

United States Senate

WASHINGTON, DC 20510

June 21, 2022

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The Honorable Jessica Rosenworcel
Chairwoman
Federal Communications Commission
45 L Street, NE
Washington, D.C. 20554

Dear Chairwoman Rosenworcel,

We write to thank you for your ongoing work to fight the scourge of unwanted and illegal robocalls in the United States. This must remain a top priority for the Commission as these unwanted calls continue to undermine the integrity of our communications networks and scam Americans out of billions of dollars. To this end, we also urge the Commission to take additional steps to ensure accountability for those providers who continue to facilitate and profit from illegal robocalls.

Fraudulent robocallers continue to harass Americans at an alarming rate. In 2021 alone, the average American with a phone received nearly 200 robocalls.¹ These calls aren't simply annoying; they're dangerous. Scam calls made up 42 percent of all robocalls in 2021, and accounted for approximately \$30 billion in losses, compared to \$20 billion in 2020 and \$10.5 billion in 2019.² We were pleased to see recent action on the part of the Commission to crack down on entities engaged in illegal robocall campaigns,³ and applaud the Commission's February 2022 announcement of new enforcement MOUs with Colorado and Vermont.⁴ We also wish to express our support for the February 2, 2022 proposal to require callers to obtain a consumer's consent before delivering a "ringless voicemail," a message left in their mailbox, to give consumers the power to protect themselves from fraud.⁵

On May 19th the Federal Communications Commission adopted new rules⁶ to ensure gateway providers are complying with the STIR/SHAKEN caller ID authentication protocols, and require these providers take additional steps to validate the identity of the providers whose traffic they

¹ PR Newswire, "U.S. Phones Were Hit by More Than 50 Billion Robocalls in 2021, Says YouMail Robocall Index," June 6th, 2022, <https://www.prnewswire.com/news-releases/us-phones-were-hit-by-more-than-50-billion-robocalls-in-2021-says-youmail-robocall-index-301455319.html>

² *Id.*, Truecaller, "Truecaller Insights 2021 U.S. Spam & Scam Report," June 28th, 2021, <https://truecaller.blog/2021/06/28/us-spam-scam-report-21/>

³ Federal Communications Commission, "FCC Proposes \$45 Million Fine Against Robocalling Telemarketer," February 18th, 2022, <https://www.fcc.gov/document/fcc-proposes-45-million-fine-against-robocalling-telemarketer>

⁴ Federal Communications Commission, "Chairwoman Announces New State-Federal Robocall Partnerships," February 17th, 2022, <https://www.fcc.gov/document/chairwoman-announces-new-state-federal-robocall-partnerships>

⁵ Federal Communications Commission, "Rosenworcel Proposes 'Ringless Voicemail' Robocall Protections," February 2nd, 2022, <https://www.fcc.gov/document/rosenworcel-proposes-ringless-voicemail-robocall-protections>

⁶ Federal Communications Commission, "FCC Acts to Stop International Robocall Scams," May 20th, 2022 <https://www.fcc.gov/document/fcc-acts-stop-international-robocall-scams>

are routing. Gateway providers are the on-ramps for international call traffic, and must be partners in ensuring illegal robocalls that originate internationally are kept off of American networks. According to USTelecom, some of the most dangerous robocalls, including scammers impersonating the Social Security Administration, the Internal Revenue Service or other federal agencies, “almost always are coming from overseas”.⁷

To this end it is appropriate to enlist gateway providers and domestic originating providers in the national fight against illegal robocalls. The Industry Traceback Group (ITG) is the national consortium selected by the FCC to coordinate private-led efforts to traceback illegal robocalls. However, despite mitigation efforts by the consortium, and active responses by state attorneys general and national regulators, robocalls volumes remain a persistent problem.⁸

Every year the ITG conducts thousands of tracebacks to find the source of this illegal traffic by tracing each provider along the call path who helped facilitate the illegal call. However this critical raw traceback information is only released privately and on a selective basis to regulators and law enforcement according to the consortium’s policies. The private nature of these disclosures makes it hard for the public, law enforcement, and victims to identify complicit providers and hold them accountable. In one instance, a provider accused of bringing hundreds of millions of robocalls onto US telecommunications networks had been found to have been involved in over 132 private tracebacks over a two year period.⁹ These providers are already informed as tracebacks are conducted, and revealing this information publicly would not provide any additional information to bad actors who profit from illegal robocalls.

