Financial Education and Counseling Alliance
FECAlliance@gmail.com

Consumer Credit Counseling of Greater Atlanta, Inc. ● Consumer Credit Counseling of Greater Dallas, Inc. ● Money Management International, Inc. ● Springboard Nonprofit Consumer Credit Management, Inc.● Take Charge America, Inc. ● GreenPath, Inc.

December 18, 2009

Donald S. Clark, Secretary
Federal Trade Commission
Office of the Secretary
Room H-135 (Annex T)
600 Pennsylvania Avenue, NW
Washington, DC 20850

RE: *Comment re* Telemarketing Sales Rule – Debt Relief Amendments, R411001

Dear Secretary Clark:

The purpose of these comments is to address misinformation submitted to your office by another organization regarding the potential impact of the Federal Trade Commission's (the "FTC") Notice of Proposed Rulemaking (the "NPRM") to amend the Telemarketing Sales Rule (the "TSR") to address the sale of debt relief services ("DRS"). Specifically, these comments are intended to clarify and correct comments submitted on behalf of the American Association of Debt Management Organizations ("AADMO") by Robert E. Davis of the law firm K&L Gates on October 26, 2009 (the "AADMO Comments").

In the AADMO Comments, Mr. Davis stated that the NPRM will harm a significant number of individuals in need of debt settlement services, because the NPRM may effectively eliminate many of the for-profit debt settlement service providers. In turn, Mr. Davis concludes this will significantly reduce the availability of such services because, in his opinion, credit counseling agencies ("CCAs") that are recognized as exempt from federal income tax under § 501(c)(3) of the Internal Revenue Code of 1986 (the "Code") are unable to provide such services without jeopardizing their exempt status. The validity of the position that the NPRM will harm a significant number of individuals is a bold assertion that is premised on faulty legal analysis and assumptions. Moreover, as discussed below, we believe that the provision of debt settlement services does not adversely affect the ability of CCAs to be recognized as organizations described in §501(c)(3).

This letter offers no opinion as to the impact of the NPRM on the for-profit debt settlement industry; rather, the sole purpose of this letter is to correct the factual errors in AADMO Comments so as to provide the FTC with a better basis for making decisions regarding the NPRM. Specifically, this letter seeks to rectify false assumptions made by Mr. Davis with respect to the demand for debt settlement services and the methodology for providing such services, and to provide a more comprehensive legal analysis of the ability of tax-exempt CCAs to provide such services without jeopardizing their tax-exempt status.

I. Factual Clarifications.

The conclusion reached in the AADMO Comments was based on two unexamined and unsubstantiated assumptions. First, the AADMO Comments rest on the assumption that there is only one manner in which debt settlement services can be provided. Second, the AADMO Comments assume that there is an overwhelming demand for debt settlement services provided in such a manner. Grounded in these assumptions, without considering the possible existence of alternative methods for providing debt settlement services, the AADMO Comments essentially argue that it is imperative that the FTC protect the for-profit debt settlement industry, because the only viable method for providing debt settlement services is so abusive that the Internal Revenue Service (the "Service" or "IRS") will prohibit tax-exempt CCAs from engaging in such activities.

In order to support this contention, Mr. Davis must demonstrate that: (1) the traditional method for providing debt settlement services, bereft of public benefit and educational value, is the only viable method for providing such services; and (2) the need for and benefit of such services is so overwhelming that any potential abuses are minimal when compared to the substantial benefits received by the recipients of such services. However, Mr. Davis' failure to consider other methods for providing such services demonstrates an inherent flaw in his arguments. Moreover, as discussed below, the failure to examine or substantiate these assumptions substantially impacts the validity of the legal analysis used to support the position advocated by the AADMO Comments.

Without discussing the traditional manner in which for-profit organizations provide debt settlement services, the conclusions reached in the AADMO Comments rest on the presumption that it is the only manner to provide such services or, to the extent that another method exists, it is so unhelpful or burdensome that it is not worthy of consideration.

