

April 3, 2019

The Honorable Roger Wicker
Chairman
Committee on Commerce, Science,
and Transportation
United States Senate
Washington, DC 20515

The Honorable Maria Cantwell
Ranking Member
Committee on Commerce, Science,
and Transportation
United States Senate
Washington, DC 20515

Dear Chairman Wicker and Ranking Member Cantwell:

On behalf of the members of the Electronic Transactions Association (ETA), I am writing in support of the bipartisan Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act (S. 151). The TRACED Act would give regulators more time to find scammers, increase civil forfeiture penalties, promote call authentication and blocking adoption, and brings together an interagency working group to address impediments to criminal prosecution of robocallers who intentionally flout laws.

ETA is the leading trade association for the payments industry, representing over 500 companies that offer electronic transaction processing products and services; its membership spans the breadth of the payments industry to include independent sales organizations, payments networks, financial institutions, transaction processors, mobile payments products and services, payments technologies, equipment suppliers, and online small business lenders.

Importantly, ETA members are not telemarketers but are financial services companies who have a business relationship with their customers. Protecting their customers' personal data and financial information is paramount. In the payments industry in particular, the lack of modernization of the TCPA is unfortunately resulting in significant harm to consumers by hampering legitimate businesses from contacting their customers using the most efficient technology to provide them with information that consumers deserve to know and know promptly; information about the security of their accounts, including fraud alerts, and updates about their accounts. Increasing use of number portability by customers and issues surrounding the scope of revocation of consent are only exacerbating this harm.

ETA understands and agrees that robocalls from fraudulent sources are a nuisance, or even worse, predatory, for many consumers, and efforts to detect and eliminate these calls are important for consumer protection. Equally as important, consumers expect and have a right to demand that their personal financial information is protected by the businesses with which they have relationships. This includes an open, clear, and trusted communication channel to alert consumers to information regarding the security of their account. Efforts to combat illegal robocalls must take into account the difference between calls from a merchant attempting to sell a product or service to a potential customer and purely informational calls and other communications between businesses and their existing customers. Indeed, ETA's member companies must be permitted to contact their customers efficiently and quickly in order to provide them with important and vital information about their accounts. ETA contends that illegal robocalls made with the intent to defraud consumers, (e.g. the IRS scams), damage the trusted communication channels between customers and businesses.

ETA supports many of the efforts to target and eliminate unlawful calls in order to distill these communication channels so that customers can trust and receive the calls about their personal financial information.

We appreciate your leadership on this important issue. If you have any questions, please feel free to contact me directly at stalbott@electran.org.

Sincerely,



Scott Talbott
Senior Vice President of Government Affairs
Electronic Transactions Association