Center on Law, Regulation and Economic Growth at Northwestern University School of Law. Topics discussed include the most effective means for developing competition and consumer protection policy; the optimal use of the agency's enforcement, research, advocacy, and educational tools; the use of industry self-regulation as a complement to enforcement; setting the agency's research agenda; and evaluating the effectiveness of the FTC's enforcement and other efforts in the competition and consumer protection areas.

#### **August 2009: Members of Congress Visit ACA Member Agencies**

ACA's Federal Government Affairs staff contacted the offices of Members of Congress around the country and invited them to visit ACA member agencies during the August recess. Representative Melissa Bean (D-IL) visited FMS Investment Corp. in Schaumburg, IL, Representative Lance (R-NJ) visited Certified Credit & Collection Bureau in New Jersey and Representative Dennis Moore (D-KS) met with Devon Haase Kim, Executive Director of Haase and Long, Inc. in Kansas. Legislators found themselves with less available time this recess compared to other August recesses due to health care taking priority. ACA member agencies are on the list for members of congress to visit when future opportunities present themselves in members of congress schedules.

#### **July 2009: ACA Submits Testimony to the House Oversight and Government Reform's Domestic Subcommittee on the Fairness of Mandatory Arbitration Clauses in Contracts**

On Wednesday, July 22, the House Oversight and Government Reform's Domestic Subcommittee, chaired by Rep. Dennis Kucinich (D-Ohio), held a hearing questioning the fairness of mandatory arbitration clauses in the contracts of credit cards, mobile phones and other consumer services. The hearing surrounded a report released by Congress that suggests ties were too close between the National Arbitration Forum and the creditors and collection agencies that were to be on one side of the arbitration table. ACA International was given the opportunity to submit testimony for the official record of the hearing. In ACA's testimony, the association urged Congress to view arbitration within the overall context of the entire credit cycle, highlighted key characteristics of successful arbitration programs moving forward, and pointed out that its board of directors recently approved the directive to establish a National Debt Collection Dispute Resolution Program. This program would provide an unbiased, cost-effective method to resolve consumer complaints against debt collectors.

#### **July 2009: FTC Issues Advisory Opinion to ACA Regarding Responding to Disputes**

The Federal Trade Commission (FTC), for only the fourth time in its history, recently released an important advisory opinion to ACA International clarifying a conflict between the Fair Debt Collection Practices Act (FDCPA) and the Fair Credit Reporting Act (FCRA). The FTC states in its opinion a debt collector does not violate Section 805(c) of the FDCPA, which prohibits a debt collector from communicating with a consumer after receiving a written request to cease communications except under certain circumstances, if the consumer directly disputes information in his or her consumer report after sending the cease communication request, and the debt collector informs the consumer of the results of its investigation. The FTC states in its opinion that if a consumer directly disputes information in his or her consumer report with a debt collector after sending a written cease communication request to the collector, the debt collector does not violate Section 805(c) of the FDCPA if the collector's communication to the consumer is solely to inform the consumer of the result of the debt collector's investigation or to inform the consumer his or her dispute is frivolous or irrelevant in compliance with the rules under the FCRA.

### **July 2009: ACA-Supported Legislation to Eliminate Unnecessary Privacy Notice Mailing Introduced in U.S. House**

On July 31 Reps. Erik Paulsen (R-Minn.) and Dennis Moore (D-Kan.) introduced H.R. 3506, the Eliminate Privacy Notice Confusion Act. The introduction of this proposed legislation marks a significant advancement, as passage of the bill would eliminate the costly burden of mailing annual privacy notices for many members. Under the Fair Debt Collection Practices Act (FDCPA), companies that purchase debt are prohibited from sharing consumers' personal information with third parties. Currently companies that purchase debt are also subject to the Gramm-Leach-Bliley Act (GLBA), which requires financial institutions to provide annual privacy notices that give consumers the opportunity to opt out of having their information shared with third parties. Since debt purchasing companies are already subject to the FDCPA, GLBA's requirement that they send an annual notices proves duplicative and unnecessary, and is more likely to cause confusion with the consumer who receives the notice. H.R. 3506 would relieve the burden of the privacy notice requirement of the GLBA by providing an exemption from sending an annual privacy notice for institutions that neither share non-public customer information with unaffiliated third parties nor make changes to their privacy policies. Scrapping this requirement would mean lower costs for financial services institutions and less junk mail for consumers.

