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National Association of Federally-Insured Credit Unions

April 2, 2019

The Honorable Mike Quigley
Chairman
Subcommittee on Financial Services &
General Government
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

The Honorable Tom Graves
Ranking Member
Subcommittee on Financial Services &
General Government
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

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

Dear Chairman Quigley and Ranking Member Graves:

I write to you today on behalf of the National Association of Federally-Insured Credit Unions (NAFCU) in conjunction with tomorrow's hearing on the Federal Communications Commission (FCC) budget. 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") issues under the *Telephone Consumer Protection Act* (TCPA).

Since the 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 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 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 previous focus on this issue in past report language accompanying the Financial Services and General Government appropriations package and we urge you to continue to examine this issue. We ask you to urge the Commissioners to adopt the approaches suggested by NAFCU so that credit unions may 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 cursive script that reads "Brad Thaler".

Brad Thaler
Vice President of Legislative Affairs

cc: Members of the Subcommittee on Financial Services and General Government of the U.S.
House of Representatives Committee on Appropriations