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FEDERAL COMMUNICATIONS COMMISSION
BEFORE THE
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE**

“ABUSIVE ROBOCALLS AND HOW WE CAN STOP THEM”

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Good morning Chairman Thune, Ranking Member Nelson, and Members of the Committee. My name is Rosemary Harold, and I am Chief of the Enforcement Bureau of the Federal Communications Commission. I am happy to speak with you and answer questions about the Commission’s enforcement actions and authority to combat illegal robocalls and spoofed calls.

Unwanted, unlawful calls are not merely a serious aggravation; many robocall and spoofing schemes are designed to trick people out of significant amounts of money. These schemes often are most effective in harming vulnerable populations, such as senior citizens. Unwanted robocalls are the Commission’s number one source of consumer complaints. The recent Omnibus legislation will provide significant assistance in our enforcement efforts. It allows us to take action against spoofed calls that originate outside the United States, and against spoofed text messages. Chairman Thune and Ranking Member Nelson, we are especially grateful for your leadership in this area.

FCC Regulatory Authority. The FCC uses several statutory provisions to take action against unlawful calls. The Telephone Consumer Protection Act of 1991, or TCPA, and accompanying Commission rules generally prohibit autodialed calls or prerecorded or artificial voice messages to emergency telephone lines, hospitals, and cell phones. The law also prohibits unsolicited, prerecorded advertising messages to residential telephone lines, except under limited circumstances. The Commission’s Do-Not-Call rules require telemarketers to honor consumers’ desires not to receive telemarketing calls.

The Truth in Caller ID Act prohibits callers from falsifying or “spoofing” caller ID information with the intent to defraud, cause harm, or wrongfully obtain anything of value. Consumers depend on caller ID information to help them decide whether to answer a phone call and whether to trust the caller on the other end of the line. Unlawful spoofing can deceive recipients about the true identity of the caller and impede the ability of carriers and law enforcement to pinpoint the source of abusive calls. Most large-scale unlawful robocall schemes employ caller ID spoofing. In particular, many schemes utilize neighbor spoofing where the spoofed caller ID matches the area code and first three numbers of the phone number being called.

FCC’s Enforcement Work. The Commission has extensive ongoing enforcement efforts, although much of the work is conducted behind the scenes, long before a formal, public action. Last year, for example, the Commission issued notices of apparent liability (NALs) and citations against two massive robocallers and spoofers, Adrian Abramovich and Philip Roesel.

The evidence in those investigations showed that these two individuals, along with their affiliated companies, made more than 96 million and 21 million apparently illegal, spoofed robocalls, respectively. And the Commission has proposed forfeitures of \$120 million and \$82.1 million, respectively, in these cases. Because the details of these ongoing investigations are not public, I cannot provide further information about these cases at this time.

FCC/FTC Coordination: The FCC works with the Federal Trade Commission (FTC) throughout ongoing investigations and other actions. The agencies cooperate, share information, and render assistance pursuant to a Memorandum of Understanding. The FCC and FTC roles are largely complementary, and not duplicative. For example, the FCC has exclusive jurisdiction to enforce the Truth In Caller ID Act’s provisions against spoofing. On March 23, we co-hosted with the FTC a Joint Policy Forum to learn what is being done to help consumers and the challenges that remain. On April 23, we are co-hosting with the FTC the “Stop Illegal Robocalls Expo,” where 17 tech companies will showcase their innovative technologies, devices, and applications for consumers to combat illegal robocalls. In addition to FTC coordination, the Enforcement Bureau regularly coordinates with the CFPB, Department of the Treasury, Department of Justice, and Department of Homeland Security.

Industry Cooperation: We have also established relationships with industry to assist in enforcement. Telephone carriers have access to information and technical expertise that can help with early detection of potentially unlawful calls and pinpoint the source of the calls. Frankly, some of our most successful efforts are the ones you may never hear about: when we work with industry to identify and shut down unlawful robocall schemes early on. Major telephone carriers and their industry associations have banded together to share critical information about fraudulent call activity. We also appreciate the critical effort of consumer protection groups to inform and educate consumers.

Rulemakings. Stopping illegal robocalls before they even reach consumers can put a big dent in the problem, and under Chairman Pai’s leadership, the Commission is looking at different ways to make that happen.

Last November, the Commission decided that voice service providers may block calls where spoofed Caller ID displays invalid or unassigned numbers, or numbers that we know don’t originate calls, as in the recent IRS scam. Such calls are almost certainly illegal and can be blocked.

The Commission is also asking about other ways to identify and block illegal calls, without blocking lawful calls. For example, can call analytics reliably identify calling patterns that result from illegal calls—such as large bursts of calls over a short time from numbers that don’t usually make calls that way?

The Commission is also working closely with industry to speed the adoption of call authentication—a means by which telephone calls can be securely “signed” by their senders, so that we know that the Caller ID isn’t being spoofed. The Commission has worked to bring the relevant experts and stakeholders together, through the Robocall Strike Force; a Notice of Inquiry; and most recently through a North American Numbering Council working group.

We've also moved to help responsible, lawful callers avoid calling phone numbers that have been reassigned to a new consumer. Just last month, the Commission proposed a reassigned numbers database that callers could check to avoid calling the wrong consumer.

ACA International Decision. The DC Circuit recently issued a decision regarding the Commission's *2015 TCPA Omnibus Order*. The Commission is reviewing that decision and determining what responsive actions might be appropriate. We are confident, however, that the court decision does not affect the enforcement actions against Adrian Abramovich or Philip Roesel or other investigations we are pursuing because those actions were based on legal authority outside the scope of the recent D.C. Circuit decision.

Thank you again for the opportunity to speak with you this morning. I welcome any questions you may have.