

May 17, 2016

The Honorable John Thune
Chairman
Committee on Commerce, Science
and Transportation
United States Senate
Washington, DC 20510

The Honorable Bill Nelson
Ranking Member
Committee on Commerce, Science
and Transportation
United States Senate
Washington, DC 20510

Dear Chairman Thune and Ranking Member Nelson:

We, the undersigned organizations, commend the Committee for holding today's hearing to examine class action litigation abuses under the Telephone Consumer Protection Act (TCPA). The TCPA, which was enacted over 25 years ago, was well-intentioned legislation aimed at protecting the privacy of everyday Americans against abusive telemarketing calls.

But the TCPA has become an engine for abusive class action litigation that has become widespread. The numbers are staggering. Last year alone, 3,710 TCPA lawsuits were filed in federal court, and between 2010 and 2015, case filings increased by over 940%.

Given that the TCPA has not been meaningfully amended by Congress since 1991, countless well-intentioned businesses and organizations (small and large) who legitimately try to communicate with employees, members or customers find themselves defending abusive class action litigation. The alleged liabilities appear in many forms and are usually based on expansive legal theories that Congress never intended when it first enacted the TCPA.

Today's hearing serves as an important first step to tell the troubling litigation story under the TCPA. We remain committed to working with this Committee to advance important reforms that will bring a 20th Century solution in line with 21st Century challenges.

Sincerely,

ACA International
American Association of Healthcare Administrative Management (AAHAM)
American Financial Services Association (AFSA)
American Insurance Association (AIA)
Coalition of Higher Education Assistance Organizations (COHEAO)
Consumer Bankers Association (CBA)
Electronic Transactions Association (ETA)
Financial Services Roundtable (FSR)
Florida Chamber of Commerce
Florida Justice Reform Institute (FJRI)
Indiana Chamber of Commerce
Las Vegas Metro Chamber of Commerce

Missouri Chamber of Commerce and Industry
Montana Chamber of Commerce
National Association of Chain Drug Stores (NACDS)
National Association of Mutual Insurance Companies (NAMIC)
National Restaurant Association (NRA)
National Retail Federation (NRF)
Newspaper Association of America (NAA)
Oregon Liability Reform Coalition (ORLRC)
Professional Association for Consumer Engagement (PACE)
Retail Industry Leaders Association (RILA)
Satellite Broadcasting and Communications Association (SBCA)
SLSA Private Loan Committee
South Carolina Civil Justice Coalition (SCCJC)
State Chamber of Oklahoma
Student Loan Servicing Alliance (SLSA)
Texas Civil Justice League (TCJL)
U.S. Chamber of Commerce (USCC)
U.S. Chamber Institute for Legal Reform (ILR)
Washington Liability Reform Coalition
Wisconsin Manufacturers & Commerce (WMC)
West Virginia Chamber of Commerce

cc: Members of the Committee on Commerce, Science, and Transportation