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National Association of Federally-Insured Credit Unions

June 20, 2023

The Honorable Robert Latta
Chairman
Committee on Energy & Commerce
Subcommittee on Communications
and Technology
U.S. House of Representatives
Washington, DC 20515

The Honorable Doris Matsui
Ranking Member
Committee on Energy & Commerce
Subcommittee on Communications
and Technology
U.S. House of Representatives
Washington, DC 20515

Re: Tomorrow's Hearing, "Oversight of the Federal Communications Commission"

Dear Chairman Latta and Ranking Member Matsui:

I write to you today on behalf of the National Association of Federally-Insured Credit Unions (NAFCU) in conjunction with tomorrow's Federal Communications Commission (FCC) oversight hearing. NAFCU advocates for all federally-insured not-for-profit credit unions that, in turn, serve nearly 137 million consumers with personal and small business financial service products. We appreciate the opportunity to share our views as the Subcommittee exercises its oversight authority over the FCC.

NAFCU supports the FCC's rules aimed at targeting illegal and fraudulent robocalls. 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 their 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.

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We thank you for the opportunity to share our concerns while the Subcommittee exercises its oversight authority. 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 and Technology