Statement for the Record

of

National Consumer Law Center
(on behalf of its low-income clients)

for hearing on

The End of Overdraft Fees?
Examining the Movement to Eliminate the Fees Costing Consumers Billions

before the

Subcommittee on Consumer Protection and Financial Institutions

of the

U.S. House of Representatives Committee on Financial Services

Thursday, March 31, 2022

Introduction and Summary

Thank you for the opportunity to submit this statement for the record and for holding this hearing on the overdraft fee practices that cost consumers billions of dollars each year.

Since 1969, the nonprofit National Consumer Law Center® (NCLC®) has worked for consumer justice and economic security for low-income and other disadvantaged people in the United States through its expertise in policy analysis and advocacy, publications, litigation, expert witness services, and training. This statement was written by Associate Director Lauren Saunders and Staff Attorneys Carla Sanchez-Adams and Chi Chi Wu.

It is long past time to end overdraft fees as a deceptive and abusive form of high-cost credit. Financial institutions must stop exploiting low-income families and communities of color by making profits at the expense of their customers' financial health.

Recently, a number of financial institutions have made changes that reduce the likelihood of incurring overdraft fees. Among large banks, Capital One and Ally Bank have set the gold standard by completely eliminating overdraft and NSF fees, with Bank of America close behind. Others have made partial changes. But we cannot rely on voluntary actions or half measures.

Congress should pass H.R. 4277 (Maloney), the Overdraft Protection Act of 2021 and S. 2677 (Booker), the Stop Overdraft Profiteering Act of 2021.

The CFPB should adopt comprehensive rules to ensure that consumers are safe from abusive overdraft charges no matter where they bank. The bank regulators should not wait for new rules, but should take action now to stop abusive practices by the banks they oversee.

The CFPB and bank regulators should also stop new forms of overdraft fees, such as "tips" on nonbank banking apps.

An abbreviated history of overdraft fee abuses

Overdraft fees have long been one of the most pernicious and deceptive taxes on being poor. Years ago, overdraft fees were charged rarely, merely to cover the cost and risk to the bank for the occasional courtesy of covering a check that would otherwise bounce. Many banks also offered overdraft lines of credit that charged a reasonable interest rate, costing only pennies if the overdraft was quickly paid off.

But as consumers began to receive wages and other income by direct deposit and to make payments using debit cards that can be approved or declined in real time, financial institutions and their consultants saw a new opportunity to push consumers to overdraft and to make money off people who struggle paycheck to paycheck. A variety of practices sprang up that put financial institutions at odds with their customers, focused on increasing profits rather than helping improve consumers' financial health.

A perverse form of competition led to a race to the bottom. Instead of competing honestly with transparent monthly fees, financial institutions promoted "free checking" but covered their costs with back-end fees imposed on their most vulnerable customers. Many banks eliminated reasonably priced overdraft lines of credit in favor of "courtesy" overdraft programs that just meant a lot of fees.

A vicious cycle led to piling on overdraft fees that triggered more overdrafts and more overdraft fees. Banks have engaged in practices[1] including:

- Unreasonably high fees for each overdraft, typically $35, far higher than needed to cover the banks' costs;
- Multiple overdraft fees per day, even as many as six ($210) at banks that limit the number;
- "Extended" or "sustained" overdraft fees, making it more difficult for a struggling account holder to recover;
- Opaque and often manipulative practices to increase overdraft fees involving deposit clearing, debit holds, and transaction posting order. Fees may even be charged when the consumer had sufficient funds in the account when the transaction was authorized.
- Overdraft fees on debit card purchases and ATM withdrawals instead of simply declining the transaction at no charge.
- Automatically collecting the overdraft by offsetting the next deposit, even when it is Social Security, unemployment, military/veterans compensation, public benefits or wages needed to pay for necessities.

Bank regulators went along these pernicious practices. While regulators have long recognized that banks are offering credit when they choose to cover an overdraft,[2] the Federal Reserve Board carved out an exception for overdraft fees that allowed overdraft credit to be exempt from the protections of the Truth in Lending Act. The Office of the Comptroller of the Currency and the now-abolished Office of Thrift Supervision were more concerned about preempting state laws that protected consumers than stopping abusive practices at their banks.[3] The Federal

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[1] These practices are described in Peter Smith et al., Center for Responsible Lending, Banks Must Stop Gouging Consumers During the COVID-19 Crisis at 1-2 (June 2020), https://www.responsiblelending.org/sites/default/files/nodes/files/research-publication/crl-overdraft-covid19-jun2019.pdf ("CRL, Banks Must Stop Gouging Consumers").

