



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

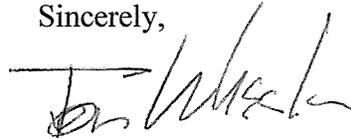
- to empower consumers with the right to stop calls from a federal creditor at any time and to require callers to inform debtors of this right.

The draft NPRM also makes clear that the new rules will not open a door for telemarketing 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,

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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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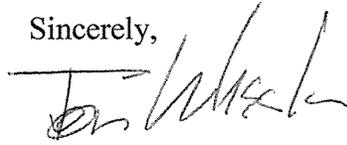
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FEDERAL COMMUNICATIONS COMMISSION
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OFFICE OF
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February 25, 2016

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.

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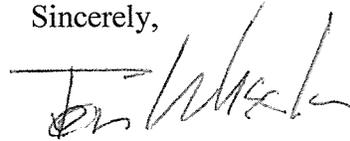
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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
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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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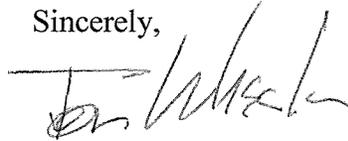
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Tom Wheeler



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.

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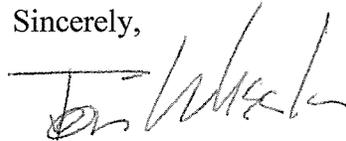
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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 25, 2016

OFFICE OF
THE CHAIRMAN

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

Dear Congressman Davis:

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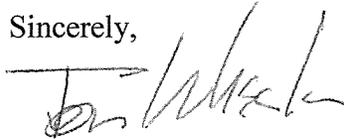
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Tom Wheeler



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:

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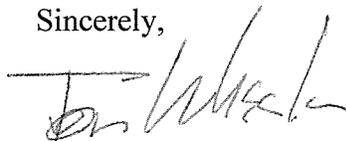
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FEDERAL COMMUNICATIONS COMMISSION
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OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Suzan DelBene
U.S. House of Representatives
318 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman DelBene:

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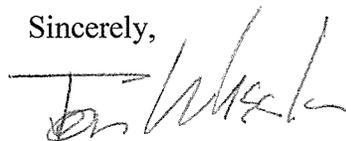
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OFFICE OF
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February 25, 2016

The Honorable Mike Doyle
U.S. House of Representatives
239 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Doyle:

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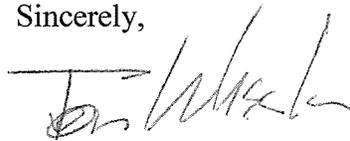
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February 25, 2016

The Honorable Donna Edwards
U.S. House of Representatives
2445 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Edwards:

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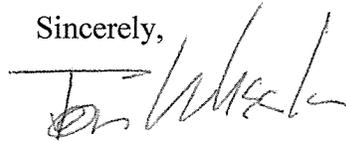
- to empower consumers with the right to stop calls from a federal creditor at any time and to require callers to inform debtors of this right.

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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,

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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Anna G. Eshoo
U.S. House of Representatives
241 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Eshoo:

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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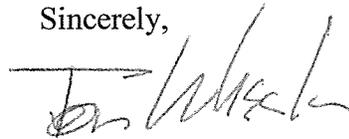
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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Sam Farr
U.S. House of Representatives
1126 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Farr:

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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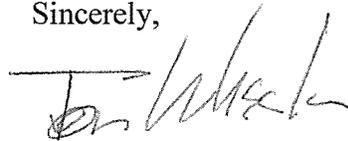
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Al Franken
United States Senate
309 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Franken:

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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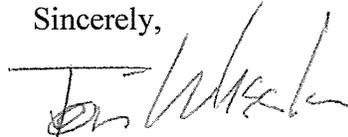
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Alan Grayson
U.S. House of Representatives
303 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Grayson:

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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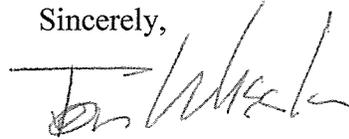
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Raúl M. Grijalva
U.S. House of Representatives
1511 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Grijalva:

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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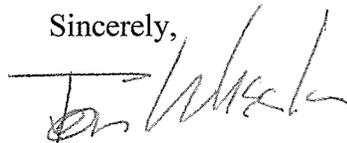
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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Michael M. Honda
U.S. House of Representatives
1713 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Honda:

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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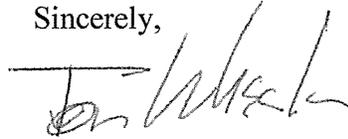
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Hank Johnson
U.S. House of Representatives
2240 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Johnson:

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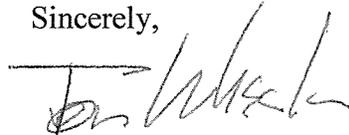
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Amy Klobuchar
United States Senate
302 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Klobuchar:

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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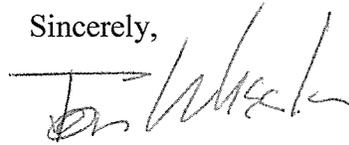
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Patrick J. Leahy
United States Senate
437 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Leahy:

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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- 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

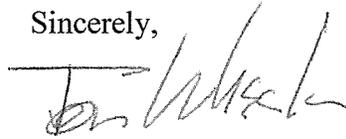
- to empower consumers with the right to stop calls from a federal creditor at any time and to require callers to inform debtors of this right.

The draft NPRM also makes clear that the new rules will not open a door for telemarketing 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,

A handwritten signature in black ink, appearing to read "Tom Wheeler", with a horizontal line drawn through the middle of the signature.

Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 25, 2016

The Honorable Barbara Lee
U.S. House of Representatives
2267 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Lee:

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

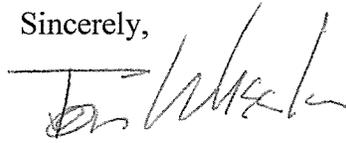
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Tom Wheeler