

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Implementing Section 503 of RAY BAUM'S Act*, WC Docket No. 18-335; *Rules and Regulation Implementing the Truth in Caller ID Act of 2009*, WC Docket No. 11-39.

As I have stated many times before, a serious obstacle in ending illegal robocalls is that so many of the perpetrators are based overseas. According to YouMail's Robocall Index, a high portion of travel scams originate in Guatemala, Mexico, and Costa Rica; medical brace scam calls are known to originate in the Philippines and Latin America; and India is notorious for hosting IRS and Social Security scam callers.¹ This list is by no means exhaustive: overseas scam artists are constantly seeking new ways to steal Americans' hard-earned money, and new host countries will continue to be identified. In sum, eliminating illegal international robocalls entering the U.S. is a real challenge, especially as the Commission continues to ramp up efforts against domestic scammers.

Therefore, I appreciate the work of Congress in creating new statutory tools to target international, illegally spoofed calls—in other words, calls that intentionally falsify caller ID information for the purpose of tricking consumers. This added authority will enable the Commission to work more effectively with our international counterparts to curtail these harmful and fraudulent calls.

While I am grateful to Congress for this mandate, I must admit that some of the new statutory provisions give me pause. As I have expressed before, the expanded extraterritorial jurisdiction may prove difficult to execute in uncooperative nations and come back to bite us in other contexts. In addition, the definitions of text messaging and voice services are broader than my liking and may cause future unintended consequences.

Despite my preference for narrower statutory language, I don't believe it is my role to challenge the wisdom of our elected legislature and fully support the item because it is generally a faithful attempt to implement Congress' directive. However, one way we could have heeded the law more sensibly would have been to exclude application of our new rules to Short Codes, given the apparent lack of evidence, necessity, and notice. While my request to strike application of the rules to Short Codes didn't quite make the cut, I appreciate the draft's new language cabining regulation of the technology to the Truth in Caller ID context.

In the end, I am hopeful that this is the first step of many in authorizing the Commission to take action against foreign fraudsters who target Americans over the phone.

¹ Madeline Purdue, *This Is Where Robocalls Are Coming From (and Where They Are Targeting)*, USA TODAY (July 9, 2019), <https://www.usatoday.com/story/tech/2019/07/09/where-robocalls-come-from-and-where-they-target/1660503001/>.