

United States Senate

February 3, 2022

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

Dear Chairwoman Rosenworcel:

We write regarding the ongoing scourge of illegal robocalls. The Federal Communications Commission (FCC) plays a critical role in mitigating this serious threat to consumers, and we commend you for the steps you have taken to address this complex problem. In order to provide experts, enforcing entities, Congress, and consumers with a clear picture of the current robocall threat landscape, we respectfully encourage you to use your authority under the *Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act* to increase transparency around ongoing efforts to trace illegal robocalls.

Although Congress, the FCC, private companies, and consumer advocates have taken important steps to address the plague of robocalls in recent years, Americans continue to receive illegal robocalls. In many cases, these calls inflict serious harm on consumers and can lead to significant financial damage to members of vulnerable communities, particularly more elderly individuals.¹ In 2021, Americans received 50.5 billion robocalls. Roughly 60 million people report that they have fallen victim to a phone scam in the last year, and scammers stole almost \$30 billion from these consumers in that time frame.² Illegal robocalls are dangerous and must be stopped.

The *TRACED Act* gives the FCC critical robocall deterrent and enforcement powers. We commend the FCC's recent efforts to protect consumers, including requiring implementation of the caller ID authentication technology STIR/SHAKEN; creating the Robocall Mitigation Database, which logs phone companies' robocall mitigation efforts; and pursuing enforcement actions against voice providers that violate the law.³ These actions have benefited consumers and

¹ *Robocallers Tried to Scam Nearly Half of Senior Citizens Out of Money In 2019*, BusinessWire (Apr. 14, 2020), <https://www.businesswire.com/news/home/20200414005127/en/Robocallers-Tried-to-Scam-Nearly-Half-of-Senior-Citizens-Out-of-Money-In-2019>.

² True Caller, *2021 U.S. Spam & Scam Report* (Jun. 28, 2021), <https://truecaller.blog/2021/06/28/us-spam-scam-report-21/>.

³ The FCC has issued multiple cease-and-desist letters to a number of voice providers responsible for transmitting illegal robocall traffic. *See, e.g.*, Press Release, Federal Communications Commission, FCC Issues Robocall Cease-and-Desist Letters to 3 More Companies (Oct. 21, 2021), <https://www.fcc.gov/document/fcc-issues-robocall-cess-and-desist-letters-3-more-companies>; Press Release, Federal Communications Commission, FCC Demands Two Companies Cease-and-Desist Illegal Robocall Campaigns (May 18, 2021), <https://www.fcc.gov/document/fcc-demands-two-companies-cess-and-desist-illegal-robocall-campaigns>; Press Release, Federal Communications

lay important groundwork for future actions that will further reduce the volume of robocalls that reach consumers' phones.

In addition to granting the FCC the authority to promulgate rules that protect Americans from unwanted calls, the *TRACED Act* also created a private consortium to trace the origins of illegal robocalls and identify who initiates them. This private consortium, the Industry Traceback Group (ITG), in partnership with the FCC, plays an important role in cracking down on illegal calls that harm consumers. The ITG uses information from voice service providers to trace and identify the source of illegal robocalls, and works in collaboration with government enforcement agencies to stop the perpetrators.

Importantly, the *TRACED Act* requires the ITG to share specific information with the FCC, and the Act allows the FCC to request additional data from the ITG about the consortium's findings.⁴ The ITG's recent response to the FCC's Request for Information on the Status of Private-Led Traceback Efforts of Suspected Unlawful Robocalls⁵ demonstrates the ITG's ability to collect useful information in the fight against illegal robocalls. For example, the report includes data on the types and volume of active robocall campaigns in 2021, a percentage breakdown of providers responsible for non-cooperation with traceback efforts, and information on the ITG's cooperation with government enforcement efforts.⁶ To aid enforcing entities, Congress, experts, and consumers in our collective fight to stop harmful robocalls, we encourage the FCC to obtain additional information from the ITG, including responses to the following questions and requests:

1. Among all the tracebacks requested in 2021, how many independent calling campaigns were identified?
2. How many carriers were included in more than 10 tracebacks as an originating provider?
3. How many carriers were included in more than 20 tracebacks as an originating provider?
 - a. Please graph the data in the same manner the ITG graphed data regarding the providers that did not respond to traceback requests in ITG's response⁷ to the FCC's Request for Information on the Status of Private-Led Traceback Efforts of Suspected Unlawful Robocalls.⁸

The *TRACED Act* empowers the FCC, with the assistance of the ITG, to take much needed steps to protect the public from robocalls. We call on you to continue to use this authority and to work

Commission, FCC Issues Robocall Cease-And-Desist Letters to Six Voice Providers (Mar. 18, 2021), <https://www.fcc.gov/document/fcc-issues-robocall-cease-and-desist-letters-six-voice-providers>.

⁴ Telephone Robocall Abuse Criminal Enforcement and Deterrent Act, Public Law No. 116-105 § 13 (2019).

⁵ See Public Notice, Reply to *Enforcement Bureau Requests Information on the Status of Private-Led Traceback Efforts of Suspected Unlawful Robocalls*, EB Docket No. 20-195 (Nov. 15, 2021), <https://ecfsapi.fcc.gov/file/111572802120/USTelecom Letter re Status of Private-Led Traceback Efforts 2021.pdf>.

⁶ See *id.* at 1-2.

⁷ See Public Notice, Reply to *Enforcement Bureau Requests Information on the Status of Private-Led Traceback Efforts of Suspected Unlawful Robocalls*, EB Docket No. 20-195 (Nov. 15, 2021), <https://ecfsapi.fcc.gov/file/111572802120/USTelecom Letter re Status of Private-Led Traceback Efforts 2021.pdf>.

⁸ See *id.*

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Page 3

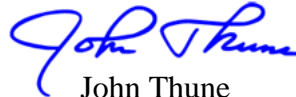
in collaboration with the ITG to help eliminate the threat of illegal robocalls and increase transparency into systems that contribute to this problem.

Thank you for your attention to this matter.

Sincerely,



Edward J. Markey
United States Senator



John Thune
United States Senator