

United States Senate

March 23, 2020

The Honorable Ajit V. Pai
Chairman
Federal Communications Commission
F455 12th Street, S.W.
Washington, DC, 20544

The Honorable William P. Barr
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC, 20530

Dear Chairman Pai and Attorney General Barr:

Today, vulnerable Americans are being bombarded with illegal robocalls, including calls that promise coronavirus testing and possible cures. These calls pose a serious threat to consumers' wellbeing and risk exacerbating the current coronavirus public health crisis. We appreciate the Federal Communications Commission's (FCC) recent efforts to inform consumers of such scams by launching the "COVID-19 Consumer Warnings and Safety Tips webpage," but as the authors of the Telephone Robocall Abuse Criminal Enforcement and Deterrent (TRACED) Act, we write to underscore the serious threat these calls pose and urge your respective agencies to take *all* necessary steps to protect the public against them.

According to recent reporting in the *Washington Post*, the COVID-19 pandemic has brought with it a dangerous threat to consumers in the form of fraudulent coronavirus-related robocalls. Every day, bad actors are placing an estimated one million suspicious calls pertaining to coronavirus, many of which relay deceptive promises of non-existent testing services.¹ Calls like these are more than a nuisance. They are a danger to the public.

We are particularly concerned by the threat these calls pose to elderly Americans. They are especially vulnerable to robocall scams, and they are among those at the greatest risk from coronavirus.² Robocalls that spread misinformation about cures, peddle ineffective equipment, and offer bogus medical advice have the potential to inflict significant harm on individuals and communities across the country.

The TRACED Act gives both the FCC and Department of Justice (DOJ) critical new robocall deterrent and enforcement powers. Specifically, the TRACED Act directs DOJ, in consultation with the FCC, to convene an interagency working group to study the prosecution of violations of the Communications Act, and requires this working group to study existing and potential policies to deter international robocalls. The statute also directs the FCC to initiate a rulemaking to help protect subscribers from receiving unwanted calls or texts; broadens the authority of the FCC to

¹ Tony Romm, 'That can actually kill somebody': Scam robocalls are pitching fake coronavirus tests to vulnerable Americans, *Wash. Post* (Mar. 19, 2020), <https://www.washingtonpost.com/technology/2020/03/19/robocalls-coronavirus-test/>.

² Sid Kirshheimer, *Scams Trap Older Adults*, AARP, <https://www.aarp.org/money/scams-fraud/info-02-2011/scams-trap-older-adults.html>.

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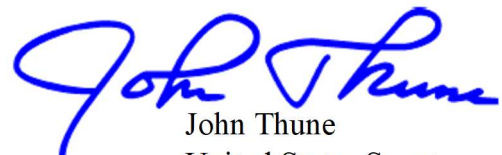
levy civil penalties of up to \$10,000 per call on people who intentionally flout telemarketing restrictions; and extends the window for the FCC to catch and take civil enforcement action against intentional illegal robocallers.

These and other important TRACED Act provisions provide the FCC and DOJ with the authority and direction to take critical steps to protect the public from robocall scams. We call on you to use this authority, and to take any other steps within your power, to meet the emerging threats that fraudulent robocalls pose during the current public health crisis.

Please let us know by April 2, 2020, what concrete steps you will be taking to address this dangerous scourge of coronavirus-related robocalls.

Sincerely,


Edward J. Markey
United States Senator


John Thune
United States Senator