### **June 2009: ACA Weighs in on Health Care Reform Debate to Protect Industry Interests**

Throughout the health care debate, ACA's government affairs staff worked with Finance Committee staff and critical Senators to ensure the industry's critical and often interwoven working relationships with providers be adequately understood. ACA placed a call to action to its membership to help illustrate to Members of Congress that they represent a significant constituency affected by any potential changes in current law. ACA highlighted these issues during its June fly-in to help continue to both explain ACA's contributions and to demonstrate ACA's constituent interest in home states and districts. Some potential items that had been circulated included limiting litigation efforts with regard to certain non-profit accounts and prolonging the period of time by which non-profit providers source some accounts to accounts receivable management companies, and when the committees with jurisdiction over health care released bills in June, these potentially harmful items were not included.

### **June 2009: ACA Files Comment with FTC Regarding Health Breach Notification Rulemaking**

In a comment filed June 1, 2009, ACA stated that its members in the healthcare accounts receivable management industry operate as business associates of HIPAA covered entities. As such, they are regulated by the HHS rules concerning the breach notification requirements of the American Recovery and Reinvestment Act of 2009. This should exempt them from the FTC regulations of Section 13402.

ACA would like the FTC to clarify on the record that debt collection services of a business associate working for a covered entity are exempt.

#### **June 2009: ACA Hosts Summer 2009 Fly-In**

Twenty-seven ACA members participated in a total of 56 meetings with Members of Congress and their staff on June 10<sup>th</sup> and 11<sup>th</sup>. In meetings with lawmakers, members focused on many of the critical issues facing the industry, such as health care reform and its potential impact on the collection industry; debt documentation reforms; issues pertaining to the Telephone Consumer Protection Act and communicating via cell phone; and needed regulatory reform to the Gramm-Leach-Bliley Act. In addition to meetings with lawmakers on Capitol Hill, ACA International's new Federal Government Affairs Office hosted receptions for three special guests: Rep. Spencer Bachus (R-AL), Sen. Tom Coburn (R-OK) and Attorney General Patrick Lynch (D-RI).

#### **June 2009: ACA Testifies Before New York City Department of Consumer Affairs**

ACA testified before the New York City Department of Consumer Affairs (DCA) in response to a proposed rule by the DCA implementing New York City Local Law No. 15 enacted by the NYC City Council in April 2009.

#### **May 2009: ACA Testifies at New York State Legislature Hearing on Debt Collection**

After the New York State Legislature has proposed numerous pieces of legislation that would significantly impact debt collection in the state as well as detrimentally curb credit opportunities for consumers, on May 14, 2009, ACA attended and testified at a hearing organized by three standing committees of the New York State Assembly to discuss consumer protection specific to debt collection. The industry stressed the importance of the debt collection industry in the current economy and underscored the need for effective alternatives to improve consumer protection other than legislative and regulatory proposals.

#### **May 2009: ACA Submits Comments in Response to New Mexico Revised Proposed Rule Regarding Collection of Time-Barred Debt**

In late 2008, the New Mexico Attorney General's Office introduced a proposal which would make it an unfair or deceptive trade practice to collect or attempt to collect a debt the debt collector knows or has reason to know is time-barred in any demand for payment to the consumer unless the demand informs the reader that while the debt is valid, the applicable statute of limitations has run and the debt cannot be enforced in a court of law. ACA submitted comments expressing significant concern with the proposal.

After reviewing ACA's comments as well as comments submitted by the New Mexico Collectors Association and the National Consumer Law Center, the New Mexico Attorney General's Office released a revised proposal concerning collection of time-barred debt and requested these three groups review and respond to the proposal. ACA submitted comments in response to the revised proposal.

#### **April 2009: ACA Works to Encourage Lawmakers to Keep At-Risk Student Loan Program**

President Obama's budget proposal for the upcoming fiscal year called for the end of the Federal Family Education Loan Program, a program important to many ACA International members. Working with the National Council of Higher Education Loan Programs (NCHELP), ACA sent a letter to Senate Budget Committee Chairman Kent Conrad (D-N.D.), asking the committee to not include language striking the program and those efforts were successful.