Traditionally, for-profit organizations have provided debt settlement services in the following manner:

1) An individual retains a debt settlement service provider and there is no initial or ongoing educational counseling session, simply a contractual agreement;

2) The service provider provides the debt settlement service for a fee that may not be well defined in the contract and likely contains several components including a set-up fee, monthly charges, and a percentage of the "savings" on any debt settled;

3) The service provider oversees collection of monthly payments from the individual enrolled in the debt settlement program and the individual refrains from making any payments to his creditors;

4) While collecting payments from the individual, the service provider does not make any payments to the individual's creditors, instead holding and accumulating the

funds received (sometimes in a trust account and sometimes in a special-purpose bank account set up for the individual);

5) While the individual is enrolled in the debt settlement program, the individual's creditors continue their attempts to collect the debts on which no payments are being made, and the individual's credit rating may suffer significantly;

6) As the debts go unpaid, the individual's outstanding balances are increasing because interest, fees, and penalties continue to accrue; and

7) Once the service provider has amassed enough money to cover its fee and, in the event the creditors' collection efforts have been futile, the service provider will attempt to settle the total amount of outstanding debt for less than the balance then owed.

If a settlement is obtained on an account, the individual is relieved of further obligation for that particular debt. However, as noted above, the individual has likely paid significant fees to the service provider, the individual's credit rating may have been harmed, the individual has risked collection and/or legal action from his creditors, the individual has endured months of harassing phone calls from creditors attempting to collect payment on amounts owed, and the individual is subject to tax on the portion of the debt that was forgiven.

This traditional model of providing debt settlement services has resulted in a significant number of consumer protection complaints relating to false advertising and unfair business practices, as well as investigations by multiple state Attorneys General. However, Mr. Davis' position in the AADMO Comments is predicated on the belief that this is the only viable method of providing such services. This ignores the efforts being undertaken by tax-exempt CCAs to develop new ways of meeting the needs of today's financially distressed consumers.

Mr. Davis is correct in his assumption that there is a substantial need for debt forgiveness programs. With high unemployment rates and significant capital losses, an unprecedented number of individuals are being overwhelmed by their financial burdens. The recent economic situation has resulted in a substantial number of individuals who are unable to repay debts previously incurred. Traditionally, tax-exempt CCAs assisted individuals facing such financial difficulties through the provision of educational counseling, referrals to unrelated social service providers, and, when appropriate, enrollment in a debt management plan ("DMP"). However, in the current economy, tax-exempt CCAs have recognized that their traditional methods of assisting financially distressed individuals are insufficient and have looked for new ways of addressing the needs of their communities.

As the FTC is well aware, in recent years tax-exempt CCAs have successfully developed new methods of educating the community and serving individuals in need.[1] These efforts have

[1] 74 Fed. Reg. 41988 – 42024 at 41991 (Aug. 19, 2009).

resulted in the less-than-full-balance DMP, an educationally-based alternative to the traditional debt settlement program. Through the less-than-full-balance DMP, tax-exempt CCAs can provide individuals with the practical solutions presented by debt settlement in the context of ongoing educational counseling.

Similar to the traditional debt settlement model, an individual who enrolls in a less-than-full-balance DMP will have a portion of their debt forgiven in exchange for payment of the remaining debt. However, that is where the similarities end. Unlike traditional debt settlement programs, the less-than-full-balance DMP will be administered in a manner similar to the traditional DMP programs that both the courts[2] and Congress[3] have recognized as educational. As such, the less-than-full-balance DMP program will be administered as follows:

1) An individual contacting a tax-exempt CCA will speak with a certified credit counselor and receive an individualized educational counseling session that complies with the standards established by the Service through Chief Counsel Advice Memorandum ("CCAM") 200620001 and the Core Analysis Tool ("CAT");

2) Based on the information obtained through the educational counseling session, the certified counselor will analyze the individual's unique financial circumstances and discuss options for increasing income, reducing expenses, and obtaining social, financial, and emotional support from other non-profit organizations in the individual's community. The counselor will also provide access to additional educational programs and materials, free of charge and will suggest several potential solutions to address the individual's unique financial difficulties, including: (a) additional counseling, such as bankruptcy or housing counseling; (b) ongoing budgeting and counseling; (c) DMP enrollment; or (d) enrollment in a less-than-full-balance DMP.

3) If the debtor and counselor agree that a less-than-full-balance DMP is the most beneficial solution, the counselor will use the information obtained during the counseling session to develop a repayment plan that will allow the individual to make payments to his creditors, meet his own needs, receive ongoing educational counseling, and emerge from the plan debt free;

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[2] *See Consumer Credit Counseling Service of Alabama, Inc. v. US*, 44 AFTR 2d 5122 (1978), and *Consumer Credit Counseling Service of Oklahoma, Inc. v. US,* 45 AFTR 2d 1401 (1979), (finding that administration of DMPs was integral to a credit counseling organizations mission of providing educational financial counseling).

