

United States Senate

WASHINGTON, DC 20510

August 4, 2017

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai,

We write to urge you to protect consumers from abusive and invasive robocalls and robotexts from debt collectors.

The 2015 Budget bill included a harmful provision (Section 301) directing the Federal Communications Commission (FCC) to prescribe regulations allowing callers collecting federal debt to robocall and robotext the mobile phones of student loan borrowers, mortgage borrowers, veterans, farmers, taxpayers, and anyone else with debt backed by the federal government without consent. These changes to the Telephone Consumer Protection Act (TCPA) require the FCC issue implementing regulations and allow the FCC to restrict or limit the number and duration of robocalls and robotexts. We strongly opposed the overall provision, and urged the FCC to limit much of the potential harm that could result from this exemption. Last August, the FCC issued implementing regulations and appropriately used its authority to adopt many important consumer safeguards, including:

- Limiting the amount of calls and texts to no more than three per month, counting each initiated call as one call;
- Notifying consumers of their right to request that calls stop and requiring that all callers cease the calls once any called party requests that the calls stop; and
- Restricting the calls and texts to those made just to borrowers – not their family or friends – and only for the purpose of collecting on delinquent or defaulted debt owed to the federal government.

Regrettably, debt collectors may not be complying with these important protections. According to a petition recently submitted to the FCC, some debt collectors may be ignoring these protections because the Office of Management and Budget (OMB) has yet to formally approve the FCC's rules. As a result, it appears that many borrowers and their relatives may be receiving multiple robocalls a day without providing consent or having the ability to stop invasive communications.

We believe that borrowers are still protected by all of the provisions under the TCPA while the FCC's rules are awaiting final approval. The 2015 Budget Amendment states that the FCC shall prescribe regulations to permit federal debt collectors to robocall and robotext borrowers without consent. But until these regulations are officially approved by OMB, federal debt collectors are not permitted to bypass any of the TCPA's protections. Further, the FCC's rules explicitly state

that federal debt collectors may not use the Budget Amendment changes until OMB approval has become effective.

We encourage you to take appropriate actions against any caller violating these key protections. The Commission has an important role in protecting the convenience and precious zone of privacy created by the TCPA. We strongly encourage you to use your authority to stop these abusive and invasive robocalls.

Sincerely,


Edward J. Markey
United States Senator


Michael S. Lee
United States Senator