

FCC Considers Wide-Ranging Rules for Use of Foreign Call Centers

March 12, 2026

On March 5, 2026, the Federal Communications Commission (FCC) released a draft Notice of Proposed Rulemaking (Draft or Draft NPRM) that, if adopted at the March 2026 Open Commission Meeting, would propose a new framework for regulating the use of foreign call centers by a broad range of FCC-regulated service providers and entities affiliated with these providers. The Draft also would seek comment on how the Commission can increase the cost of making unlawful calls to U.S. consumers from outside of the country, including whether the Commission should use tariff or bond requirements to deter foreign scammers from making illegal calls to American consumers. According to the Commission, the proposals and questions in the Draft NPRM are intended to address customer service, privacy, data protection, and national security issues that are “unique to call centers located abroad, especially when dealing with sensitive payment or account information.”

The Draft NPRM is notable in that it would propose extensive new requirements and restrictions across the communications sector, and contemplates an even broader reach and scope in its questions. Specifically:

- The Draft NPRM would propose a range of requirements and restrictions, including: establishing English proficiency standards for customer service representatives located outside of the United States, imposing a percentage-based cap for the percentage of calls that covered providers can make from or answer at foreign call centers, requiring specific disclosures for covered providers to make to inform customers if calls are being handled outside of the United States, creating a consumer right to have calls transferred from a foreign call

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center to a call center located within the United States, and prohibiting covered providers from using customer representatives located outside of the United States from handling certain transactions, including communications that involve access to or transmission of certain sensitive customer information. The Draft also contemplates affirmative compliance reporting requirements.

- With the exception of restrictions on transactions involving access to or transmission of certain sensitive customer information, which would apply to all customer communications, the proposed rules would apply only to calls; however, the Draft NPRM also seeks comment on whether all of the proposed rules should apply more broadly to regulate non-voice communications (e.g., chat messaging, text, and/or electronic messages) as well.
- The Draft NPRM contemplates that these proposed rules would apply to FCC-regulated service providers, namely providers of telecommunications service, commercial mobile radio service (CMRS), interconnected Voice over Internet Protocol (VoIP) service, cable television service, and direct broadcast satellite (DBS) service, as well as these service providers' affiliates. In addition, however, the Draft proposes to ask remarkably broad questions about whether such rules should also apply to "'stand-alone' providers of non-interconnected VoIP and other Internet-only providers," as well as any calls or texts that are subject to the Telephone Consumer Protection Act (TCPA) that are foreign-originated.

Below, we briefly summarize the Draft NPRM. If adopted, it will have implications for the entire communications industry, as well as potential implications for Internet service providers and the calling and texting community, more broadly. Stakeholders have an opportunity to provide the Commission feedback on the Draft NPRM through March 18, and if the item is adopted, stakeholders will have the opportunity to comment once the item is published in the Federal Register.

The Draft NPRM Would Propose Requirements on FCC-Regulated Service Providers to "Facilitate the Onshoring of Foreign Call Centers."

If adopted, the Draft NPRM would propose the following rules for providers of telecommunications service, CMRS, interconnected VoIP service, cable television service, and DBS service, as well as these service providers' affiliates.

- *English Proficiency Standards.* The Draft NPRM would propose to cover service providers that use offshore call centers to "ensure that all calling staff at those call centers are proficient in both written and spoken American Standard English." The Draft asks how the Commission should assess compliance with this proposal if the agency elects to adopt it.
- *Caps on the Percentage of Inbound and Outbound Foreign Call Center Calls.* The Draft NPRM would propose to limit the percentage of customer service calls that covered service providers may make from or answer at foreign call centers to a specified percentage (excluding those calls that the Draft NPRM proposes to be handled only at call centers located within the U.S., as discussed below). The Draft asks about starting the cap at 30% and about whether the Commission should increase the cap on such calls over time. Additionally, the Draft asks whether there are categories of calls that should be excluded from these requirements.