[3] *See* Joint Committee on Taxation, *Technical Explanation of H.R. 4, the "Pension Protection Act of 2006," as Passed by the House on July 28, 2006, and as Considered by the Senate on August 3, 2006* (JCX-38-06 at 318), August 3, 2006 (providing that DMP administration can be integral to a credit counseling organization's educational mission when conducted according to the provisions of Code § 501(q)).

4) Once the plan is established, it will be submitted to the individual's creditors for their approval and, if approved, the creditors would cease any pending collection activities for the duration of the plan;

5) After the plan is approved by the creditors, the individual will make a single monthly payment to the CCA, which will transmit the payment to the individual's creditors according to the plan, which usually lasts between three and five years;

6) For the duration of the plan, the CCA will periodically provide the individual with free educational materials; inform the individual of education programming; routinely contact the individual to provide additional financial counseling; and monitor the individual's account for any indication of additional financial difficulties that may require specific additional counseling or referrals to other social service organizations;

7) At the end of the DMP program, the individual's creditors will forgive the remaining debt, resulting in loan forgiveness income and allowing the individual to move forward debt free; and

8) After completing the DMP program, the individual will be able to contact the CCA for free counseling and educational materials addressing any future financial issues that may arise.

Thus, while achieving a similar result to the traditional debt settlement model, the less-than-full-balance DMP model assists individuals in need in a manner that eliminates many of the risks and consequences presented by the traditional debt settlement model. Moreover, as successful completion of the less-than-full-balance DMP requires individuals to live according to a specified budget and partake in significant and ongoing educational counseling sessions, the benefit of the less-than-full-balance DMP is not the forgiveness of debt, but includes the lasting financial education.

As tax-exempt CCAs have begun implementing these programs, it is clear that AADMO's assumptions regarding the availability and the viability of non-traditional debt settlement models are unfounded. As such assumptions are without base, and as the position advocated in the AADMO Comments rests on the truth of such assumptions, the conclusions presented in the AADMO Comments are similarly unfounded.

II. Whether Organizations Exempt Under Code § 501(c)(3) May Provide Debt Settlement Services.

In the AADMO Comments, Mr. Davis provided a legal analysis of whether the provision of traditional debt settlement services is a permissible exempt activity as described in Code §501(c)(3). Based on his analysis, Mr. Davis incorrectly concluded that credit counseling

organizations are precluded from substantially engaging in the provision of debt settlement services.

Mr. Davis' conclusions were based on his assertions that: (1) the provision of debt settlement services would constitute a substantial non-exempt purpose; (2) the provision of debt settlement services is an inherently commercial activity that would put tax-exempt credit counseling organizations in competition with taxable corporations; and (3) the debt forgiveness income would confer an impermissible private benefit on individuals receiving debt settlement services.

While we agree that the traditional methodology for providing debt settlement services presents several significant hurdles for a tax-exempt organization, an analysis of debt settlement services provided under the DMP methodology that both Congress and the courts have recognized as integral to the accomplishment of an educational mission would reach a very different result. Namely, that the Code does not prohibit tax-exempt CCAs from providing debt settlement services.

A. Legal Background.

1. General Code Section § 501(c)(3) Issues.

In general, for a CCA to qualify as exempt under Code § 501(c)(3), it must pass both the "organizational" and "operational" tests set forth in the Code and accompanying Regulations. As such, the organization must demonstrate that it is both "organized" for a qualifying purpose or purposes and that it is "operated" in furtherance of such purpose or purposes. In determining whether the "organizational" test is met for a particular organization, the Service generally looks to governing documents — if an organization's articles of incorporation and bylaws are consistent with Service requirements and identify one or more qualifying exempt purposes, then the organizational test usually is deemed to have been met. Qualifying exempt purposes for § 501(c)(3) include those which are educational and charitable.[4]

The "operational" test is more involved and more subjective than the "organizational" test. In general, the Service will consider the full scope of an organization's activities to ascertain whether in practice the organization is fulfilling its stated mission and whether any substantial part of the organization's activities is for the pursuance of a non-exempt purpose. The presence of a single non-exempt purpose, if substantial in nature, will destroy the exemption regardless of the number or importance of truly exempt purposes. For instance, courts upheld the revocation of a trade association where it found that the trade association's educational programs had an "underlying commercial motive" that made them distinguishable from the educational activities carried out by a university.[5]

[4] *See* Code § 501(c)(3) generally; note that other potentially qualifying purposes not relevant to this review also exist.