To increase accountability on providers who continue to facilitate illegal traffic, the Commission should ensure timely public disclosures on all consortium tracebacks reasonably suspected to have originated from illegal robocalls. Such disclosures will increase accountability on providers that are actively facilitating, or turning a blind-eye to robocalls facilitated on their networks. Specifically, each disclosure should:

1. Identify at least (1) the originating or gateway provider and (2) the first intermediate provider. This information is critical to ensure there is public accountability for providers that are failing to mitigate illegal traffic being carried on their networks.
2. Give the named providers the opportunity to provide comment to be included in the disclosure for additional context on how the call was facilitated on their networks and how it evaded active mitigation measures.
3. Provide current contact information for the providers in the disclosure.

⁷ NBC News, “Pandemic lockdowns have curbed robocalls. The telecom industry is trying to keep them from coming back,” June 7th, 2021, <https://www.nbcnews.com/news/us-news/pandemic-lockdowns-have-curbed-robocalls-telecom-industry-trying-keep-them-n1269831>

⁸ YouMail: Robocall Index, “May 2022 Nationwide Robocall Data,” <https://robocallindex.com/>

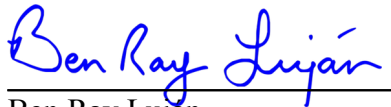
⁹ Epic.org, “Scam Robocalls: Telecom Providers Profit,” June 2022, <https://epic.org/documents/scam-robocalls-telecom-providers-profit/>

4. Include the first three digits (area code) of the target call, the date of the call, and a summary description of the robocall content.

The Commission should continue pursuing both measures to increase public accountability and institute strong regulatory requirements for gateway and intermediate providers for mitigating illegal robocalls. Declining trust in the national telephone network is causing tremendous harm to consumers and public safety officials. Americans need to trust that their communications networks are being held to the highest levels of integrity so it can be used for critical causes such as accessing government services and emergency response.

Thank you again for all your work in combatting illegal robocalls, and we look forward to working with you on this important issue.

Sincerely,



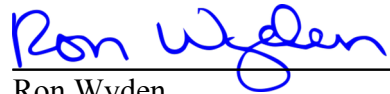
Ben Ray Lujan
United States Senator



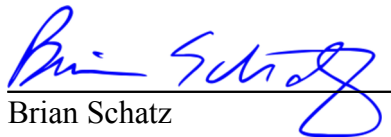
Raphael G. Warnock
United States Senator



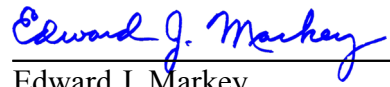
Tammy Duckworth
United States Senator



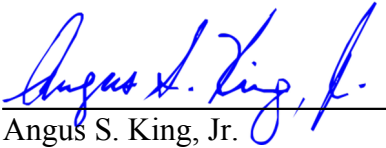
Ron Wyden
United States Senator



Brian Schatz
United States Senator



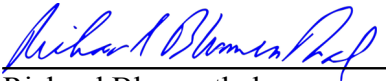
Edward J. Markey
United States Senator



Angus S. King, Jr.
United States Senator



John Hickenlooper
United States Senator



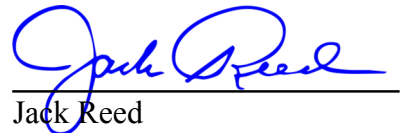
Richard Blumenthal
United States Senator



Chris Van Hollen
United States Senator



Martin Heinrich
United States Senator



Jack Reed
United States Senator