Congress of the United States
Washington, DC 20515

November 17, 2015

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Dear Chairman Wheeler:

The inclusion of Section 301 in the recently passed budget bill potentially opens the door to unwanted robocalls and texts to the cell phones of student loan borrowers, mortgage borrowers, veterans, farmers, taxpayers, and others with debt owed to or backed by the federal government. The provision might also allow robocalls and texts without consent to the cell phones of borrowers' relatives and their references, as well as any unrelated person who has the reassigned cell phone number of these parties.

The Federal Communications Commission (FCC) has the authority to limit much of the potential harm that could result from this unfortunate provision. We urge that the Commission use its regulatory authority to accomplish several important consumer protection objectives:

1. The FCC should issue an immediate pronouncement stating that no calls can be made pursuant to Section 301, *until* the FCC finalizes regulations required by the provision.
2. The regulations should limit the calls to those made just to debtors for the explicit purpose of collecting on defaulted debt. This provision should not be the excuse for calls to people associated with debtors, which are an invasion of the privacy of both the debtor, and the called party, and intrusive and potentially expensive for non-debtor called parties.
3. Consistent with the FCC's July 2015 Omnibus Order, calls to reassigned numbers should be strictly limited, as they are not actually calls to the debtors.
4. The regulations, as explicitly mandated by the provision, should clearly hold callers to strict limits on the number and duration of calls and the persons to whom the calls are made. The FCC should work closely with the Consumer Financial Protection Bureau (CFPB) to develop a coordinated approach on the limited number of calls permitted pursuant to Section 301.
5. All callers should be required to cease calls as soon as any called parties request that the calls stop.

When Congress passed the Telephone Consumer Protection Act (TCPA) of 1991, the goal was clear: whether at home or on their mobile phones, consumers should not be subject to intrusive and unsolicited calls from telemarketers. Nearly 25 years after the enactment of the TCPA, it is clear that consumers have benefited from the law's protections. By banning auto dialing and pre-recorded calls to land lines and mobile phones, with certain exceptions, and establishing the

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National Do Not Call Registry, the law created a zone of privacy that is highly valued by consumers to this day.

We urge you to consider the important role the Commission has in protecting the convenience and privacy that the TCPA has provided for more than two decades. These protections should continue for years to come. Calls from debt collectors, even for debts owed to or guaranteed by the federal government, should be closely limited to further the goals of the TCPA.

Sincerely,

Edward J. Markey
United States Senator

Suzanne Bonamici
Member of Congress

Bill Nelson
United States Senator

Anna G. Eshoo
Member of Congress

Robert Menendez
United States Senator

Frank Pallone, Jr.
Member of Congress

Patrick Leahy
United States Senator

Raúl M. Grijalva
Member of Congress

Bernard Sanders
United States Senator

Eleanor Holmes Norton
Member of Congress

Al Franken
United States Senator

Betty McCollum
Member of Congress

Elizabeth Warren
United States Senator

Charles B. Rangel
Member of Congress

Amy Klobuchar
United States Senator

Mark Pocan
Member of Congress

Ron Wyden
United States Senator

James P. McGovern
Member of Congress

Richard Blumenthal
United States Senator

Alan Grayson
Member of Congress

Jeffrey A. Merkley
United States Senator

Donald S. Beyer, Jr.
Member of Congress

Diana DeGette
Member of Congress

Paul D. Tonko
Member of Congress

John Lewis
Member of Congress

Henry C. "Hank" Johnson
Member of Congress

Chris Van Hollen
Member of Congress

Suzan DelBene
Member of Congress

John Yarmuth
Member of Congress

Joe Courtney
Member of Congress

Jackie Speier
Member of Congress

Earl Blumenauer
Member of Congress

Doris Matsui
Member of Congress

Barbara Lee
Member of Congress

Donna F. Edwards
Member of Congress

Sam Farr
Member of Congress

Michael M. Honda
Member of Congress

Mike Doyle
Member of Congress

Jan Schakowsky
Member of Congress

Mike Thompson
Member of Congress

Danny K. Davis
Member of Congress

cc: The Honorable Jack Lew, Secretary, Department of the Treasury
The Honorable Arne Duncan, Secretary, Department of Education
The Honorable Richard Cordray, Director, Consumer Financial Protection Bureau

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Don Beyer
U.S. House of Representatives
431 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Beyer:

Thank you for your letter expressing concern about Section 301 of the Bipartisan Budget Act of 2015, which amends the codified Telephone Consumer Protection Act (TCPA). Your important views will be included in the record of the related proceeding and considered as part of the FCC's review.

Section 301 creates an exception to the TCPA's prior express consent requirement for automated calls to cellular or residential telephones, if such calls are for the purpose of collecting debts owed to or guaranteed by the United States government. That provision also requires the Commission to issue implementing regulations within nine months of enactment of the Bipartisan Budget Act, giving the Commission until August 2nd of this year to complete and adopt new rules.

You have raised several issues for consideration by the Commission: whether calls can be made pursuant to Section 301 prior to issuance of our implementing rules; whether covered calls should be allowed only to the debtor and not others; what limits should be placed on covered calls to telephone numbers reassigned from a debtor to another person; whether there should be limits on the number and duration of automated calls made without consent, an issue raised specifically by Section 301; and whether callers should be required to stop calling as soon as any called party makes such a request.

