

STEVE CHABOT
MEMBER OF CONGRESS
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AND ALL OF WARREN COUNTY

DEAN OF THE OHIO
REPUBLICAN DELEGATION



1065

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HOMELAND SECURITY AND INVESTIGATIONS
SUBCOMMITTEE ON COURTS, INTELLECTUAL
PROPERTY, AND THE INTERNET."**

**Congress of the United States
House of Representatives
Washington, DC 20515**

December 4, 2017

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Pai:

As you are aware, on September 29, 2017, the Credit Union National Association (CUNA), which serves nearly 6,000 credit unions and 110 million members, filed a "Petition for Declaratory Ruling" regarding the applicability of the Telephone Consumer Protection Act (TCPA) on informational calls placed by or on behalf of credit unions.

The credit union industry has a vital role in providing financial services to millions of consumers across the nation. As not-for-profit financial cooperatives, credit unions are owned by their members, resulting in a governing structure that is prudent and consumer-driven in decision-making and daily operations. This unique relationship between credit unions and their member-owners is bolstered through regular dialogue and communications about time-sensitive financial information, security related matters, and educational material that are a significant component of their mission and cooperative structure. Credit unions members want and need such information to remain financially healthy and to have timely information about their accounts.

In its petition, CUNA makes specific requests that "the Commission exempt from the TCPA's 'prior express consent' requirement informational calls made by credit unions to wireless numbers in one of two circumstances: (1) the wireless subscriber has an established business relationship with the credit union; or (2) the calls are in fact not charged to the called party, for example because the called party's wireless plan has unlimited minutes and texts." We request that the Federal Communications Commission (FCC) give thorough consideration to the points raised in the petition and provide, at the very least, more clarity and guidance on what communications are within the rights of credit unions to conduct with their member-owners. Notably, this would not allow credit unions or any other business any additional ability to make calls for commercial purposes such as selling new products or marketing other services. It would not change the rules protecting consumers from telemarketing calls in any way.

Congress never intended the TCPA to restrict normal and expected business communication. Nevertheless, the FCC's TCPA rules and guidance have evolved into a confusing tangle of restrictions that subject credit unions to potentially crippling liability and are demonstrably reducing consumer-friendly informational communications.

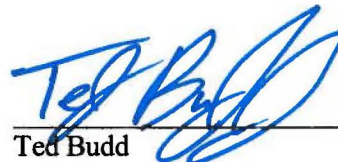
While there may be more than one way to address the concerns raised by credit unions, we do acknowledge that if these or similar concerns are not addressed with further clarity, guidance, or some form of exemption, an increasing number of credit unions will continue to be impeded from sending important financial information to their members because of both the lack of clarity in how to comply and out of fear of excessively costly litigation, due to the uncertainty surrounding the TCPA. Given light of the unique relationship credit unions have with their member-owners, as well as the sheer number of Americans who utilize these institutions for their financial services, it is our hope you will find a common-sense solution to address these concerns.

Thank you for your time and consideration on this matter.

Sincerely,



Steve Chabot
Member of Congress



Ted Budd
Member of Congress



Steve King
Member of Congress



Robert Pittenger
Member of Congress



John Garamendi
Member of Congress



David B. McKinley, P.E.
Member of Congress



Ralph Norman
Member of Congress



Susan W. Brooks
Member of Congress



David N. Cicilline
Member of Congress



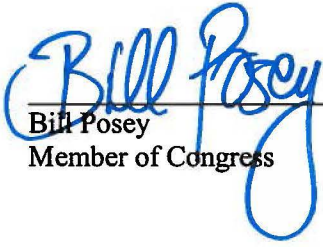
Erik Paulsen
Member of Congress



Billy Long
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Kristi Noem
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Bill Posey
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Andy Biggs
Member of Congress