#### **March 2009: ACA Files Comments with FCC Regarding Petition on Number Porting**

In March, a petition was filed with the Commission regarding its declaratory ruling related to the use of auto-dialers and prerecorded messages to call wireless numbers under the Telephone Consumer Protection Act (TCPA). The petition requested the FCC to clarify whether a creditor may place autodialed or prerecorded message calls to a consumer's wireless telephone number that was assigned as a telephone number associated with landline service at the time it was provided to the creditor. ACA provided comments in response to the petition, and also executed a successful effort to produce more comment to the commission by putting out a call to action to its membership to weigh in, and gathered other interested stakeholders – such as banks and supportive telecommunications companies – to weigh in as well.

### **March 2009: ACA Member Outreach Contributes to Card Check Battle**

After pegging the Employee Free Choice Act (EFCA) – including a particularly onerous provision referred to as “Card Check” – as the number one threat to business currently before Congress, members from Horsham, Pennsylvania-based NCO were able to arrange a meeting with Senator Arlen Specter. At that meeting NCO was able to describe the industry and its impact on the Pennsylvania economy and the job base that the industry has created in Pennsylvania and throughout the country. NCO was able to explain how card check would shrink that job base. Senator Specter appears to have listened to the message – certainly as one of many considerations – as he recently announced that he would oppose passage of EFCA in the 110th Congress. He also plans to visit NCO in April.

### **March 2009: ACA Formally Requests Senate Budget Keep Private Student Loan Program**

President Obama’s budget for the upcoming fiscal year called for the end of the Federal Family Education Loan Program, a program important to many ACA members. Working with National Council of Higher Education Loan Programs (NCHELP), ACA asked the Senate Budget Committee to not include language striking the program and those efforts were successful. Because the House bill does have such language, ACA will continue to work with NCHELP to see that the House accede to the Senate’s intent.

### **March 2009: ACA Provides In-Person Testimony to IRS Officials Regarding 1099-C**

The Internal Revenue Service (IRS) held a hearing in March regarding 1099-C reporting requirements under the Internal Revenue Code and regulations. In addition to submitting comments, ACA's retained regulatory counsel, Andrew Beato of Stein, Mitchell, and Muse, testified on behalf of the association. ACA International was the only party to testify at the hearing. ACA's testimony focused on a critical issue to the debt purchasing industry - the requirement that debt purchasers separately report discharged principal and interest when filing 1099-C Forms. ACA has repeatedly asked the IRS to amend this requirement or issue guidance clarifying that the principal is the amount of the debt purchased and interest only needs to be separated if it accrues after purchase of the debt. ACA also discussed its request for guidance as to what specific activities constitute significant bona fide collection activity under the 1099-C reporting requirements; whether, prior to filing a Form 1099-C, debt purchasers have a duty to inform consumers as to the effect a Form 1099-C will have on a consumer; whether or not interest is to be included in the face value of judgments; and whether debt purchasers have a duty to send 1099-C form to addresses that have been identified as undeliverable when that is the last known address of the consumer.

### **February 2009: ACA Testifies in Maryland Regarding Legislation Affecting Medical Collections**

Maryland Senate Bill 776, introduced by Senator George Della (D), places restrictions on collection activities for medical debt owed to hospitals and mandates certain requirements for hospitals to provide charity care in the state. The proposal requires hospitals to adopt a policy on collection of debts owed by patients which prohibits, among other things, the sale of debt. During a February 26 hearing on the

bill, ACA members testified before the Maryland Senate Finance Committee to offer its perspective. Members of Mid-Atlantic Collectors Association continue to work with state legislators to outline the industry's concerns.

### **February 2009: ACA Members Testify at New York City Council Hearing Regarding Proposed Changes to Licensing and Collection Requirements**

ACA participated in a hearing held February 25, 2009 by the New York City Council Committee on Consumer Affairs and was active in attempting to work with the New York City Department of Consumer Affairs to fight Local Law No. 15 which amends New York City's administrative code concerning licensing and collection requirements for third-party debt collection agencies, asset buyers, and attorneys.

