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United States Senate
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Mr. Walter McCormick, Jr.
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President and CEO
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Dear Mr. McCormick and Mr. Largent:

Thank you for your industry representatives' participation in the July 10, 2013, hearing of the Subcommittee on Consumer Protection, Product Safety, and Insurance entitled, "Stopping Fraudulent Robocall Scams: Can More Be Done?" Kevin Rupy, Senior Director of Law and Policy for the United States Telecom Association, and Michael Altschul, Senior Vice President and General Counsel for CTIA-The Wireless Association, both provided valuable insight on the past and current actions of wireline and wireless telephone providers to help combat this problem. Telecommunications providers' cooperation with regulators, law enforcement, and prosecutors has undoubtedly been a tremendous help in pursuing penalties and convictions against those who use robocalls to prey on consumers.

As we mark the 10-year anniversary of the National Do Not Call Registry, it is clear that the program has been generally effective at limiting calls from legitimate telemarketers but that fraudulent robocalls have filled the void. These robocalls are not just a nuisance – according to the Justice Department they are costing American consumers more than \$40 billion annually. It is no wonder robocalls rank among the top consumer complaints to both the Federal Trade Commission (FTC) and the Federal Communications Commission (FCC), with the FTC receiving more than 200,000 robocall complaints every month and the FCC seeing complaints double between 2010 and 2012. Regulators must remain aggressive and creative in going after these fraudsters and those who enable their scams.

But, as the Subcommittee heard from the FTC and the FCC, law enforcement alone is unlikely to fully address this problem. Fraudulent robocalls are a serious consumer abuse that needs to be tackled on multiple fronts. America's telecommunications providers are not the problem. But if we are going to adequately address the consumer abuses by fraudulent robocalls, your member companies are going to have to be part of the solution. Since technology is what has allowed fraudulent robocalls to proliferate, we should be looking to technology to stop them.

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At the hearing, two robocall screening technologies were discussed in some detail, one of which has been in operation for six years. The representatives of your industries expressed skepticism regarding these technologies, raising a number of potential legal, regulatory, financial, and technological challenges. I believe these concerns warrant further review by experts both within and outside of the telecommunications industry; I thus asked your representatives to provide me with additional information in three months.

By October 15, 2013, please provide me with a complete analysis of the challenges your industry foresees in implementing these types of technological solutions. Your analysis should include full consideration of the barriers to implementation that were raised by Mr. Rupy and Mr. Altschul at the hearing, any other concerns that your industry has about implementing such technologies, and any plans your industry has for adopting or testing such solutions.

Additionally, in their written and oral testimony, witnesses from the FTC and the FCC proposed a number of statutory changes that would better equip their agencies to combat fraudulent robocalls. For inclusion in the hearing record, I ask that you provide your comments on the following proposed statutory changes by September 9, 2013.

1. Elimination of the Federal Trade Commission Act's common carrier exemption.
2. Changes to the FCC's enforcement authorities, including:
 - a. Allowing the FCC to impose a forfeiture on non-licensee robocall violators without first issuing a citation;
 - b. Expanding the statute of limitation from one year to at least two years; and
 - c. Increasing the maximum forfeiture that the FCC can impose on non-licensee robocallers.
3. Revisions to the Trust-in-Caller-ID Act of 2010, including:
 - a. Expanding the scope of the prohibition to apply to persons outside of the United States when their spoofing is directed at people inside the United States;
 - b. Clarifying whether the existing restrictions should apply to Voice over Internet Protocol (VoIP) providers that enable only outbound calls; and
 - c. Giving the FCC authority to regulate third-party spoofing services.

Your input on these important issues will help inform the Subcommittee as we continue our oversight on fraudulent robocalls and consider possible legislative action to help better protect American consumers.

Sincerely,



Claire McCaskill
United States Senator