



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

April 5, 2016

The Honorable Sherrod Brown  
United States Senate  
713 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Brown:

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.

I share your interest in maintaining strong consumer protections against unwanted calls while remaining faithful to Congress's mandate. 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 solely 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 2<sup>nd</sup> of this year to adopt new rules.

You have raised several issues for consideration by the Commission, including: whether callers should be required to stop calling as soon as any called party makes such a request; whether covered calls should be allowed only to the debtor and not others; whether limits should be placed on calls made by servicers of government debt; what limits should be placed on calls concerning debt no longer owed by the federal government; whether there should be limits on the number and duration of automated calls made without consent, an issue raised specifically by Section 301; and what limits should be placed on covered calls to telephone numbers reassigned from a debtor to another person.

I fully agree that these are key issues for the Commission to consider in this context. Last month, I circulated a draft Notice of Proposed Rulemaking (NPRM) that seeks comment on these and other issues and presents proposals that are consistent with Section 301 while shielding consumers from unwanted robocalls.

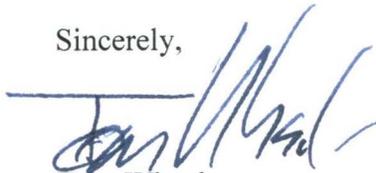
The draft NPRM seeks comment on clear, pro-consumer restrictions on the type and number of calls a federal creditor may place to recover a debt, even when those calls go unanswered. The draft NPRM also makes clear that the new rules will not open a door for telemarketing calls. The Commission remains 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.

Page 2—The Honorable Sherrod Brown

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 also consulted with the Department of Treasury, Department of Education, and other federal stakeholders. We will also, as you have suggested, coordinate with the Internal Revenue Service (IRS) to ensure that we maintain the TCPA's consumer protections as the IRS implements new collection methods.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



Tom Wheeler