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National Association of Federally-Insured Credit Unions

May 14, 2019

The Honorable Michael Doyle
Chairman
Subcommittee on Communications &
Technology
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Robert Latta
Ranking Member
Subcommittee on Communications &
Technology
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Re: Tomorrow's Hearing on the Federal Communications Commission (FCC)

Dear Chairman Doyle and Ranking Member Latta:

I write to you today on behalf of the National Association of Federally-Insured Credit Unions (NAFCU) in conjunction with tomorrow's hearing entitled "Accountability and Oversight of the Federal Communications Commission." NAFCU advocates for all federally-insured not-for-profit credit unions that, in turn, serve over 116 million consumers with personal and small business financial service products. NAFCU would like to reiterate our concerns as the FCC continues to work on defining "automatic telephone dialing system" ("autodialer") under the *Telephone Consumer Protection Act* (TCPA) and Congress examines the issue of illegal robocalls.

Since the Federal Communications Commission (FCC) issued its problematic 2015 Declaratory Ruling and Order (2015 Order), the risk of facing a costly lawsuit over inadvertent TCPA violations has kept many credit unions from freely communicating needed financial information with their members. The March 2018 *ACA International v. FCC* decision invalidated the 2015 Order's overly expansive definition of "autodialer" and the FCC's approach to liability for calls to reassigned numbers under the TCPA. Since then, courts have taken a variety of approaches in determining what qualifies as an "autodialer" – leading to a maze of judicial interpretations of Congress's intent and meaning in passing the TCPA.

NAFCU ultimately supports a broad definition of "autodialer" that only includes equipment that uses a random or sequential number generator to store or produce numbers and dial those numbers without human intervention. NAFCU also supports other reforms to help credit unions contact their members with important information about their existing accounts, such as permitting callers to establish a reasonable opt-out method for revoking their consent to be contacted.

NAFCU appreciates the Subcommittee's continuing focus on the issue of stopping the scourge of illegal robocalls. It is important that any action by the FCC or Congress does not hamper the ability of credit unions to communicate important information to their members without fear of inadvertently violating the TCPA and potentially facing expensive, and oftentimes meritless, lawsuits.

Thank you for your attention to this matter. If my colleagues or I can be of assistance to you, or if you have any questions regarding this issue, please feel free to contact me or NAFCU's Associate Director of Legislative Affairs Alex Gleason at (703) 842-2237.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Thaler', with a stylized flourish at the end.

Brad Thaler
Vice President of Legislative Affairs

cc: Members of the Subcommittee on Communications and Technology