



PUBLIC NOTICE

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FCC ENFORCEMENT ADVISORY

PROVIDERS MUST AGGRESSIVELY POLICE UNLAWFUL ROBOCALLS REGARDING STUDENT LOANS

The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) issues this Enforcement Advisory to remind voice service providers to combat the scourge of illegal robocalls aggressively, especially student loan robocalls, following recent announcements regarding student loan forgiveness and deferment. This Advisory highlights the requirement that voice service providers should “know your customer” and remain vigilant in the fight against illegal robocalls.

Student Loan Forgiveness and Payment Deferment Robocalls. On August 24, 2022, President Biden announced student loan forgiveness for millions of Americans and an extension of the loan forbearance period through December 31, 2022.¹ The Department of Education has extended forbearance seven times since March 20, 2020, in response to the COVID-19 pandemic.²

Each time the Department of Education has extended the forbearance, fraudsters and unscrupulous marketers have taken advantage of these changes to flood American consumers with robocalls about student loans. These calls typically state that the caller is informing the recipient that the payment suspension will end or that a petition can be filed on their behalf to get

¹ See Fact Sheet, The White House, President Biden Announces Student Loan Relief for Borrowers Who Need it Most (Aug. 24, 2022), Press Release, Department of Education, Biden-Harris Administration Announces Final Student Loan Pause Extension Through December 31 and Targeted Debt Cancellation to Smooth Transition to Repayment (Aug. 24, 2022), <https://www.ed.gov/news/press-releases/biden-harris-administration-announces-final-student-loan-pause-extension-through-december-31-and-targeted-debt-cancellation-smooth-transition-repayment> (announcing an extension of the student loan pause and loan forgiveness for which nearly 8 million borrowers whose relevant income data is already available to the Department may be eligible).

² See *id.* See also Fact Sheet, The White House, President Biden Announces Student Loan Relief for Borrowers Who Need it Most (Aug. 24, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/08/24/fact-sheet-president-biden-announces-student-loan-relief-for-borrowers-who-need-it-most/> (“the Department of Education is extending the student loan pause a final time through December 31, 2022. No one with federally-held loans has had to pay a single dollar in loan payments since President Biden took office.”).

a certain amount of their loan “dismissed.”³ Some common campaigns purport to be from the “student loan forgiveness center” or from a state forgiveness center.⁴ Evidence suggests that callers have flooded phones in the United States with student loan-related robocalls in the months preceding the end of loan forbearance or changes to student loan programs.⁵

Federal Action to Protect Consumers. The White House convened the heads of Cabinet agencies along with the FCC, Federal Trade Commission, and the Consumer Financial Protection Bureau, on October 7, 2022, to discuss how to protect borrowers from student debt relief scams.⁶ The FCC committed to take aggressive action to identify originators of scam student loan robocalls and order phone companies to block those calls.⁷

Obligations on Voice Service Providers. The Commission has enacted several rules that place obligations on providers to police their networks for suspected illegal robocall traffic:

- Permissive Call Blocking (Section 64.1200(k)(4)): Voice service providers may block all traffic from an originating or gateway provider that, when notified by the Commission, fails to effectively mitigate illegal traffic within 48 hours or fails to implement effective measures to prevent new and renewing customers from using its network to originate illegal calls.⁸
- Mandatory Blocking (Section 64.1200(n)(5)): Gateway providers must block all identified illegal traffic and any substantially similar traffic (unless its investigation determines that the traffic is not illegal) when it receives a notice of suspected illegal traffic from the Enforcement Bureau.⁹

³ See, e.g., Audio recording: “Petition Will Be Filed-Example” (Oct. 6, 2022) (on file at EB-TCD-22-00034232) (“Hello, this is to inform you that the Student Loan payment suspension has been extended to December 31 of this year. Also, everyone is now going to get \$10,000 dismissed upon income verification. If you do not verify your income, on January 1 your payments will start back up automatically. To receive a full dismissal and not just the \$10,000 dismissal...a petition will be filed on your behalf so that your loan payments do not begin on January 1....”).

⁴ See, e.g., Audio recording: “Flagged for Forgiveness” (Aug. 16, 2022) (on file at EB-TCD-22-00034232) (“Jenny from the Student Loan Forgiveness Center in Texas”); Audio recording: “National Forgiveness Program” (Mar. 9, 2022) (on file at EB-TCD-22-00034232) (“West Texas office informing call recipient that he or she is eligible for the Texas forgiveness program”); FCC Complaint #5653385 (Aug. 5, 2022) (on file at EB-TCD-22-00034232) (Elaine from the processing center calling to finalize call recipient’s enrollment in a program to forgive loans.); Audio recording: “Example-Government Offered Forbearance” (Oct. 2021) (Informing call recipients that they need to complete their program enrollment. If not, they will have to start paying off their student loan debt.).

⁵ See Consumer Alert, Federal Trade Commission, ‘Tis the season for student loan scam calls (Dec. 15, 2021), <https://consumer.ftc.gov/consumer-alerts/2021/12/tis-season-student-loan-scam-calls> (“Repayments will begin again after December 31, 2022. Scammers know it, too, and are looking for ways to take advantage. . .”); see also NPR, Waiting for loan forgiveness, borrowers are targets for scammers (Sept. 19, 2022), <https://www.npr.org/2022/09/19/1123488226/waiting-for-loan-forgiveness-borrowers-are-targets-for-scammers>.

⁶ Press Release, The White House, Readout of White House Meeting on Student Debt Relief Scam Prevention (Oct. 7, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/10/07/readout-of-white-house-meeting-on-student-debt-relief-scam-prevention/>.