I fully agree that these are key issues for the Commission to consider in this context. Last week I circulated a draft Notice of Proposed Rulemaking (NPRM) that seeks comment on these and other issues and presents proposals that remain faithful to Congress's mandate while shielding consumers from unwanted robocalls.

The draft NPRM includes clear, pro-consumer restrictions on the type and number of calls a federal creditor may place to recover a delinquent debt, even when those calls go unanswered. In particular, the NPRM proposes:

- that only calls made after a debtor has become delinquent are covered by the exception;
- to limit the calls to creditors and those calling on their behalf, including debt servicers;
- that these robocalls can only be made to the debtor, so as to prevent unwanted robocalls to relatives, friends, and other acquaintances of debtors;
- to limit the number of calls to three per month per delinquency; and

- to empower consumers with the right to stop calls from a federal creditor at any time and to require callers to inform debtors of this right.

The draft NPRM also makes clear that the new rules will not open a door for telemarking calls. The Commission remains steadfast in its defense of protections against unwanted calls. Congress specified that exempted calls must be "solely" to collect a federal debt, and we will ensure they do not go beyond that boundary.

I also note that you urge us to work closely with the Consumer Financial Protection Bureau (CFPB) to coordinate the two agencies' approaches to limits on the number of permissible debt collection calls. Commission staff worked closely with the CFPB staff in drafting the NPRM and developing the aforementioned proposals and has also consulted closely with the Department of Treasury, Department of Education and other federal stakeholders.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Earl Blumenauer
U.S. House of Representatives
1111 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Blumenauer:

Thank you for your letter expressing concern about Section 301 of the Bipartisan Budget Act of 2015, which amends the codified Telephone Consumer Protection Act (TCPA). Your important views will be included in the record of the related proceeding and considered as part of the FCC's review.

Section 301 creates an exception to the TCPA's prior express consent requirement for automated calls to cellular or residential telephones, if such calls are for the purpose of collecting debts owed to or guaranteed by the United States government. That provision also requires the Commission to issue implementing regulations within nine months of enactment of the Bipartisan Budget Act, giving the Commission until August 2nd of this year to complete and adopt new rules.

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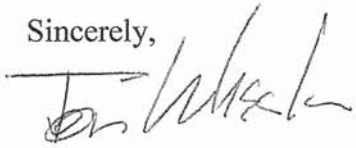

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Richard Blumenthal
United States Senate
706 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Blumenthal:

Thank you for your letter expressing concern about Section 301 of the Bipartisan Budget Act of 2015, which amends the codified Telephone Consumer Protection Act (TCPA). Your important views will be included in the record of the related proceeding and considered as part of the FCC's review.

Section 301 creates an exception to the TCPA's prior express consent requirement for automated calls to cellular or residential telephones, if such calls are for the purpose of collecting debts owed to or guaranteed by the United States government. That provision also requires the Commission to issue implementing regulations within nine months of enactment of the Bipartisan Budget Act, giving the Commission until August 2nd of this year to complete and adopt new rules.

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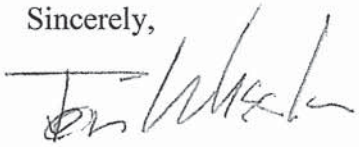

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Suzanne Bonamici
U.S. House of Representatives
439 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Bonamici:

Thank you for your letter expressing concern about Section 301 of the Bipartisan Budget Act of 2015, which amends the codified Telephone Consumer Protection Act (TCPA). Your important views will be included in the record of the related proceeding and considered as part of the FCC's review.

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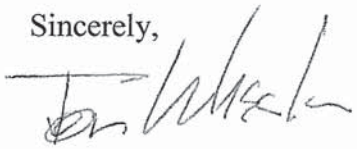

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Joe Courtney
U.S. House of Representatives
2348 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Courtney:

Thank you for your letter expressing concern about Section 301 of the Bipartisan Budget Act of 2015, which amends the codified Telephone Consumer Protection Act (TCPA). Your important views will be included in the record of the related proceeding and considered as part of the FCC's review.

Section 301 creates an exception to the TCPA's prior express consent requirement for automated calls to cellular or residential telephones, if such calls are for the purpose of collecting debts owed to or guaranteed by the United States government. That provision also requires the Commission to issue implementing regulations within nine months of enactment of the Bipartisan Budget Act, giving the Commission until August 2nd of this year to complete and adopt new rules.

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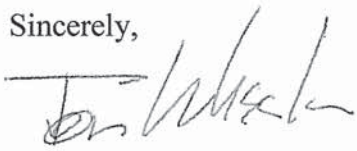

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Danny K. Davis
U.S. House of Representatives
2159 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Davis:

Thank you for your letter expressing concern about Section 301 of the Bipartisan Budget Act of 2015, which amends the codified Telephone Consumer Protection Act (TCPA). Your important views will be included in the record of the related proceeding and considered as part of the FCC's review.

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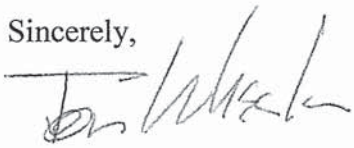

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Diana DeGette
U.S. House of Representatives
2368 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman DeGette:

Thank you for your letter expressing concern about Section 301 of the Bipartisan Budget Act of 2015, which amends the codified Telephone Consumer Protection Act (TCPA). Your important views will be included in the record of the related proceeding and considered as part of the FCC's review.

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