### **February 2009: ACA Submits Comments in Response to New Mexico Proposed Rule Regarding Collection of Time-Barred Debt**

ACA submitted comments in response to a proposed rule by the New Mexico Attorney General making it an unfair or deceptive trade practice to collect or attempt to collect a debt the debt collector knows or has reason to know is time-barred in any demand for payment to the consumer unless the demand informs the reader that while the debt is valid, the applicable statute of limitations has run and the debt cannot be enforced in a court of law.

### **January 2009: ACA Provides FTC with Member Input on Debt Settlement Industry**

In response to ACA's comments on the Debt Settlement Industry Workshop, the FTC asked if ACA could provide additional information regarding the contacts members have with debt settlement companies-those for-profit entities that advise consumers they can work with the consumer's creditors and collection agencies to reduce or eliminate the consumer's debt. In an effort to answer these questions, ACA reached out to its members through a brief online survey and provided the results to the FTC, in hopes of shedding more light on the exchanges between ACA member agencies and debt settlement companies.

### **December 2008: ACA Files Comments with FTC on Debt Settlement Industry**

ACA International files comments in response to the Federal Trade Commission's request following a September workshop on the growth of the for-profit debt settlement industry and its impact on consumers and businesses. In its comments, ACA explained that association members are not part of the debt settlement industry but instead work with debt settlement companies that claim to represent consumers.

### **December 2008: ACPAC Set New Fundraising Records**

ACPAC concludes the 2007-2008 election cycle ahead of its goals by raising \$495,200 from ACA members in the two-year cycle. This represents \$398,485 made to ACPAC and \$96,775 given directly to targeted candidates from over 600 ACA members. Additionally, ACPAC contributes \$409,000 to 120 candidates, federal political action committees and parties.

### **November 2008: IRS Issues Regulations Regarding 1099-C Reporting Requirements**

In response to comments filed by ACA, the IRS issues temporary and final regulations clarifying debt purchasers will not be required to file Form 1099-C when the debt purchaser has not received payment of a debt within a 36-month period, one of the triggering events identified in the 1099-C reporting requirements.

### **November 2008: ACA Provides Complimentary State Government Affairs Teleseminar**

On November 4th, 2008, ACA hosts a free online teleseminar for ACA state unit leaders to discuss how to promote the credit and collection industry through grassroots advocacy, including how to use ACA International's Legislative and Regulatory Advocacy Guide, the significance of preparing for action by networking with legislators, regulators, and policymakers, whether to consider hiring a lobbyist, and more.

**November 2008: Court Vacates Authorization Case**

ACA provides financial support through its Legal Fund to successfully defeat a Northern District of California ruling in *Leckler v. CashCall*, in which the court ruled the FCC exceeded its authority in interpreting the TCPA and stated wireless number consent must be expressly provided for the particular act of placing an autodialed or prerecorded message call to a wireless number. In November, the same court found it did not have jurisdiction to review the FCC's declaratory ruling and vacated its previous ruling as to the FCC's interpretation of prior express consent.

**September 2008: FTC Representatives Visit ACA**

ACA hosts FTC officials for a visit to ACA's headquarters in Minneapolis. The event includes an overview of the association's functions and a tour of both ACA and an ACA member company.

**September 2008: ACA Working with State Regulators to Create Uniform Licensing Application**

ACA is collaborating with state regulators across the country and the North American Collection Agency Regulatory Association (NACARA) to develop a uniform state licensing application that incorporates common state licensing requirements. A draft application was recently created.

**September 2008: ACA Creates the *Legislative and Regulatory Advocacy Guide***

To assist the membership with pursuing state and federal grassroots advocacy, ACA develops the *Legislative and Regulatory Advocacy Guide* to provide the leaders and the membership with practical tools and suggestions toward understanding and becoming involved in state and federal government affairs advocacy.

**September 2008: ACA Files Comments on Proposed Rules in Colorado**

ACA files comments in response to Proposed Rules of the Administrator, Colorado Collection Agency Board regarding a variety of proposed amendments addressing certain disclosure requirements, contracting standards between agencies and clients, and other issues of significance to the credit and collection industry.

