

United States Senate

WASHINGTON, DC 20510

January 23, 2019

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

Dear Chairman Pai,

I am writing to inquire into the current efforts to limit the number of robocalls Americans receive. I am specifically interested in what the Federal Communications Commission is doing to stop predatory scams implemented through robocalls, especially as they relate to deliberate impersonations of government officials, including what steps have been taken to protect consumers from excessive and predatory robocalls and how the issue of robocalls has been addressed to date.

On November 20, 2018, I received an automated call impersonating an official from the Federal Bureau of Investigation. The call claimed to be a final notice of an outstanding case with the "Department of Tax and Crime Investigation." It instructed me to call the FBI to settle the fabricated case, and then recited a number for me to call back. I found this call to be very disconcerting.

It is illegal to impersonate a federal officer, and more must be done to stop these fraudulent harassing calls. Investigating further, it appears that the FBI has known about these robocalls since February 2017. The FBI Pittsburgh field office released a community outreach press release suggesting that the public "be suspicious of unsolicited phone calls." Nearly two years later these deceitful calls persist and continue to put Americans at risk of sharing personal identifiable information to scam artists.

Unsolicited robocalls are far more than an inconvenience to consumers – they are targeted threats to the general public. These calls are designed to manipulate individuals into revealing critical personal information such as their credit card and social security numbers and are increasing at an alarming rate. I request that the FCC share what it is doing to protect consumers from these fraudulent calls and to authenticate calls to unmask these callers and track down the perpetrators.

Elderly Americans are especially vulnerable as they are often the targets of these dishonest efforts. These calls include a variety of fraudulent offers pertaining to insurance policies, medical alert systems, and warnings of non-existing issues with their social security payments. A growing number of calls are related to debts that robocalls claim the receiver owes. In November 2018 alone, 5.1 billion calls were made in an attempt to extract personal information and money from citizens across the country.

Aside from robbing victims of their time and money, another critical threat these robocalls pose is the erosion of trust in federal agencies. Every call a consumer receives in which the caller impersonates a government official will make consumers question the legitimacy of authentic communication from government agencies in the future. Citizens deserve government agencies they can place their trust in, but as robocalls continue, their trust only erodes, especially if they fall prey to these predatory efforts.

Unsolicited calls like these endanger the financial security and right to privacy of millions of Americans, and more must be done to stop them. I look forward to working with the FCC to protect consumers from unsolicited calls.

Sincerely,



Jeffrey A. Merkley
United States Senator

Cc: The Honorable Christopher Wray
Director
Federal Bureau of Investigations
935 Pennsylvania Avenue, NW
Washington, DC 20535

The Honorable Kathleen Kraninger
Director
Consumer Financial Protection Bureau
1700 G Street, NW
Washington, DC 20552



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 1, 2019

The Honorable Jeffrey A. Merkley
United States Senate
313 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Merkley:

I agree that illegal robocalls are a scourge, and that's why I have made combatting them the Commission's top consumer protection priority. I am committed to a multi-pronged attack on the problem—through rulemaking, enforcement actions, consumer education, and collaboration with other government agencies and industry.

During my tenure as FCC Chairman, I've had the opportunity to set the agenda for 25 monthly meetings. At almost half of those meetings, we've voted on measures to fight unlawful robocalls and caller ID spoofing. We've taken action to cut off robocalls and spoofing at the source, including authorizing carriers to stop certain spoofed robocalls, pursued the creation of a reassigned numbers database, and pushed industry to establish a robust call-authentication framework.

Pursuant to Congressional direction in RAY BAUM's Act, at the Commission's February Open Meeting, we adopted a Notice of Proposed Rulemaking that proposes to modify the FCC's Truth in Caller ID rules. The changes proposed would extend the rules' reach to include communications originating outside the United States and expand the rules' scope to include text messages and other voice services. This item is but one part of the Commission's multi-pronged effort to combat unwanted and illegal caller ID spoofing.

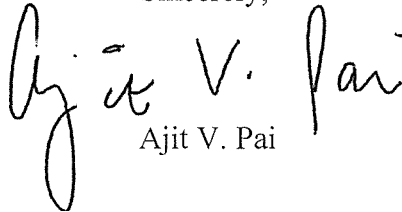
Also last month, I called on carriers that are lagging behind on efforts to develop and implement a robust call authentication system to combat illegal caller ID spoofing. Call authentication is the best way to ensure that consumers can answer their phones with confidence. It will help consumers know when a phone call is fraudulent before they pick up, thus eroding the ability of scam artists to use false caller ID information to trick vulnerable Americans into answering their phones when they shouldn't. With a robust framework in place, consumers and law enforcement alike will be able to more readily identify the source of illegally spoofed robocalls and reduce their impact.

I expect large telephone operators will take all the steps needed to ensure that system is on track to become operational in 2019. If they do not act promptly, the Commission stands ready to take regulatory action to ensure widespread deployment to meet this important technological milestone.

In addition, the Commission continues to aggressively enforce the Telephone Consumer Protection Act (TCPA) as well as the Truth in Caller ID Act. We have sent a very clear message that those who engage in illegal robocall schemes will pay a price—assessing over \$245 million in proposed fines against illegal robocallers and caller ID spoofers. The FCC coordinates with the Federal Trade Commission on investigations into violations of our Do Not Call rules, and we work together on consumer education programs. The Commission also works with federal and state agencies to share information and resources that can be used to investigate unwanted calls, such as the Department of the Treasury, Department of Justice, and Department of Homeland Security.

I appreciate your interest in this matter, and I have attached a recent staff report on our work for your review. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink that reads "Ajit V. Pai". The signature is written in a cursive style with a large, looping initial "A".

Ajit V. Pai