[2] The CFPB has confirmed that overdraft loans are "credit" within the meaning of the TILA, but the Federal Reserve Board (when it had authority over TILA prior to the CFPB's creation) made a policy decision not to apply Regulation Z. *See* 81 Fed. Reg. 83,934, 84,154–84,157, 84,167–84,168 (Nov. 22, 2016); 79 Fed. Reg. 77,205–77,208 (Dec. 23, 2014).

[3] For example, they even preempted the longstanding common law rule that contracts cannot contain penalties higher than the anticipated cost of a violation. *See* Chi Chi Wu, National Consumer Law Center, Restoring the Wisdom of the Common Law: Applying the Historical Rule Against Contractual Penalty Damages to Bank Overdraft Fees (April 2013), https://www.nclc.org/images/pdf/high_cost_small_loans/common-law-overdraft-fees.pdf.

Deposit Insurance Corporation and the National Credit Union Administration occasionally expressed concern about overdraft fees but ultimately did little to nothing to address the problem.

The Federal Reserve Board did ultimately adopt an amendment to Regulation E under the Electronic Fund Transfer Act that required consumers to "opt in" before an overdraft fee could be charged on a one-time debit or ATM card transaction. But banks have found ways to manipulate consumers into opting in or have had processes that misled consumers. The Pew Charitable Trust found that 68 percent of those who overdrew and incur a fee would have preferred to have transactions declined rather than pay a $35 fee, and that people are deeply confused and are not making opt-in choices based on correct information.[4] The "opt in" rule also does not address most of the overdraft fee abuses described above or prevent millions of consumers from incurring fees that can add up to hundreds or even thousands of dollars a year.

In 2020, before the stimulus money and reduced spending triggered by the COVID crisis, JPMorgan Chase earned $1.5 billion in overdraft fees, Bank of America made $1.1 billion, and Wells Fargo collected $1.3 billion.[5] Some smaller banks, such as Woodforest National Bank, have had especially aggressive overdraft fee practices.[6] Overall, banks collected nearly $12 billion in overdraft fees in 2019, according to a report by the Center for Responsible Lending.[7]

CFPB research in 2017 found that 79% bank overdraft and non-sufficient funds (NSF) fees are borne by only 9% of accounts.[8] Frequent overdrafters tend to have low end-of-day balances, low or moderate credit scores, and low or moderate monthly deposits.

[4] Nick Bourke & Rachel Siegel, Pew Charitable Trusts, "Customers Can Avoid Overdraft Fees, but Most Don't Know How; Bank disclosures and poor communication obscure options despite federal law" (Mar. 21, 2018), https://www.pewtrusts.org/en/research-and-analysis/articles/2018/03/21/customers-can-avoid-overdraft-fees-but-most-dont-know-how.

[5] *See* Alexander Sammon, The American Prospect, "Big Banks Charged Billions in Overdraft Fees During the Worst Months of the Pandemic; Recent financial disclosures show overdraft to be lucrative for commercial banks, and a burden on their most vulnerable customers" (Apr. 22, 2021), https://prospect.org/economy/big-banks-charged-billions-in-overdraft-fees-during-pandemic/.

[6] Aaron Klein, Brookings, A few small banks have become overdraft giants (Mar. 1, 2021), https://www.brookings.edu/opinions/a-few-small-banks-have-become-overdraft-giants/ (listing Woodforest among six banks whose overdraft revenues accounted for more than half their net income); Polo Rocha, American Banker, "Small banks face bigger threat to overdraft fees this time around" (July 27, 2021), https://www.americanbanker.com/news/small-banks-face-bigger-threat-to-overdraft-fees-this-time-around#:~:text=Banks%20with%20assets%20of%20%2410,with%20assets%20over%20%2410%20billion (identifying Woodforest as one of 16 banks that derived 20% or more of their fee income from overdraft-related fees, compared to 4.49% average for other banks with assets of $10 billion or less and 2.78% for larger banks); Office of the Comptroller of the Currency (OCC), News Release 2010-122, "Woodforest National Bank Enter Agreement to Reimburse Consumers" (Oct. 9, 2010), https://www.occ.gov/news-issuances/news-releases/2010/nr-occ-2010-122.html (OCC concluded the bank engaged in unfair or deceptive practices by assessing excessive amounts of overdraft fees and improperly assessing recurring fees, or "continuous overdraft fees" against certain consumers).

