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May 5, 2017

The Honorable Barry Loudermilk
U.S. House of Representatives
329 Cannon House Office Building
Washington, DC 20515

Dear Representative Loudermilk:

On behalf of the Credit Union National Association (CUNA), I am writing in support of H.R. 2359, the Fair Credit Reporting Act (FCRA) Liability Harmonization Act. CUNA represents America's credit unions and their 110 million members.

As one of the only consumer-owned cooperatives in the financial marketplace, credit unions have a tradition of protecting their members' interests, and in most instances, can amicably resolve any disputes or discrepancies that arise. However, in certain instances they have been forced to settle frivolous FCRA class action litigation, and in other instances members have been harmed when an exorbitant amount of resources have been depleted because of the lack of a cap on statutory damages. Accordingly, credit unions support your legislation's goal of aligning FCRA damages with many other financial consumer protection laws, by capping the amount of statutory damages.

Particularly for credit unions it is difficult to imagine a case in which class action litigation would be a reasonable course of action for its members since it would put them in a position of essentially suing themselves, as they are member-owners of the credit union. As member-owners credit unions have different recourses for resolving disputes than other financial service providers. However, because of the opportunity for attorneys' fees and excessive damages, the FCRA currently invites frivolous class action litigation based on technical violations. While attorneys certainly benefit from this type of litigation, there are quite arguably more reasonable ways to address members concerns.

The FCRA Liability Harmonization Act would create a more appropriate balance that still protects consumers but is less likely to attract frivolous FCRA class action litigation. Consumers would continue to have important consumer protections and opportunities for relief under the FCRA. As such, we support your efforts to create a better, and more equitable system, for those seeking to be made whole.

On behalf of America's credit unions and their 110 million members, we appreciate your leadership on this issue, support your legislation and look forward to working with you on this matter.

Sincerely,

A handwritten signature in black ink that reads "Jim Nussle".

Jim Nussle
President & CEO