- *Foreign Call Center Disclosure.* The Draft NPRM would propose to require covered service providers, when making or receiving calls involving a foreign call center, to inform customers at the outset of the call that it is being handled at a foreign call center. The Draft seeks input on whether this disclosure should include specific, required language.
- *Consumer Right to Transfer to U.S. Call Center.* The Draft NPRM would propose to require covered service providers to transfer calls to a call center in the U.S. upon consumer request, regardless of whether the call is made from or answered at a foreign call center. Additionally, the Draft NPRM would propose to require that providers inform customers about the right to switch to a U.S. call center. The Draft separately seeks comment on whether the FCC should establish a standard for how quickly a foreign call center must complete the transfer to a U.S. call center.
- *Compliance Reporting.* The Draft NPRM would propose to require that covered service providers track and report their compliance with any rules adopted in the Draft NPRM to the Commission. The Draft separately seeks comment on the frequency of compliance reporting, asking whether to require reporting on a monthly, quarterly, or annual basis.
- *Sensitive Transaction Restrictions.* The Draft NPRM would propose to require covered service providers to handle certain consumer transactions – those that involve access to or transmission of certain sensitive consumer information – only at call centers located in the U.S. This transaction-level restriction would apply regardless of the type of communications channel, to include calls as well as e-mails, text messages, and online chats. The Draft also seeks comment on whether the FCC should prohibit providers from making available certain consumer information at foreign call centers (e.g., passwords, multifactor authentication information, and bank account or credit card information), and whether the FCC should prohibit covered service providers from using call centers in “foreign adversary” or other specific countries.

The Draft also asks about potential alternative approaches to the proposals above.

The Draft NPRM Asks Questions About Expanding the Reach and Scope of the Proposed Rules to Promote Onshoring.

Beyond the draft proposals, the Draft NPRM asks a series of wide-ranging questions about the reach and scope of the Commission’s proposed new framework. *First*, the Draft asks questions about expanding the proposal to a broad range of communications channels. Specifically, it asks whether the Commission should generally apply its proposed rules to non-voice communications, including online chats, texts, and/or emails.

Second, the Draft asks questions about expanding the proposal to additional service providers and calling and texting parties. In particular, it asks whether its proposed rules should apply to providers of non-interconnected VoIP and other Internet-only providers, and whether and to what extent the FCC can establish standards or procedures for regulating foreign-originated calls and texts subject to the TCPA. The Draft specifically seeks comment on “whether section 227(c)’s aim to protect residential subscribers supports applying our above proposals to calls from foreign call centers.”

The Draft NPRM Seeks Comment on Using Tariffs or Bond Requirements to Increase the Price of Illegal Calls.

In an effort to “take the profit out of” foreign scam calls, the Draft NPRM seeks comment on using tariffs or bond requirements to make illegal calls “expensive enough to deter them in the first place.” The Draft NPRM seeks comment on how the agency would identify calls subject to the tariff, and how such tariffs would be collected. Similarly, the Draft NPRM seeks comment on how a requirement to post a bond would apply.

The Draft NPRM Seeks Comment on Whether the Commission Has Legal Authority to Implement Its Proposals.

The Draft NPRM asks a series of questions about whether the Commission has authority to adopt the Draft proposals. Of note, it asks about authority for the Draft proposal to prohibit foreign call centers operating by or on behalf of a provider from misusing consumer personally identifiable information (PII). The Draft NPRM separately asks whether “the national security risks raised by foreign call centers’ access to personal data of U.S. citizens provide a basis to adopt the rules proposed above[.]” The Draft NPRM explains that “the Commission exercises special vigilance to prevent risks to national security, including risks arising from a company’s access to sensitive data.”

Wiley’s Telecom, Media & Technology Practice has a deep and experienced robocalling bench, and our attorneys handle federal and state policy issues, compliance with federal and state requirements, and complex TCPA issues. For more information about this draft item, including how to engage with the FCC about the proceeding, please contact one of the authors listed on this alert.