[7] CRL, Banks Must Stop Gouging Consumers at 6.

[8] CFPB, Data Point: Frequent Overdrafters Frequent Overdrafters (Aug. 2017), https://files.consumerfinance.gov/f/documents/201708_cfpb_data-point_frequent-overdrafters.pdf.

Overdraft and NSF fees are one of the leading reasons that people are unbanked. After allowing, and in some cases encouraging, people to overdraft, banks have closed the accounts of those who struggled to bring their accounts out of the red. The resulting negative reports to account screening agencies such as ChexSystems and Early Warning Services then stop people from getting new accounts and exiling them from the banking system.[9] Other consumers choose to be unbanked out of fear of overdraft and NSF fees.

The tide begins to turn

The good news is that the trend towards increasing overdraft fees has begun to turn in the opposite direction.

The Consumer Financial Protection Bureau has been shining a light on overdraft fee practices and the cost and impact on the most vulnerable consumers. The CFPB has not only published important research, but has made clear that it will be addressing problematic overdraft fee practices, resulting in several banks voluntarily reforming their overdraft practices.[10]

Years of hard work by consumer advocates and others to expose the abuses of overdraft fees have begun to pay off. The Black Lives Matters movement and other racial justice efforts, along with the awareness driven by the COVID crisis that we all depend on low-paid essential workers, have led to a growing realization that it is simply unacceptable for banks to drive profit off low-income families and the communities of color who have long been deprived of income and assets.

An increasing number of financial institutions – over 200 and counting – offer safe "Bank On" accounts with no overdraft or NSF fees and other terms that meet the requirements of Cities for Financial Empowerment's National Account Standards.[11] (Disclaimer: The National Consumer Law Center works with CFE to certify accounts that meet the standards.) The American Bankers Association has been a helpful partner in this effort to promote Bank On accounts.[12] Many financial institutions meet not only the "core" Bank On standards but also the recommended ones, including limiting their use of account screening agencies and only denying new customers for past incidences of actual fraud, not overdrafts.

In the past few months, many financial institutions have announced changes to their overdraft and NSF fee practices. Among large banks, Capital One and Ally Bank have set the gold

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[9] *See* NCLC, Press Release, Report: Account Screening Consumer Reporting Agencies Impede Access for Millions (Oct. 19, 2015), https://www.nclc.org/media-center/report-account-screening-consumer-reporting-agencies-impede-access-for-millions.html.

[10] *See* CFPB, CFPB Research Shows Banks' Deep Dependence on Overdraft Fees (Dec. 1, 2021) ("The CFPB will be enhancing its supervisory and enforcement scrutiny of banks that are heavily dependent on overdraft fees."), https://www.consumerfinance.gov/about-us/newsroom/cfpb-research-shows-banks-deep-dependence-on-overdraft-fees/.

[11] *See* https://joinbankon.org/accounts/.

[12] *See* https://www.aba.com/banking-topics/consumer-banking/inclusive-banking/bank-on.

standard, completely eliminating overdraft and NSF fees. Bank of America has come close, eliminating NSF fees, ending overdraft fees on ATM and debit card transactions, reducing its overdraft fee to $10, limiting the number of overdraft fees, and making other moves that reduced its overdraft revenues by 97% from where they were in 2009.[13]

These moves show that it is possible for banks – including some with significant branch networks – to make the choice to eliminate overdraft and NSF fees that harm the most vulnerable consumers and push them out of the banking system.

Other banks, including Synovus, Citizens, Santander, Huntington, and PNC, have taken partial steps to reduce the number of overdraft fees that their customers incur. These steps include 24 hour grace periods, free overdraft cushions, reducing the size or number of overdraft fees, and eliminating "extended" or "sustained" overdraft fees.[14]

Any measure that reduces overdraft fees is a step in the right direction. But in among themselves, smaller steps are ultimately insufficient and more needs to be done. And too many financial institutions still rake in profits off of the backs of families who pay overdraft and NSF fees.

