

Congress of the United States
Washington, DC 20515

June 8, 2016

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

Dear Chairman Wheeler:

The Budget Act of 2015 included a provision that could open the door to unwanted robocalls and texts to the mobile phones of student loan borrowers, mortgage holders, veterans, farmers, taxpayers, and others with debt owed to or backed by the federal government. While we opposed inclusion of that provision (Section 301) in the budget deal, the legislation provided the Federal Communications Commission (FCC) with the authority to limit some of the potential harm that could result from this unfortunate provision. That is why many of us previously wrote to you last year, urging the Commission to use its regulatory authority to put in place several important consumer protections.

We commend you for proposing to adopt a number of important consumer safeguards in the notice of proposed rulemaking (NPRM) the Commission approved earlier this year. We strongly encourage you implement all of them in your final rules:

1. Apply the rules to both calls and texts and limit the amount of calls and texts to no more than three per month, counting each initiated call as one call.
2. Notify consumers of their right to request that calls stop and require that all callers cease calls as soon as any called party requests that the calls stop.
3. Permit just one call to a reassigned number, consistent with the FCC's 2015 Omnibus Order.
4. Restrict the calls and texts to those made just to debtors – not their family or friends – and for the purpose of collecting on delinquent or defaulted debt.
5. Prohibit calls by debt buyers and others who are not collecting debts actually owed to or guaranteed by the federal government.

The NPRM also asked additional questions about what the FCC should include in its final rules. We believe the FCC should:

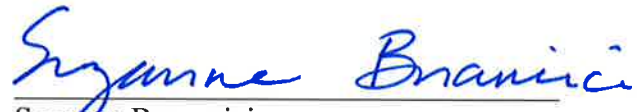
1. Apply the time of call provisions in the Fair Debt Collection Practices Act (8 a.m. to 9 p.m.) to these calls and texts.
2. Require that a caller have a documented rationale to support the basis for the determination that the particular phone number being called belongs to the person who owes the debt.

3. Include all consumer protection provisions in the text of the actual rule, rather than just in the text accompanying the rule, making it easier for individual consumers to know their rights.


We appreciate your recognition of the important role the Commission has in protecting the convenience and privacy that the Telephone Consumer Protection Act (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

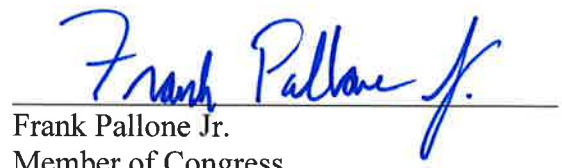

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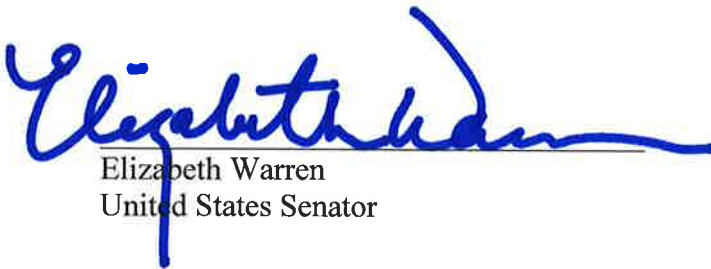
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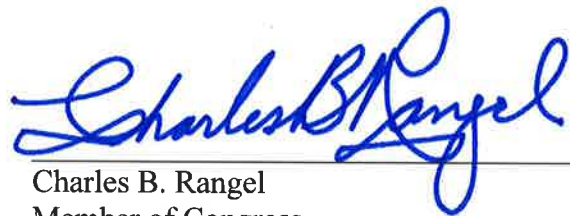
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