**September 2008: ACA Presents at NACARA Annual Conference**

As a result of ACA's continued efforts to work with state regulators to protect the collection industry from unreasonable enforcement and interpretation of state debt collection licensing and collection laws and regulations, ACA presents at the annual conference of the North American Collection Agency Regulatory Association (NACARA), which was attended by state regulators across the country.

**September 2008: ACA Meets with Government Accountability Office**

ACA attends an informational meeting with Government Accountability Office officials regarding an inquiry into collection practices as related specifically to credit-card lenders.

**August 2008: Washington, D.C. Property Purchased for ACA Headquarters**

ACA purchases property located at 509 2<sup>nd</sup> Street, NE to house ACA's Washington, D.C. offices.

**August 2008: ACA Members Host Members of Congress**

Members of Congress visit seven ACA member agencies during the August Congressional Recess to meet employees and tour the business. ACA assists in coordinating schedules and providing contributions from ACPAC to be presented to Members of Congress during their visit.

**July 2008: Federal Trade Commission Representatives Featured at ACA's Annual Convention**

The Government Affairs panel at ACA's 2008 Annual Convention includes Peggy Twohig of the Federal Trade Commission and ACA's retained regulatory counsel Andrew Beato.

**June 2008: ACA Members Meet with Members of Congress in Washington**

Eight ACA members conduct 35 meetings with members of Congress and staff, focusing on the Telephone Consumer Protection Act's (TCPA) prohibition on autodialers; data security legislation and the use of personal identifiers and possible Fair Debt Collection Practices Act (FDCPA) overhaul.

**June 2008: ACA Files Comments on Proposed Legislation in Maryland**

ACA files comments with the Maryland State Collection Agency Licensing Board with respect to proposed legislation imposing additional requirements to Maryland's collection laws.

**June 2008: New York State Licensing Legislation Defeated**

The New York State Collectors Association is successful in defeating legislation that would impose greater licensure and debt collection requirements for debt collectors practicing in the state.

**May 2008: Colorado Licensing Requirements Successfully Modified**

The Associated Collection Agencies of Wyoming and Colorado are successful in amending proposals to change the Colorado licensing requirements. Though the proposed changes include a manager examination requirement, the unit is successful in removing this language.

**February 2008: ACA Asset Buyers Division Members Visit Washington**

As part of ACA's 2008 Asset Buyers Division Executive Summit, ABD members spend a day on Capitol Hill meeting with their members of Congress. Fifteen ABD members attend over 30 meetings focused on current and potential issues impacting the industry including data security and personal identifiers, the IRS's private collection program, healthcare, communications law and credit reporting.

**February 2008: ACA Files Comments Addressing Value of Consumer Credit Freezes**

ACA International files comments with the Federal Trade Commission (FTC) regarding the impact and effectiveness of consumer credit report freezes to combat identity theft. The comments are in response to the FTC's January request for input and the responses submitted are intended to assist policymakers in the consideration of a federal credit freeze law.

**February 2008: ACA Files Comments on Proposed Data Furnisher Regulations**

ACA files comments in response to proposed rules and regulations under the Fair Credit Reporting Act (FCRA) governing how furnishers must handle direct disputes received from consumers and requiring furnishers to create and implement policies and procedures regarding the accuracy and integrity of information relating to consumers that is furnished to a consumer reporting agency.

**January 2008: FCC Responds to ACA's TCPA Petition on Autodialers**

The Federal Communications Commission (FCC) issues a declaratory ruling clarifying autodialed and prerecorded message calls to wireless numbers provided by the called party to a creditor in connection with an existing debt are permissible as calls made with the prior express consent of the called party. This ruling by the FCC is a response to ACA's October 2005 petition seeking clarification on the issue.

### **January 2008: Court Rules Collection Notice on Discharged Debts Not FDCPA Violation**

Through its Legal Fund Committee and nationally recognized defense counsel, ACA successfully fights for the principle that attempting to collect a debt that has been discharged in bankruptcy is not a per se violation of the Fair Debt Collection Practices Act (FDCPA) as decided by the Northern District Court of Illinois. In January 2008, the plaintiff voluntarily dismissed his appeal of the court's ruling, finally settling the case.