Will "tips" become the new fintech overdraft fee?

In recent years, fintech banks and nonbank fintechs offering banking services have begun to offer redesigned deposit accounts without overdraft or NSF fees and with features to help people manage their finances. But it is important to keep an eye on emerging fintech overdraft practices that may appear to be friendlier but could become the new, evasive form of overdraft fee. And nonbank banking and payment apps also pose other issues, including in some cases gaps in or lack of deposit insurance, and an emerging business model that may make money by pushing cryptocurrencies or other risky investments that are dangerous for low and moderate income families.

Fintech apps are increasingly collecting "tips" as a form of payment. The "tips" model can be found on fake earned wage access products, cash advance loans and overdraft features on nonbank banking apps, and "peer-to-peer" loan platforms.[15] The use of purportedly voluntary

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[13] *See* Bank of America, Press Release, "Bank of America Announces Sweeping Changes to Overdraft Services in 2022, Including Eliminating Non-Sufficient Funds Fees and Reducing Overdraft Fees" (Jan. 11, 2022), https://newsroom.bankofamerica.com/content/newsroom/press-releases/2022/01/bank-of-america-announces-sweeping-changes-to-overdraft-services.html.

[14] See CFPB, Rebecca Borné & Amy Zirkle, "Comparing overdraft fees and policies across banks" (Feb. 10, 2022), https://www.consumerfinance.gov/about-us/blog/comparing-overdraft-fees-and-policies-across-banks/; CFPB, Overdraft/NSF metrics for Top 20 banks based on overdraft/NSF revenue reported, https://files.consumerfinance.gov/f/documents/cfpb_overdraft-chart_2022-02.pdf.

[15] *See* Testimony of Lauren Saunders, National Consumer Law Center, Before the U.S. House Committee on Financial Services Task Force on Financial Technology On "Buy Now, Pay More Later Investigating Risks and Benefits of BNPL and Other Emerging Fintech Cash Flow Products" at 14-17(Nov. 1, 2021), https://bit.ly/LS-BNPLtestimony ("Saunders Fintech Cash Flow Testimony").

"tips" to disguise overdraft fees and other charges is inherently deceptive, and "tips" should be treated like any other payment.[16]

One application of the "tips" model is found on "nonbank banking" apps – banking services offered by so-called "challenger banks" or "neo banks" that are not actually banks[17] but partner with a bank to offer deposit accounts through an app and associated debit card. These banking apps are essentially a form of prepaid account, but they style themselves as a bank account and do not comply with the CFPB's prepaid accounts rules under Regulation E.[18]

The "tips" model is spreading. For example, the following nonbank banking apps offer overdraft or credit features that collect tips:

- Chime offers "overdraft fee-free up to $200," comparing the "$0" Chime SpotMe fees to a $34 traditional overdraft fee.[19] But Chime requests tips after it covers an overdraft.[20]
- Albert states: "We don't believe in overdraft fees. Instead, we'll spot you up to $250 so you can make ends meet. If you're enjoying Instant, add an optional tip. There are no late fees, interest, or credit check."[21]
- Dave's home page advertises "no overdraft fees" and features an image of a text message: "Your phone bill may cause overdraft! I can spot you up to $250 with 0% interest to prevent it."[22] But Dave collects "tips" and "donations," and also charges an "Optional Express Fee" of $1.99 to $5.99, depending on the amount advanced.[23]
- MoneyLion offers "cash advances up to $250 with no interest." MoneyLion collects "tips" plus "delivery fees" of $3.99 to $4.99 for instant delivery.[24]

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[16] California recently clarified that voluntary payments such as tips are still "charges" subject to the cost protections of California law. *See* Calif. Department of Financial Protection and Innovation, Interpretive Letter-Flexwage, OP 8206 at 6 n.4 (Feb. 11, 2022), https://dfpi.ca.gov/wp-content/uploads/sites/337/2022/02/FINAL-OP-8206-FlexWage-Specific-Ruling.pdf.

