



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 23, 2018

The Honorable Edward J. Markey
United States Senate
255 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Markey:

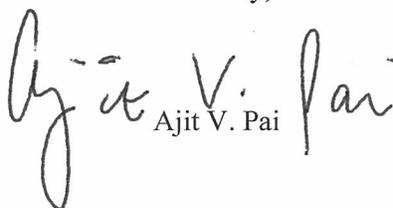
Thank you for your letter regarding the Telephone Consumer Protection Act (TCPA). Unwanted robocalls are consumers' top complaint to the FCC, and we have accordingly made combating illegal robocalls a top priority. We have aggressively enforced the TCPA as well as the Truth in Caller ID Act—leveling over \$200 million in proposed fines against illegal robocallers. In November, we authorized carriers to stop certain robocalls at the source, while we pursue creation of a reassigned numbers database and a robust call-authentication framework. And we have been working with our colleagues at the Federal Trade Commission as well, hosting a policy forum in March and a tech expo in April.

In your letter, you urge the FCC to protect the public from unwanted robocalls and robotexts from government contractors. As you recognized, the prior Administration stripped these consumer protections from the American public in the July 2016 *Broadnet* decision, which found that government contractors (including debt collectors) were not “persons” under the TCPA and therefore did not need to comply with its requirements. As I said in my dissent to that decision, this conclusion is inconsistent with the text and structure of, and Congressional intent underlying, the TCPA. Moreover, as a policy matter, it gave federal contractors a special carve-out from those restrictions. To be sure, federal contractors may be entitled to immunity from TCPA liability that derives from the government (that is, under common-law principles of agency), but that’s a matter for the courts and Congress to decide—not the Commission. And as I explained the following month, putting in place the rules required by the Budget Act amendments would do no good until *Broadnet* is overturned—if federal debt collectors need not comply with the TCPA (as *Broadnet* held), then they need not comply with rules implementing the TCPA.

Fortunately, the Commission is now poised to examine and reconsider these issues. In light of the decision of the U.S. Court of Appeals for the District of Columbia in *ACA International v. FCC* on key TCPA issues, the Commission sought renewed comment on reconsidering the *Broadnet* decision and the *2016 Federal Debt Collection Rules*. We also sought comment on the interplay between the *Broadnet* decision and the Budget Act amendments. The comment and reply period closed on June 28, 2018, and Commission staff is now reviewing the record.

As we consider these matters, we will make every effort to ensure the Commission interprets the TCPA faithfully, protects consumers, and does not bestow regulatory largesse upon certain types of robocallers. Please let me know if I can be of any further assistance.

Sincerely,


Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 23, 2018

The Honorable Mike Lee
United States Senate
361A Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Lee:

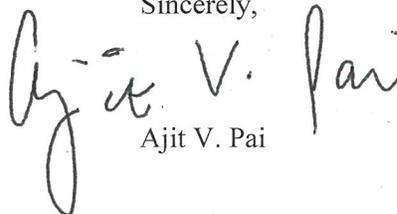
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

July 23, 2018

OFFICE OF
THE CHAIRMAN

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

Dear Congresswoman Eshoo:

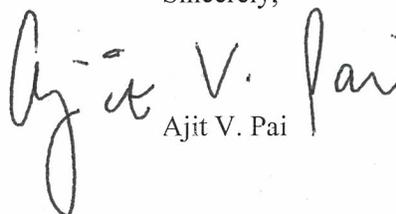
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July 23, 2018

The Honorable Frank A. LoBiondo
U.S. House of Representatives
2427 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman LoBiondo:

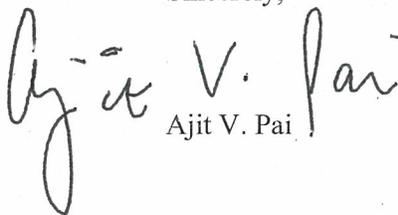
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