FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Robert Menendez
United States Senate
528 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Menendez:

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 Jeff Merkley
United States Senate
313 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Merkley:

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

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WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Bill Nelson
United States Senate
716 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Nelson:

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Eleanor Holmes Norton
U.S. House of Representatives
2136 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Norton:

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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WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Frank Pallone
U.S. House of Representatives
237 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Pallone:

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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