

**STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG
Docket No. 02-278, Notice of Proposed Rulemaking (June 8, 2023)

Consumers across the country want fewer junk robocalls and robotexts. I don't blame them. Because I'm a consumer myself. When my phone rings or buzzes with a call or text, I am just like everyone else and as Pavlov would predict, I instinctively reach for my device. But when that call or text is from someone I do not know reaching out to me with something I did not ask for and do not need, that instinct goes from interest to irritation in no time flat.

That is why at the Federal Communications Commission we are constantly looking for new ways to stop to illegal robocalls and robotexts. It is why today we are updating our policies under the Telephone Consumer Protection Act. This means we propose new rules that strengthen the ability of consumers to decide which robocalls and robotexts they receive. We want to make it clear that if you opt-out of this junk you shouldn't be forced to jump through hoops or say magic words. Then we want to make clear that those behind these calls and texts have 24 hours to honor your request.

This is progress. But the truth is we need new tools to curb these calls and texts. The Telephone Consumer Protection Act is more than three decades old. Stretching its language to capture millions of mobile devices that are always ringing and buzzing is not easy. But there are at least three ways additional authority from Congress could fix that.

First, the Supreme Court's recent decision in *Facebook v. Duguid* narrowed the definition of autodialer under the Telephone Consumer Protection Act. This decision makes it a harder for this agency to ensure the protections in this law cover the way so many scam artists now use technology to reach us with junk calls and texts.

Second, the agency needs clear authority to access Bank Secrecy Act information in order to help identify more quickly the financial records of our calling targets without giving those targets suspected of scams a heads up that we are coming for them.

Third, I believe it would be beneficial if the agency could try to collect the fines we impose against the bad actors responsible for robotexts and robocalls. Right now, our enforcement work ends when we issue a forfeiture order because we lack the authority to pursue collection in court without the Department of Justice. I'd like to change that.

For now, though, I want to thank the Robocall Response Team and staff responsible for our efforts today, including Alejandro Roark, Edyael Casaperalta, Mark Stone, Aaron Garza, Kristi Thornton, Karen Schroeder, and Richard Smith of the Consumer and Governmental Affairs Bureau; Kristi Thompson, Rakesh Patel, Daniel Stepanicich, Mary Romano, and Jane Van Benten of the Enforcement Bureau; Richard Mallen, Malena Barzilai, and Bill Richardson of the Office of General Counsel; Michelle Schaefer and Virginia Metallo of the Office of Economics and Analytics; and Joycelyn James of the Office of Communications Business Opportunities.