

June 25, 2020

The Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Dear Chairman Pai:

We write today to urge the Federal Communications Commission to take aggressive action to combat robocallers who are attempting to use the COVID-19 pandemic to scam Americans. These scams take many forms, including offering expedited access to economic stimulus payments for a fee, impersonating public health officials, and selling phony products that they claim can prevent or cure COVID-19. These offensive scams are a danger to the health and financial security of Americans.

Government and industry should always cooperate to fight illegal robocalls, but it is even more critical at a time when so many Americans are facing economic and health concerns. Companies across the telecommunications industry work together through the Industry Traceback Group (ITG) to trace and identify the originators of illegal robocalls. Over the course of the COVID-19 pandemic, the ITG has reported a wide variety of scam calls to the Federal Communications Commission, the Federal Trade Commission, the Department of Justice, and state attorneys general.

Recently, the Federal Communications Commission proposed a record-setting \$225 million fine against Rising Eagle, a scam telemarketer misrepresenting itself as it was pushing health plans on unsuspecting consumers. The company was representing the insurance plans as being offered from prominent health insurers like Aetna, Blue Cross Blue Shield, Cigna, and UnitedHealth Group. However, when consumers went to purchase a plan, they were connected, not the advertised companies, but to Rising Eagle's clients who pushed their own health plans on consumers.

While the allegations against Rising Eagle predate the current crisis, the victims continue to face the very real danger that they may lack adequate coverage as the COVID-19 virus continues to be a threat to the public. The Commission relies on the Department of Justice to collect fines against robocallers, and, according to FCC Commissioner Jessica Rosenworcel, who cited a Wall

Street Journal report,<sup>1</sup> a negligible amount of the hundreds of millions of dollars in FCC-levied fines against robocallers since 2015 have been actually been collected by the Department of Justice.

This poor track record raises concerns that scammers using robocalls to deceive consumers and exploit anxiety associated with the COVID-19 public health emergency will be able to act without significant fear of reprisal, and never made to disgorge the ill-gotten proceeds of their fraud.

In April and May of this year, the Federal Trade Commission and Federal Communications Commission sent letters warning six gateway providers that were enabling COVID-19-related scam robocalls, including some originating from overseas, that they cease facilitating these calls or face punitive action. Given that there are extra complications involved in investigating overseas scam robocallers, and additional difficulties to recovering criminal proceeds, it is especially important to cut off overseas scammers as quickly as possible and protect Americans. At a time when anxiety over health and economic matters is increasing, our agencies protecting Americans from scams and fraud must be extra vigilant.

To further understand the FCC's actions in this regard, we request a response to the following questions by July 30, 2020:

1. Does the FCC have data that indicates how many and what categories of scams that are reported to FCC are related to COVID-19? If yes, please provide a breakdown by number and type of scam.
2. Please describe how you are coordinating with FTC, DOJ, and IRS to undertake enforcement actions specifically against COVID-19 related scammers.
3. Is additional direction needed from Congress to ensure that the FCC and DOJ work closer together and actually recoup fines that the FCC levies against robocallers? Does the FCC believe that either agency needs additional authority to collect?
4. Of the six gateway providers warned by the FCC and FTC in April and May to stop facilitating overseas COVID-19 scam robocalls, have all six complied with the agencies' directive? Of those that complied, please describe the actions taken by FCC to ensure continued compliance.

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<sup>1</sup> Sarah Krouse, *The FCC Has Fined Robocallers \$208 Million. It's Collected \$6,790*, Wall Street Journal (2019)

Thank you for your attention to this matter, and we look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Maggie Hassan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Margaret Wood Hassan  
United States Senator

/s/ Thomas R. Carper

Thomas R. Carper  
United States Senator

cc: Commissioner Michael O'Rielly  
cc: Commissioner Brendan Carr  
cc: Commissioner Jessica Rosenworcel  
cc: Commissioner Geoffrey Starks