[5] *Better Business Bureau of Washington D.C., Inc. v. United States,* 326 U.S. 279 (1945).

Generally, tax-exempt CCAs qualify for Code § 501(c)(3) status because they are organized to achieve an educational mission. The term educational includes (a) instruction or training of the individual for the purpose of improving or developing his capabilities and (b) instruction of the public on subjects useful to the individual and beneficial to the community.[6] In other words, the two components of education are public education and individual training. Among the examples provided by the regulations of educational organizations is an organization "whose activities consist of presenting public discussion groups, forums, panels, lectures, or other similar programs."[7] Educational purposes also include instruction or training of the individual for the purpose of improving or developing his capabilities and instruction of the public on useful and beneficial subjects.[8]

The primary educational services that CCAs provide involve educational financial counseling. Tax-exempt CCAs have traditionally furthered this mission through the dissemination of materials, the presentation of public seminars, and the provision of individualized financial counseling in several contexts, including administration of DMPs. The dissemination of educational materials and the provision of public educational seminars are unquestionably educational. Moreover, both Congress[9] and the United States Tax Court[10] have expressly stated that DMP administration may contribute to a CCA's educational mission.

As educational organizations, tax-exempt CCAs are prohibited from substantially engaging in activities that further a non-exempt purpose, including substantial commercial activities. In *American Institute for Economic Research v. United States*, the Court considered the status of an organization that provided analyses of securities and industries and of the economic climate in general.[11] The organization sold subscriptions to various periodicals and services providing advice for purchases of individual securities. Although the court noted that education is a broad concept, and assumed for the sake of argument that the organization had an educational purpose, it held that the organization had a significant non-exempt commercial purposes that was not incidental to the educational purpose and was not entitled to be regarded as exempt. However, the fact that an organization's activities "constitute a trade or business does

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[6] Treas. Reg. § 1.501(c)(3)-1(d)(3).

[7] Treas. Reg. § 1.501(c)(3)-1(d)(3)(ii).

[8] Treas. Reg. § 1.501(c)(3)-1(d)(3).

[9] JCX-38-06 at 318.

[10] *Consumer Credit Counseling Service of Alabama, Inc. v. US*, 44 AFTR 2d 5122 (1978), and *Consumer Credit Counseling Service of Oklahoma, Inc. v. US,* 45 AFTR 2d 1401 (1979).

[11] 302 F.2d 934 (Ct. Cl. 1962).

not, of itself, disqualify it from classification under § 501(c)(3), provided the trade or business furthers or accomplishes an exempt purpose."[12]

In determining whether an organization is engaged in commercial activities, "courts have generally focused on how an organization carries on its activities, implicitly reasoning that an end can be inferred from the chosen means."[13] Another consideration in determining whether an activity has a commercial purpose is whether the activity puts the organization into "direct competition" with taxable organizations.[14] Therefore, to the extent that a tax-exempt CCA provides debt settlement services in a non-exempt manner and directly competes with taxable entities providing the same services, the provision of such services may be a non-exempt commercial activity that jeopardizes the organization's tax-exempt status.

2. Private Benefit.

In addition to being required to meet the organizational and operational tests, organizations exempt from tax under Code § 501(c)(3) are prohibited from entering a transaction that results in a "private benefit." If an organization engages in an activity that provides private individuals with a private benefit, the Service has the power to revoke the organization's tax-exempt status. Generally, an activity will result in private inurement or a private benefit where it results in a greater than incidental benefit to an individual.

The provision of substantial benefits to any private individual or group of individuals may result in revocation regardless of whether the beneficiary is an insider or otherwise related to the organization. Further, it is not necessary for the transaction itself to result in unreasonable compensation or an excessive benefit. For example, a court has held that a tax-exempt educational organization was operating for private benefit because the vast majority of the school's graduates went on to work for Republican candidates for office.[15] The court found that the organization was providing a private benefit to the Republican party because the organization was operated primarily to advance Republican interests.