### **December 2007: IRS PDC Program Survives Another Year**

Numerous legislative attempts were made to end the private tax collection program during the 110<sup>th</sup> Congress. However, due to the lobbying and public relations work by ACA's Tax Fairness Coalition lobbying and public relations efforts, the program will remain intact, at least for the foreseeable future, as no legislation was signed into law that contains provisions that limit or repeal the program. Established in August 2006, the ACA Tax Fairness Coalition is composed of interested ACA member companies, including the private collection agencies under contract with the IRS.

### **December 2007: ACPAC Exceeds Goals**

ACPAC finishes its most successful fundraising goal in its history, raising just over \$250,000 in the first half of the 2007-08 election cycle. Additionally, ACPAC contributes \$70,000 to 32 candidates seeking federal office in the current cycle.

### **November 2007: ACA Files Final Comments with FTC for Debt Collection Workshop**

ACA files additional comments with the FTC in response to its request for supplemental materials for the October Debt Collection Workshop. These comments reflect the position of industry groups as a result of ACA's efforts to bring the industry together with one voice.

### **November 2007: ACA Filed Comments on Proposed Garnishment Regulations**

ACA International files comments regarding interagency Proposed Guidance on garnishment of exempt federal benefit funds. The comments are filed in response to a joint request from the Department of Treasury's Office of the Comptroller Currency and the Office of Thrift Supervision; the Federal Reserve System; the Federal Deposit Insurance Corporation; and the National Credit Union Administration.

### **October 2007: ACA Participates in Landmark FTC Event on FDCPA**

ACA takes part in the Federal Trade Commission's landmark debt collection workshop on the FDCPA, intended to examine changes in technology and the debt collection industry and how those changes have impacted businesses and consumers. ACA members and staff serve as panelists at the workshop.

### **October 2007: ACA Presents at Senate Finance Roundtable Discussion**

As a result of ACA's continued efforts regarding the Senate Finance minority staff report on non-profit hospitals, ACA represents the collection industry in a roundtable discussion about billing and collection issues in the healthcare industry. Senator Charles Grassley (R-Iowa), the Ranking Member on the Senate Finance Committee, requested the meeting of approximately 25 of the most influential leaders, academics and policy makers in the U.S. healthcare industry.

### **October 2007: FTC Responds to ACA's Advisory Opinion Request**

In response to ACA's request, the FTC releases an advisory opinion which permits a debt collector to send a consumer notice that collection activity has ceased following a consumer's request for

verification. ACA requested this clarification as part of an effort to revise the association's Code of Ethics and Code of Operations to require the cessation of collection efforts when the collector is unable to verify the debt. ACA's request was an effort to reduce consumer complaints and ensure complete follow-up action is taken to keep consumers informed of their obligations.

### **October 2007: ACA Members and Staff Visit Capitol Hill**

ACA members visit Washington, D.C. to visit with members of Congress on issues related to the credit and collection industry. Ten ACA members conduct nearly 30 meetings with members of Congress and staff, focusing on the Telephone Consumer Protection Act's (TCPA) prohibition on autodialers; data security legislation and the use of personal identifiers and the Senate Finance Committee's Minority staff's report on healthcare billing and collections.

Fly-in participants attend a number of off-Hill events with members of Congress. Minnesota Rep. Michele Bachmann (R-Minn.) visits with association members at an ACA-sponsored breakfast. Additionally, ACA and DBA International co-host a lunch fundraiser for Florida Rep. Ron Klein (D-Fla.). Other events include breakfast with Reps. Barney Frank (D-Mass.) and Jim Marshall (D-Ga.) and lunch with Rep. John Shimkus (R-Ill.).

### **September 2007: ACA Visits Capitol Hill to discuss Senate Finance Healthcare Report**

ACA staff meets with key Congressional offices to discuss the Senate Finance Committee's minority staff report on non-profit hospital practices.

### **September 2007: ACA Files Comments with FTC Regarding Use of Social Security Numbers**

In response to a request from the FTC, ACA files comments outlining the role of Social Security numbers in the private sector with respect to the credit and collection industry. ACA emphasizes the essential and unique role Social Security numbers play in consumer transactions, including the accurate, efficient, and lawful collection of past due payment obligations.

