June 25, 2019

The Honorable Michael Doyle
Chairwoman
Committee on Energy & Commerce
Subcommittee on Communications and Technology
House of Representatives
Washington, DC 20515

The Honorable Robert Latta
Ranking Member
Committee on Energy & Commerce
Subcommittee on Communications and Technology
House of Representatives
Washington, DC 20515

Dear Chairman Doyle and Ranking Member Latta:

On behalf of America’s credit unions, I am writing regarding the Committee’s markup of H.R. 3375, the “Stopping Bad Robocalls Act.” The Credit Union National Association (CUNA) represents America’s credit unions and their 115 million members.

Credit unions share the subcommittee’s concerns regarding the growth of illegal robocalls. The challenge is how best to stop illegal calls while allowing legitimate businesses to continue to legally engage with their customers. This is pertinent to credit unions because they must be able to quickly, efficiently, and cost-effectively contact their members for legitimate business purposes—including in the event of a data breach, to avoid fees, and to provide fraud alerts. Further, the Dodd-Frank Act, the Federal Credit Union Act, as well as other laws and their implementing regulations may require credit unions and others to contact their customers. Moreover, there is substantial consumer benefit to receiving timely information about their accounts or in support of their relationship with credit unions and other businesses. We are concerned that H.R. 3375 fails to strike the appropriate balance toward achieving the goal of reducing illegal calls while ensuring the connection of legitimate calls.

We applaud the bipartisan effort that produced H.R. 3375, and we appreciate the recognition that the FCC should move quickly to clarify the definition of an autodialer. This provision will help facilitate credit unions’ and other legitimate businesses’ compliance with the Telephone Consumer Protection Act (TCPA). We continue to encourage the FCC narrowly tailor the definition of an autodialer to target illegal automated calls, rather than preventing legitimate actors from broadly using any form of automated telephonic communication with consumers.

Nevertheless, we still have concerns with the legislation in its current form:

**The Omission of Notice and Complaint Mechanism for Opt-in, White-List Call Blocking**
Though the FCC’s recent declaratory ruling requires a complaint and notice mechanism for both opt-out and opt-in call blocking services, H.R. 3375 requires that process only for opt-out calls—as a result, credit unions would have no notice of when a consumer has chosen to opt-in to no longer receiving their calls due to their decision to limit their telephone services to “white-list” contacts exclusively.

**The Omission of Redress for Erroneous Call-Blocking by the FCC**
Unlike the FCC’s final declaratory ruling regarding call-blocking services, H.R. 3375 does not authorize callers to seek recourse from the Commission for erroneously blocked calls. Given that callers will not necessarily have a direct contractual with a voice service provider, it is essential that callers have the ability to seek assistance from the FCC to ensure that erroneously blocked calls are unblocked.
The Omission of Cost Protection Language for Callers Using the Notice and Complaint Process for Call-Blocking Services

Though the bill indicates that customers cannot be charged for call-blocking or complaint resolution services for erroneously blocked calls, it does not include similar language protecting legitimate callers seeking to have their call abilities restored.

CUNA believes that it is imperative for each of these issues to be resolved prior to the enactment of this legislation and ask you to consider the impact this legislation in its current form might have on credit unions, which are not-for-profit financial cooperatives that are owned by their members, as they work to comply with the TCPA and their ongoing responsibilities as financial service providers under regulations put forth by other federal agencies.

We also encourage the subcommittee to include report language and make other efforts to establish legislative history that it is not the intent of this legislation to prevent credit unions and legitimate businesses from providing members and customers with critical information regarding their accounts or business relationship.

On behalf of America’s credit unions and their 115 million members, we appreciate your consideration of our views.

Sincerely,

Jim Nussle
President & CEO