



3138 10th Street North
Arlington, VA 22201-2149
703.522.4770 | 800.336.4644
f: 703.524.1082
nafcu@nafcu.org | nafcu.org

National Association of Federally-Insured Credit Unions

October 23, 2023

The Honorable Ben Ray Luján
Chair
Subcommittee on Communications,
Media, and Broadband
United States Senate
Washington, DC 20510

The Honorable John Thune
Ranking Member
Subcommittee on Communications,
Media, and Broadband
United States Senate
Washington, DC 20510

Re: Tomorrow's Hearing: "Protecting Americans from Robocalls"

Dear Chair Luján and Ranking Member Thune:

I write to you today on behalf of the National Association of Federally-Insured Credit Unions (NAFCU) in conjunction with tomorrow's hearing, "Protecting Americans from Robocalls." NAFCU advocates for all federally-insured not-for-profit credit unions that, in turn, serve more than 138 million members with personal and small business financial service products. We appreciate the opportunity to share the views of our members as the Subcommittee considers means of combatting illegal robocalls and robotexts.

NAFCU supports the Federal Communications Commission's (FCC) rules aimed at targeting illegal and fraudulent robocalls, which facilitate fraud that harms both consumers and financial institutions. The FCC should, however, find ways to tailor its regulations to focus on bad actors instead of sweeping in good actors like credit unions in broadly written regulations. As community-based, member-owned financial institutions, credit unions play no part in illegal communications and are not the type of entity the Telephone Consumer Protection Act (TCPA) was intended to target. Over the years, the FCC has created a regulatory labyrinth that has enriched plaintiffs' attorneys and hurt credit unions attempting to make legitimate and useful informational calls. Credit unions deserve relief so that they may contact their members about important information regarding their accounts without a high risk of frivolous lawsuits.

A prime example is the FCC's recent proposed rule regarding robocalls and robotexts that would restrict a credit union's ability to obtain a consumer's single consent for multiple uses. This proposal could prevent important communications such as "fraud alerts" from reaching a credit union member. As such, there needs to be a reasonably fast remediation timeline when call carriers accidentally block legitimate texts. Additionally, credit union member "opt-ins" to robotexts should be interpreted to give both the credit union and its relevant service provider partners authority to robotext members. Finally, consumers are able to provide their consent through mobile applications, over the phone, or in writing, so the FCC should display or otherwise provide the list of entities the consumer is giving consent to for each of these avenues.

The Honorable Ben Ray Luján
The Honorable John Thune
October 23, 2023
Page 2 of 2

Stopping or deterring the worst abusers of robocalls and robotexts while still allowing financial institutions like credit unions to use legitimate means of communicating important and timely information to their members will help to restore trust in our communications network. As the FCC works to implement new regulations aimed at stopping illegal robocalls and robotexts, NAFCU urges the Commission to consider the needs of credit unions and avoid mislabeling credit unions' legitimate communications.

We thank you for the opportunity to share our concerns as the Subcommittee examines this important issue. Should you have any questions or require any additional information, please contact me or Chad Adams, NAFCU's Senior Director of Legislative Affairs, at (703) 842-2265 or cadams@nafcu.org.

Sincerely,

A handwritten signature in black ink that reads "Brad Thaler". The signature is written in a cursive, flowing style.

Brad Thaler
Vice President of Legislative Affairs

cc: Members of the Subcommittee on Communications, Media, and Broadband