[17] Chime, for example, was forced to stop calling itself a bank in response to state enforcement actions. *See* Anna Hrushka, BankingDive, California regulator orders Chime to stop calling itself a bank (May 6, 2021), https://www.bankingdive.com/news/california-regulator-orders-chime-to-stop-calling-itself-a-bank/599710/; State of Illinois, Dep't of Fin'l and Prof'l Reg., Settlement agreement and Consent Order, In re Chime Financial, Inc., No. 2021-DB-01 (March 25, 2021), https://www.idfpr.com/banks/cbt/Enforcement/2021/2021%2003%2025%20Chime%20-%20IL%20Settlement%20Agreement%20and%20Consent%20Order.pdf

[18] *See* 12 C.F.R. § 1005.2(b)(3)(i)(D)(1) (exempting checking accounts from the prepaid accounts rule); NCLC, Consumer Banking & Payments Law § 7.2.3.2.5 (6th ed. 2018), updated at library.nclc.org (explaining that accounts without checks should be viewed as prepaid accounts, especially if they have overdraft fees).

[19] https://www.chime.com/ (last accessed Mar. 30, 2022).

[20] https://www.chime.com/spotme/ (last accessed Apr. 4, 2022).

[21] https://albert.com/instant/ (last accessed Mar. 28, 2022).

[22] https://dave.com/ (last accessed Mar. 28, 2022)

[23] https://dave.com/terms (last accessed Mar. 30, 2022).

[24] https://www.moneylion.com/instacash/ (last accessed Mar. 30, 2022).

- Earnin offers payday advances in two different forms: as “Cash Out,” to “turn every day into payday,”[25] and as a “Balance Shield” feature: “Stay covered with Balance Shield Cash Outs. Get automatic access to $100 of your earnings to keep your balance out of the red.*”[26] Both collect fees in the form of purportedly voluntary tips. The Earnin is currently a freestanding cash advance app, but the company is piloting a banking app that will include those features in connection with a deposit account.[27]

These nonbank banking apps are typically aimed at struggling consumers who are living paycheck to paycheck and are attracted by the ability to overdraft. Users are likely to be disproportionately people of color in communities that have long been deprived of income and assets. Thus, “tips” will come out of the pockets of those least able to afford them. Like traditional overdrafts and payday advances, these fintech overdraft and cash advances are repaid in a balloon-payment immediately from the next deposit. These advances undoubtedly lead to the same cycle of debt and repeat overdrafting or reborrowing that traditional overdraft services do.

The request for and cost of “tips” is typically downplayed in, or sometimes entirely absent from, promotions for these apps, which imply that their overdraft and credit features are free. Although the cash advance features on Albert, Money Lion and Dave are not automatically activated by overdrafts the same way that Chime’s is, they serve an equivalent function by advancing funds to consumers to avoid an overdraft. The apps may even identify impeding overdrafts and prod the consumer to take an advance. But like overdraft credit, they do not provide loan disclosures or comply with lending laws.[28]

The “tips” model is evasive and deceptive. Though purportedly voluntary, companies have continuously evolving ways of pressuring people into “tipping” or making it difficult not to tip. The tips are unlikely to be truly voluntary, and even if they are, the label does not change the cost to or the impact on consumers. The tipping model takes advantage of consumers’ lack of awareness of how the tips add up.

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[25] https://www.earnin.com/products/cash-out (last accessed Mar. 30, 2022).
[26] https://earnin.com/products/balance-shield (last accessed Mar. 30, 2022). Earnin does not, however, have any connection to payroll or actual earnings.
[27] https://earnin.com/products/earnin-express (last accessed Mar. 30, 2022).
[28] They likely view themselves as exempt from the Truth in Lending Act because they do not require repayment in more than four installments and claim that the “tip” is not a finance charge. *See* Regulation Z, 12 C.F.R. § 1026.2(a)(17)(i).

Companies can employ strategies to make it difficult not to tip or to make the consumer feel compelled to tip.[29] Default tip amounts are often set in advance and may be difficult to undo.[30] Apps may also use different user interfaces to send psychological signals and encourage quick action without thought about the default tip. Disingenuous statements encourage borrowers to "pay it forward" and to support a "community,"[31] ignoring the large companies and wealthy hedge fund investors who profit from the "tips."

Even without direct messages or policies to disadvantage low tippers, consumers may believe they must make ample tips or will be penalized in some manner – a threat to people who live paycheck to paycheck. Companies also exploit the psychological phenomenon of "reciprocity," *i.e.*, that most people will feel compelled to give a tip and recognize actions designed to activate "obligatory giving."[32]

Some consumers may manage to use tip-based services for free. But for-profit enterprises count on tips as a profit center. Furthermore, with investors who need a significant return on investment, the apps are unlikely to put up with a lot of non-paying users.

