



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

March 21, 2022

The Honorable Vern Buchanan
U.S. House of Representatives
2110 Rayburn House Office Building
Washington, DC 20515

Dear Representative Buchanan:

Thank you for your letter regarding the Federal Communications Commission and its efforts to combat robocalls. Protecting consumers from illegal robocalls is one of our top consumer protection priorities, and the agency is committed to using every legal tool at our disposal to address this issue. Since there is no single solution to the threat posed by these illegal calls, our approach is multifaceted—through enforcement, providing consumers with new ways to protect themselves, educating them about new scam tactics, championing new technologies, and requiring service providers to better protect their customers.

The Commission's Enforcement Bureau continues to investigate and take aggressive action against known robocallers. In August 2021, we proposed a \$5,134,500 fine, and in February 2022, we proposed a \$45,000,000 fine—the largest ever under the Telephone Consumer Protection Act—for unlawful robocalls. In March 2021, we issued the largest Forfeiture Order in history for illegal caller ID spoofing. In addition, the Commission has during the past year issued a series of cease and desist letters to companies conducting robocall campaigns, giving them 48 hours to stop before other providers are allowed to start blocking their calls.

The Commission's Consumer and Governmental Affairs Bureau is also actively engaged in providing consumers with the information and tools they need to identify and avoid falling for robocalling scams. The Bureau publishes a scam glossary and frequently adds content highlighting emerging scams, often including a recording from an actual call or a sample of how a text scam might look, on the Commission's consumer help center (www.fcc.gov/consumers).

In addition, the Commission has increased its efforts to partner with colleagues inside and outside government to pursue those responsible for illegal robocalls and more broadly increase consumer awareness. To this end, the Consumer and Governmental Affairs Bureau has developed partnerships with nonprofit organizations, such as AARP and the National Diversity Coalition, to inform the most vulnerable consumers about common and emerging robocall scams. The Commission is also continuing to build on the successful consumer education partnership developed with the Federal Trade Commission during our joint spoofing awareness campaign. We also recently began a campaign to expand our efforts to hold accountable those

behind these junk calls by partnering with Attorneys General in the states. As a result, the Commission now has a Memorandum of Understanding with sixteen state Attorneys General to share information that will assist in efforts to prosecute bad actors behind robocalls under both federal and state law. In addition, the Attorney General of Colorado, Attorney General of North Carolina, and Attorney General of Tennessee have committed to help work with the Commission to bring their other colleagues in the states on board with this effort.

At the same time, the Commission has fulfilled the statutory directives of the TRACED Act regarding caller ID authentication technology. Commission rules required large, Internet Protocol (IP)-based voice service providers to implement STIR/SHAKEN by June 30, 2021. The agency recently issued an order that referred two providers to its enforcement processes for not fully complying with this requirement. Meanwhile, as required by the TRACED Act, Commission rules gave certain categories of providers additional time to implement the technology, including small providers that face undue hardship in implementation, and providers without IP technology that are unable to implement STIR/SHAKEN. These extensions explain why some providers have not yet implemented the framework. However, we have taken action to shorten these extensions where feasible, recently cutting the extension by half for a subset of smaller providers that appeared at risk of originating robocall traffic.

For those providers that have not implemented STIR/SHAKEN, the Commission's rules require that they perform robocall mitigation on calls they originate, as directed by the TRACED Act. The Commission further required all providers to certify that they have either fully implemented STIR/SHAKEN or are performing robocall mitigation by June 30, 2021. In addition, the Commission developed a Robocall Mitigation Database to publicly list these certifications. All terminating and intermediate providers are now required to block calls from any providers that have failed to file in this database. The Commission also will remove providers from this database if we determine that their certification is deficient, either because it describes ineffective robocall mitigation or because the provider nonetheless knowingly or negligently originates illegal robocall campaigns.

There is early evidence that suggests that this mix of initiatives, facilitated in part by the TRACED Act, is having positive effect. The Commission's *Second Report on Call Blocking* indicates that consumers have access to more call blocking services from their providers or third-party analytics companies than in the past and that more illegal and unwanted calls are being blocked by voice service providers at the network level and with new opt-in and opt-out tools offered to customers. Moreover, data from YouMail's Robocall Index suggests there were 500 million fewer robocalls in January 2022 than in June 2021, before the STIR/SHAKEN mandate became effective.

The Commission also has a series of rules under consideration to further protect consumers from abusive robocalls. In September 2021, the Commission adopted a rulemaking to consider how to protect 911 call centers from junk calls that can waste their communications resources and hamper emergency operations. The same month, the Commission proposed rules to address the role of gateway providers—those serving as entry points for foreign-originated calls—which evidence suggests may be responsible for an increasing number of illegal

robocalls. Among other things, this rulemaking proposes to require domestic gateway providers to implement STIR/SHAKEN on all foreign-originated calls from US numbers, assist the Commission and law enforcement in tracking down the source of illegal calls, and take additional steps to mitigate illegal robocalls. These provisions are important steps that I believe are necessary to combat robocalls that originate abroad.

I have also proposed a number of additional measures to protect consumers that are currently pending with the Commission. In October 2021, I shared with my colleagues proposed rules that would require mobile wireless providers to block illegal text messages due to concerns about the increasing number of consumer complaints about spam text messages. In February 2022, I shared with my colleagues an action that, if adopted by a vote of the full Commission, would require callers to obtain a consumer's consent before delivering a "ringless voicemail," a message left in their mailbox without ringing their cell phone. These proposals would further protect consumers from robocalls and I hope my fellow Commissioners will support them.

Finally, I believe additional authority to combat these calls may be required from Congress. For example, the decision last year by the Supreme Court in *Facebook v. Duguid* narrowed the definition of autodialer under the Telephone Consumer Protection Act, which could lead to less consumer protection from robocalls. We also need more tools to catch those behind these calls, including the ability to seize assets to stop them in their tracks and the authority to enable the Commission to go to court directly and collect fines against bad actors.

Thank you for your interest in this issue. Please let me know if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessica Rosenworcel", with a long horizontal flourish extending to the right.

Jessica Rosenworcel