### **September 2007: ACA Files Follow-Up Comments with FTC**

At the FTC's request, ACA files comments with the FTC regarding its October FDCPA workshop. ACA's submission summarizes the association's position on items to be discussed at the workshop as well as recommendations for changes to the statute.

### **August 2007: ACA Encourages FCC to Rule on Autodialer Petition**

ACA files a letter with the Federal Communications Commission, urging the commission to respond to the association's original 2005 petition requesting clarification on the TCPA's autodialer prohibition. The August letter pointed to a June federal court decision (*Satterfield v. Simon & Schuster*, 2007 WL 1839807 (N.D. Cal. June 26, 2007)), that supports ACA's position stating equipment used to contact specific, finite, nonrandom and nonsequential lists of phone numbers is not an "automatic telephone dialing system" governed by the TCPA.

### **August 2007: ACA Responds to Senate Finance Committee Report on Healthcare**

ACA's Legislative Council and HSP members craft a joint response to a Senate Finance Committee minority staff report on non-profit hospitals that recommended higher standards need to be adopted for the collection of healthcare debt.

### **July 2007: ACA Members in Washington, D.C.**

ACA conducts a Washington, D.C. fly-in event, bringing 16 ACA members to Capitol Hill for over 35 meetings with legislators and staff. These visits with legislators and staff include discussions on some

of ACA's legislative and regulatory agenda items, focusing on the IRS's contract with private collection agencies; data security legislation and the use of personal identifiers; and the upcoming Federal Trade Commission workshop on the Fair Debt Collection Practices Act.

#### **July 2007: FTC Representative Speaks at ACA's Annual Convention**

Peggy Twohig, associate director of the Federal Trade Commission's Division of Financial Practices, addresses ACA Convention attendees, offering her view of the credit and collection industry and its relationship with the FTC.

#### **July 2007: ACA Board of Directors Approves Revised Code of Ethics**

During ACA's annual convention, the Board of Directors unanimously approve a revised Code of Ethics and Code of Operations for the association. The ACA Board adopts the updated code to ensure credit and collection standards accurately reflect the professional and ethical needs of the industry's changing marketplace, the needs of the public and the emergence of the debt collection industry as a critical part of the U.S. economy.

#### **June – July 2007: Rhode Island Licensing Bill Successfully Amended**

The New England Unit and ACA International are successful in drastically amending a potentially onerous licensing bill in the Rhode Island Legislature. Unit leaders worked directly with the bill's sponsor to remove strict bonding and licensing provisions from the bill.

#### **June 2007: ACA Files Comments in Response to Ways & Means IRS PDC Hearing**

ACA files comments in response to the issues raised at the May Ways & Means hearing, focusing on the unique and beneficial role collection agencies play in the economy and in the collection of past due income taxes.

#### **June 2007: ACA Files Comments in Preparation for FTC FDCPA Workshop**

In response to over 39 questions from the FTC, ACA files a 152 page comment and related statistical information about the state of credit and collection industry in advance of the Commission's October workshop to be held on the 30<sup>th</sup> anniversary of the FDCPA. ACA issues targeted surveys to members of ACA's divisions and sub-groups who expressed a willingness and desire to assist in the comment process. ACA's Legislative Council and Executive Committee compiled these submissions for the final draft to the FTC.

#### **May 2007: ACA Member Testifies at Hearing on IRS Private Debt Collection Initiative**

The House Ways & Means Committee holds a hearing on the IRS's Private Debt Collection Initiative, the public-private partnership between the IRS and private collection agencies to recover delinquent taxes. The hearing focuses on alleged abuses and complaints from taxpayers. ACA Member Tom Penaluna, President and Chief Executive Officer of The CBE Group, Inc., testifies at the hearing on behalf of the industry and the companies currently under contract with the IRS.

#### **May 2007: ACA Meets with Better Business Bureau to Develop Third-Party Complaint Resolution Process**

ACA begins exploring the development of a third-party complaint resolution process to be managed on the association's behalf by the Better Business Bureau.