⁷ *Id.*

⁸ 47 CFR § 64.1200(k)(4).

⁹ *Id.* § 64.1200(n)(5).

- Robocall Mitigation (Section 64.1200(n)(2)-(3)): Voice service providers must take steps to effectively mitigate illegal traffic upon actual written notice of such traffic from the Commission's Enforcement Bureau.¹⁰ This includes taking effective measures, such as knowing its customers, to prevent new and renewing customers from using the provider's network to originate illegal calls.¹¹
- Robocall Mitigation Database Removal (Section 64.6305(e)): An originating or gateway voice service provider that is unable to fully implement Secure Telephony Identity Revisited/Signature-based Handling of Asserted Information using toKENs (STIR/SHAKEN) must submit a robocall mitigation plan to the Robocall Mitigation Database.¹² An originating or gateway voice service provider that *knowingly or negligently* transmits illegal robocalls may have its certification removed from the Robocall Mitigation Database.¹³ Intermediate and terminating voice service providers may only accept traffic from originating or gateway providers that are in the Robocall Mitigation Database and that have not been delisted.¹⁴

Recent Commission Actions Against Voice Service Providers. In April and May 2020, the FCC and the Federal Trade Commission demanded that providers cut off illegal coronavirus-related robocalls coming into the United States.¹⁵ The Commission has issued 26 cease and desist letters since that time.¹⁶ Most recently the Commission issued a *Notice* pursuant to section 64.1200(k)(4) and an *Order* pursuant to section 64.1200(n)(2) providing written notice to all

¹⁰ *Id.* § 64.1200(n)(2).

¹¹ *Id.* § 64.1200(n)(3).

¹² *See id.* § 64.6305(c) (prescribing Robocall Mitigation Database certification requirements for originating providers); *see also id.* § 64.6305(d) (prescribing Robocall Mitigation Database certification requirements for gateway providers).

¹³ *Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1902-03, para. 83 (2020) (*Second Caller ID Authentication Report and Order*); *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Sixth Report and Order in CG Docket No. 17-59, Fifth Report and Order in WC Docket No. 17-97, Order on Reconsideration in WC Docket No. 17-97, Order, Seventh Further Notice of Proposed Rulemaking in CG Docket No. 17-59, and Fifth Further Notice of Proposed Rulemaking in WC Docket No. 17-97, FCC 22-37, para 40 (2022) (*Gateway Provider Order*).

¹⁴ 47 CFR § 64.6305(e). *See Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1904, para. 86; *Gateway Provider Order* at para. 44.

¹⁵ *See* FTC News Release, FCC, FTC Demand Gateway Providers Cut Off COVID-19 Robocall Scammers, (Apr. 3, 2020), <https://www.fcc.gov/document/fcc-ftc-demand-gateway-providers-cut-covid-19-robocall-scammers>. *See also* FCC News Release, FCC, FTC Demand Robocall-Enabling Service Providers Cut Off Scammers, (May 20, 2020), <https://www.fcc.gov/document/fcc-ftc-demand-robocall-enabling-service-providers-cut-scammers>. *See e.g.*, Letter from Rosemary C. Harold, Chief, Enforcement Bureau, FCC, and Lois Greisman, Associate Director, Division of Marketing Practices, FTC, to Vitaly Potapov, CEO, RSCom LTD (May 20, 2020), <https://docs.fcc.gov/public/attachments/DOC-364482A5.pdf>.

¹⁶ *Robocall Facilitators Must Cease and Desist*, FCC, <https://www.fcc.gov/robocall-facilitators-must-cease-and-desist> (last visited Oct. 13, 2022).

voice service providers about suspected illegal auto warranty robocalls.¹⁷ The *Order* notified and directed all U.S.-based voice service providers to take immediate steps to effectively mitigate suspected illegal robocall traffic made by or on behalf of several companies and individuals connected with an auto warranty robocall scheme.¹⁸ These actions resulted in an estimated 80 percent decline in auto warranty robocalls.¹⁹ This process is available to address other illegal robocalls, including illegal calls regarding student loans.

The Enforcement Bureau will vigorously enforce the Commission’s rules and obligations placed on voice service providers responsible for originating or acting as the U.S. gateway for scam student loan robocalls. Providers should be vigilant of such scam robocalls transiting their networks and take effective mitigating measures to prevent these calls from reaching consumers. Failure to do so may result in enforcement actions as described above.

Media inquiries should be directed to 202-418-0500 or MediaRelations@fcc.gov.

Issued by: Chief, Enforcement Bureau

¹⁷ See *FCC Enforcement Bureau Notifies All U.S.-Based Telecommunications Providers They May Block Auto Warranty Robocalls Originating From Certain Providers*, Public Notice, DA 22-727, (EB July 7, 2022). See also *FCC Enforcement Bureau Warns All U.S.-Based Voice Service Providers To Avoid Or Cease Carriage Of Auto Warranty Robocall Traffic From Cox/Jones/Sumco Panama Operation*, Order, DA 22-784, 2022 FCC LEXIS 2397 (EB July 21, 2022).

¹⁸ See *FCC Enforcement Bureau Warns All U.S.-Based Voice Service Providers To Avoid Or Cease Carriage Of Auto Warranty Robocall Traffic From Cox/Jones/Sumco Panama Operation*, Order, DA 22-784, 2022 FCC LEXIS 2397,*1 (EB July 21, 2022).

¹⁹ *July Enforcement Achieve Success in Escalating the War on Robocalls*, YouMail, <https://blog.youmail.com/2022/07/july-enforcement-achieve-success-in-escalating-the-war-on-robocalls/> (last visited Oct. 13, 2022).