Thus, the IRS and the courts have recognized that where a private entity benefits in a more-than-incidental manner from the activities of a Code § 501(c)(3) organization, the organization may be at risk of losing its tax-exempt status even if there is no "insider" or "disqualified person" relationship with the private entity and even if the transaction in question does not result in excess benefit. However, to the extent that a benefit conferred on an individual is necessary or incidental to the accomplishment of the organization's tax-exempt mission, the benefit will not be characterized as a private benefit.

[12] *Living Faith, Inc. v. Comm.,* 69 AFTR 2d 92-301 (1991) at 92-304.

[13] *Tony and Susan Alamo Foundation*, TC Memo 1992-155 (1992) at 92-769.

[14] *Living Faith Inc.* at 92-307.

[15] *American Campaign Academy v. Comm'r*, 92 T.C. 1053 (1989).

3. Code § 501(q).

In August 2006, Congress added Code § 501(q)[16] to the Pension Protection Act of 2006 (the "Act") which established, in addition to the already-existing tax exemption requirements, more stringent standards and requirements for CCAs to qualify for recognition of federal tax-exempt status under Code § 501(c)(3). These rules are intended to ensure that no substantial part of the activities of a CCA is in furtherance of a non-exempt purpose and that the organization is providing substantial educational benefits to the public. Further, it should be noted that § 501(q) effectively codifies into law the principle that a DMP program can be an integral part of a CCA's counseling and educational activities when conducted in accordance with the requirements of § 501(q).[17]

4. The Service's CCA Enforcement Initiative.

Starting in 2004, the Service embarked on an unprecedented enforcement effort focused on the tax-exempt credit counseling industry. Through its enforcement initiative, the Service has published a number of materials in relation to its CCA enforcement effort, focused for the most part on the question of when a CCA's counseling activities may be viewed as educational. These materials pre-suppose that an organization in question would not have significant issues related to benefits flowing to private entities and/or related parties.[18] Among the documents released by the Service was the CAT, which is a tool to assist revenue agents in making a determination with respect to whether an organization's counseling activities should be characterized as educational.

Both the 2006 Chief Counsel Advice Memorandum and the CAT focus on three separate areas: (1) the substance of information collected and imparted in a typical counseling session; (2) the degree and manner in which counselors are trained; and (3) the type of outreach that the CCA engages in to encourage individuals to seek out the CCA's services. Moreover, CCAM 200620001 concluded that "whether a credit counseling organization primarily furthers educational purposes within the meaning of § 501(c)(3) can be determined by assessing the methodology by which the organization conducts its counseling activities."

B. Analysis.

[16] The provisions of Code § 501(q) provide many, specific organizations and operational requirements that must be met by CCAs in order to be recognized as exempt under either Code §§ 501(c)(3) or 501(c)(4). The provisions of Code § 501(q) regulate many aspects of CCA activities, including: the manner of counseling, permissible activities, permissible fees, who is eligible for services, revenue sources, and organization governance.

[17] JCX-38-06 at 318.

[18] *See* Chief Counsel Advice memorandum 200620001 (May 19, 2006), which served to update an earlier, similar memorandum on credit counseling agencies (200431023, July 30, 2004).

To the extent that the provision of debt settlement services is substantially unrelated to an organization's tax-exempt mission or provide a private benefit, such services will jeopardize a CCA's exempt status. Moreover, we agree with Mr. Davis' assessment that, using the traditional methodology, the provision of debt settlement services is not an educational endeavor and may very well undermine the mission of teaching individuals the "lessons of prudence and restraint" and proper budgeting. However, tax-exempt CCAs do not intend to provide debt settlement services under the traditional model. Moreover, unlike taxable debt settlement service providers, tax-exempt CCAs will provide such services with the goal of educating individuals through the use of DMP programs that both Congress and the courts have determined to be integral to the provision of financial education.

Without examining the methodology under which tax-exempt CCAs would provide debt settlement services, the ADDMO Comments assert that the provision of debt settlement services is not an exempt activity. However, CCAM 200620001 provides that "whether a credit counseling organization primarily furthers educational purposes within the meaning of § 501(c)(3) can be determined by assessing the methodology by which the organization conducts its counseling activities." Thus, in order to determine whether debt settlement services can be integral to an educational mission, we must analyze the methodology under which such services will be conducted. Not only is this analysis required under CCAM 200620001, but it is also consistent with the court's analysis in the *Alamo Foundation* case.[19]

As described above, the debt settlement methodology which would be used by tax-exempt CCAs is drastically different from the traditional debt settlement model. Further, both the Congress and the courts have expressly stated that the methodology comprising the less-than-full-balance DMP model under which tax-exempt CCAs will provide debt settlement services can be integral to educational mission. Therefore, to the extent that a tax-exempt credit counseling organization is providing a less-than-full balance DMPs in accordance with the statutory requirements of Code § 501(q) and the methodology discussed in *CCCS of Alabama and CCCS of Oklahoma*, the provision of debt settlement services through administration of less–than-full-balance DMPs is an activity that is integral to the accomplishment of a tax-exempt educational mission.

