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National Association of Federally-Insured Credit Unions

July 23, 2019

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

Re: H.R. 3375, the *Stopping Bad Robocalls Act*

Dear Speaker Pelosi and Leader McCarthy:

I write to you today on behalf of the National Association of Federally-Insured Credit Unions (NAFCU) in conjunction with the House's consideration of H.R. 3375, the *Stopping Bad Robocalls Act*. NAFCU advocates for all federally-insured not-for-profit credit unions that, in turn, serve over 117 million consumers with personal and small business financial service products. NAFCU and our members applaud the bipartisan work of the Energy and Commerce Committee to craft a bill to appropriately target illegal robocalls, while seeking to ensure consumers still receive wanted, time-sensitive information from their credit unions. We are pleased that the report language accompanying the bill seeks to further clarify this intent.

NAFCU believes it is important that the Federal Communications Commission (FCC) provide the industry with clarity so that credit unions can contact their members using modern communications technologies without fear of a lawsuit. Uncertainty with the *Telephone Consumer Protection Act* (TCPA) due to the FCC's 2015 Declaratory Ruling and Order has led to increased litigation and confusion for legitimate callers, without achieving Congress's intended result in passing the TCPA – stopping illegal calls made to harass or defraud consumers. Therefore, we have long held the position that changes to the TCPA should clearly distinguish between illegal robocalls and legitimate calls made using an automatic telephone dialing system (ATDS or “autodialer”).

Additionally, NAFCU is pleased to see the requirement in Section 2 of H.R. 3375 that the FCC, within six months of the enactment of this legislation, prescribe regulations to clarify the definition of an ATDS. NAFCU 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 urges you to engage with the FCC to ensure that such clarifying regulations are promptly issued should H.R. 3375 be enacted.

It is important to ensure that any legislation designed to stop illegal robocalls does not impede the ability of credit unions to contact their members for legitimate business purposes. We appreciate the efforts of the Energy and Commerce Committee to clarify that this is the intent of H.R. 3375 and look forward to continuing to work with them to ensure that any legislation ultimately enacted protects that ability.

On behalf of our nation's credit unions and their more than 117 million members, we thank you for your attention to this important matter. Should you have any questions or require any additional information, please contact me or Max Virkus, NAFCU's Associate Director of Legislative Affairs, at mvirkus@nafcu.org or 703-842-2261.

Sincerely,

A handwritten signature in cursive script that reads "Brad Thaler".

Brad Thaler
Vice President of Legislative Affairs

cc: Members of the U.S. House of Representatives