Regulators cannot be expected to constantly monitor the subtle and ever-changing ways that companies will push people into tipping. When caught using practices to coerce tips, companies may change their policies and then devise new ways to ensure that they get paid.

Using the "tips" label does not make an overdraft fee any less dangerous or any less likely to lead to a cycle of debt and reborrowing. As we make progress on traditional overdraft fees, regulators must put a stop to the tips model before it spreads further to become the new overdraft fee.

<u>Recommendations</u>

We need action to stop overdraft fees abuses, old and new.

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[29] For example, in 2019 Earnin "encouraged users to leave a tip of anywhere between zero and $14 on a $100 weekly loan," and users who didn't leave a tip "appear to have their credit restricted." Kevin Dugan, New York Post, Cash-advance app Earnin gets subpoenaed by NY regulator: source (Mar. 28, 2019). Additionally, the SoLo app – which requires consumers to designate the "tip" in advance of funding -- "notes that loans are much more likely to be funded when users tip the maximum amount." Fast Company, These 2 Black founders aim to offer a fairer alternative to payday loans (Feb. 18, 2021).

[30] An Earnin user reported being completely unable to undo the default tip, even after deleting the app and reinstalling it. Conversation with Brent Adams, Woodstock Institute. An article about SoLo noted that "the only way to avoid [a tip] is through a toggle in SoLo's settings menu, which must be reactivated for each request. There's no way to opt out of donations while making the request itself." Fast Company, These 2 Black founders aim to offer a fairer alternative to payday loans (Feb. 18, 2021).

[31] https://www.chime.com/spotme/.

[32] *See* Linda and Charlie Bloom, Psychology Today, "Honoring the Rule of Reciprocation" (Oct. 10, 2015), https://www.psychologytoday.com/us/blog/stronger-the-broken-places/201510/honoring-the-rule-reciprocation.

Overdraft fees should either be eliminated altogether or strictly regulated. To address longstanding overdraft fee abuses, Congress should pass H.R. 4277 (Maloney), Overdraft Protection Act of 2021 and S. 2677 (Booker), Stop Overdraft Profiteering Act of 2021.

The CFPB also must enact clear rules that apply to all financial institutions. In the meantime, the banking agencies need to address unfair, deceptive and abusive overdraft fee practices that harm the financial health of consumers.

Critical elements of overdraft fee reform include:

- Cap the number of overdraft fees at one per month and six per year. Additional overdrafts can be covered through affordable overdraft lines of credit or transfers from linked accounts.
- Prohibit overdraft and NSF fees on debit and ATM card transactions, as well as on real-time payment systems like Zelle.
- Limit any overdraft and NSF fees to amounts that are reasonable and proportional to financial institutions' costs in the overdraft coverage.
- Prohibit overdraft or NSF fees on transactions that were authorized when the balance was positive.
- Prohibit reordering transactions in a manner that increases overdraft or NSF fees.
- Require consumers to opt in to any overdraft coverage and give them clear up-front information about their options for covering overdrafts.

Financial institutions should not wait to be told what to do. They should eliminate overdraft and NSF fees altogether or get as close as possible to that goal. They should also offer and promote Bank On accounts. But offering a Bank On account is not a substitute for reforming overdraft practices on all accounts.

To prevent new fintech forms of overdraft fees, the CFPB and bank regulators should:

- Subject nonbank banking apps to the CFPB's prepaid account rules, as they are not checking accounts and thus are not exempt from those rules. The prepaid account rules are designed for the vulnerable unbanked and underbanked consumers who have had trouble with overdraft fees on traditional accounts and who are typically the audience to whom fintech accounts are targeted.

- View "tips" as fees regardless of the label put on them and regardless of whether they are purportedly voluntary. "Tips" on cash advances should be treated as finance charges under the Truth in Lending Act. "Tips" paid for overdraft advances should be subject to the overdraft fee rules discussed above.

Conclusion

We have a moment right now with a growing consensus that financial institutions must stop exploiting their most vulnerable customers, communities of color, and the essential workers on whom we all depend. It is time to end the scourge of overdraft fees. For more information or with questions, please contact Lauren Saunders at lsaunders@nclc.org.