As demonstrated above, the methodology used by tax-exempt credit counseling organizations integral to the educational mission of a tax-exempt CCA. Additionally, tax-exempt CCAs providing debt settlement services under the less-than-full-balance DMP model will not be engaged in "direct competition" with any taxable entities providing debt settlement services. In *Living Faith,* the court noted that the organization was operating restaurants and grocery stores in a manner that was similar too and competitive with other for profit businesses.[20] However, the present situation is distinguishable from the facts of *Living Faith* because here tax-exempt CCAs are not trying compete with taxable debt settlement service providers through the provision of similar services; rather, the tax-exempt CCAs are merely attempting to provide

[19] *Alamo Foundation,* TC Memo 1992-155.

[20] *Living Faith,* 69 AFTR 2d 92-301.

educational services to those in need by offering services which achieve results similar to those achieved by taxable debt settlement service providers.

As described above, the types of debt services that will be provided by tax-exempt CCAs are comparable to the services provided by taxable entities only in name and result. The debt settlement services provided by tax-exempt CCAs will be provided in method that is not offered by taxable entities and will be available to substantial number of individuals who will otherwise be unable to receive such services.

Tax-exempt CCAs will provide debt settlement services in a manner that historically has not been used by taxable entities. Traditionally, the expense of providing ongoing educational counseling has precluded taxable entities motivated by profits from providing such services. Therefore, debt settlement services offered under an educationally based platform are not and will not be offered by taxable entities. As such, the debt settlement services offered under the less–than-full-balance DMP model are not directly competitive with debt settlement services offered under the traditional model.

In addition to offering services that are not offered by taxable debt settlement service providers, tax-exempt organizations will offer services to broader group individuals, including a substantial number of individuals who are not served by taxable debt settlement service providers. As noted above, Code § 501(q) and the CAT both require tax-exempt CCAs to make their services available to all individuals regardless of ability to pay. However, as taxable entities, the for profit debt settlement service providers are formed with the goal of making a profit. As such, taxable entities will generally limit the availability of their services to individuals who are able to pay the fees necessary for such entities to be profitable.

As tax-exempt CCAs are not directly competing with taxable service providers with respect to the types services provided nor with respect to the type of individuals eligible for such services, it is extremely unlikely that the Service would determine that tax-exempt CCAs are operating in a manner that is similar too and competitive with taxable debt settlement service providers.

Finally, the AADMO Comments indicate that because individuals who receive debt settlement services will receive debt forgiveness income, such services will be construed to confer an impermissible private benefit. However, the provision of benefits that are necessary and incidental to activities that are integral to achievement of an organization's exempt mission will not violate the proscription on impermissible private benefit.

As the less-than-full-balance DMP program will be administered in a manner that both Congress and the courts have determined to be integral to an educational financial counseling mission, the debt settlement program administered under the less than-full-balance DMP model will be integral to the exempt mission of tax-exempt CCAs. Further, as the forgiveness of debt in an unavoidable benefit that is both necessary and incidental to the administration of a debt settlement program, the benefits under such a program will be necessary and incidental to an

activity which is integral to an educational mission. Therefore, the benefits associated with the forgiveness of debts will not be characterized as an impermissible private benefit.

III. Conclusion.

The AADMO Comments incorrectly concluded that the provision of debt settlement services would adversely impact the ability of CCAs to qualify for tax-exempt status under Code §501(c)(3). As discussed above, the provision of debt settlement services under a less-than-full-balance DMP model is an activity that is integral to the provision of educational financial counseling. Further, the provision of debt settlement services in such a manner does not confer an impermissible private benefit nor will it cause tax-exempt CCAs to compete with taxable organizations providing debt settlement services in a more traditional manner. Therefore, the provision of such services will not have a detrimental effect on the ability of credit counseling organizations to qualify for tax-exempt status under Code § 501(c)(3).

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Respectfully submitted,

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