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Congress of the United States
House of Representatives
Washington, DC 20515-1601

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SMALL BUSINESS COMMITTEE
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February 6, 2015

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CRB
Consumer
LCPA

Hon. Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20536

Dear Chairman Wheeler:

I want to make you aware of a significant hindrance to public and private business practices across our great nation due to outdated federal law.

In 1991, the Telephone Consumers Protection Act (TCPA) was enacted by Congress to address a growing concern over telemarketing calls and certain practices found to be an invasion of consumer privacy. It includes a provision that prohibits the use of automated telephone systems under certain circumstances when calling a wireless phone, even when a public or private entity has an existing business relationship with the consumer or the consumer otherwise is indebted to the government or private entity.

Today, this law is being unfairly applied with great unintended consequences to calls that the Federal Communications Commission has deemed informational, not solicitation or telemarketing. The use of modern technology, whether by the public or private sector, is an essential tool for efficiency in contacting consumers, and allows for better compliance with other regulations and better prevents calling the wrong number.

The Commission must apply a common sense approach to the TCPA, particularly when organizations are contacting individual consumers for informational purposes, and are not contacting consumers for telemarketing purposes. These public or private entities may legally contact consumers on mobile devices if they dial the phone manually without the aid of modern technology.

Without reforms, the U.S. Department of Education and other federal or state government bodies cannot use technology designed for efficiency to contact millions of consumers who owe a public debt such as student loans or taxes. Private sector businesses cannot reach consumers with information regarding how to prevent an adverse financial action such as foreclosure, negative credit reporting, confiscation of property, or litigation. Inadvertently, the TCPA has

turned a vehicle to protect consumers from unwanted random solicitations into a booming practice for opportunistic attorneys to take advantage of ambiguous rules and profit personally by receiving millions of dollars by suing businesses and overburdening the courts while providing only nominal relief to their clients.

I urge the FCC to act on ACA International's petition to modernize the TCPA by enacting common-sense reforms to facilitate the delivery of time-sensitive consumer information to mobile devices while continuing to protect consumers from unwanted telemarketing calls. The FCC, as an expert agency, must recognize that today, 96 percent of adults are mobile subscribers and 54 percent of households are either entirely or mostly wireless. The world has changed significantly since 1991 and it's time for the FCC to clarify and modernize its TCPA rules to reflect the realities of today.

Sincerely,

A handwritten signature in blue ink that reads "Tim Huelskamp". The signature is written in a cursive style with a large, sweeping initial "T" and a long, horizontal flourish at the end.

Tim Huelskamp
Member of Congress