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September 24, 2021

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

Dear Acting Chair Rosenworcel,

I write regarding the drastic increase in unsolicited text messages and the continued scourge of robocalls that are flooding consumers with scams, frauds, and obscenities. I encourage the Federal Communications Commission (FCC) to take action to strengthen our anti-robocall laws, require carriers to block illegal marketing, and bring enforcement actions against the culprits and enablers of these schemes.

In July alone, consumers received an estimated 5.74 billion robocalls, including scams targeting senior citizens on Medicare, impersonating COVID-19 contact tracers, and claiming to offer extended warranties for cars.¹ I appreciate the steps taken by the FCC to implement the TRACED Act, which passed into law in December 2019 and requires telephone companies to stop unsolicited and spoofed calls and offer consumers blocking tools. These technical measures to block and verify calls (including the STIR/SHAKEN protocol) have led to a slight decrease in robocalls, representing a possible light at the end of the tunnel. However, illegal telemarketers continue their cat-and-mouse games. While the largest phone companies have implemented these protective measures, robocallers have adapted and increasingly use smaller carriers and foreign service providers to skirt the law and make their abusive calls.²

I encourage the FCC to move forward on plans to require more telephone carriers to stop spoofed phone calls through implementing the STIR/SHAKEN protocol. While I appreciate that some smaller carriers may require additional help to upgrade their networks, the FCC's current timetable means that consumers may not see full relief from robocalls until June 2023.³ I also appreciate that the FCC recently opened a Notice of Proposed Rulemaking to consider revising

¹ Chris Morris, "Robocalls spike to pre-pandemic levels," *Fortune*, March 5, 2021, <https://fortune.com/2021/03/05/robocalls-increase-2021-phone-scams-warranty/>.

² Kelcee Griffis, "Robocall Regulators Fighting Lax Deadlines, Spam Texts," *Law360*, August 16, 2021, <https://www.law360.com/articles/1413039/robocall-regulators-fighting-lax-deadlines-spam-texts>.

³ Ryan Tracy and Sarah Krouse, "Small Companies Play Big Role in Robocall Scourge, but Remedies Are Elusive," *Wall Street Journal* (New York, NY), August 18, 2021, <https://www.wsj.com/articles/small-companies-play-big-role-in-robocall-scourge-but-remedies-are-elusive-11566120720>.

its blanket extensions and exemptions for its important anti-robocall deadlines.⁴ As the FCC notes in its new proposal, some carriers continue to undermine efforts by allowing a significant volume of illegal and spoofed robocalls. I share the concerns of the bipartisan coalition of state attorneys general and the consumer protection voices that have written to the FCC in this rulemaking.⁵ The FCC should shorten its deadlines for implementing the STIR/SHAKEN protocol and require companies that are especially likely to originate robocalls calls to implement the standard expeditiously. Years spent waiting is billions of dollars lost to fraud.

Additionally, I urge the FCC to take action on the recent surge of unsolicited text messages that are overtaking robocalls as a nuisance and a consumer protection threat.⁶ According to industry research, consumers received 7.1 billion spam texts during July, a 5 percent increase from June and a drastic escalation over the previous year.⁷ Federal Trade Commission data shows that text messages have become as common in fraud complaints as robocalls, resulting in a reported \$88 million in consumer losses.⁸ Alarming, recent waves of messages have used vulgar and obscene content to lure, threaten, and shock consumers into opening malicious websites and phish passwords, steal identities, or extort money.⁹ Unlike with robocalls, consumers do not have the option of ignoring these text messages, which fill their phone's notifications with explicit, harassing, and harmful schemes.

I encourage the FCC to take steps to stop unwanted text messages and crack down on carriers or services that are responsible for this deluge. As you have rightfully noted, mobile carriers have long been fully empowered to protect their subscribers from junk texts.¹⁰ Carriers need to meet this obligation with a vigorous effort to trace the sources of these unsolicited messages, provide consumers the tools to protect themselves, curtail bad commercial actors, and provide the FCC with information about culprits. While the TRACED Act provided the FCC and

⁴ Federal Communications Commission, "FCC Proposes to Shorten Caller ID Authentication Deadline for Small Voice Service Providers Suspected of Originating Illegal Robocalls," <https://docs.fcc.gov/public/attachments/DOC-372627A1.pdf> (accessed September 23, 2021).

⁵ Federal Communications Commission, "Promoting Called ID Authentication to Combat Illegal Robocalls, Third Further Notice of Proposed Rulemaking – WC Docket No. 17-97" <https://docs.fcc.gov/public/attachments/DOC-372025A1.pdf> (accessed September 23, 2021); Federal Communications Commission, "Reply Comments of Fifty-One (51) State Attorneys General in the Matter of Call Authentication Trust Anchor – WC Docket No. 17-97," https://portal.ct.gov/-/media/AG/Press_Releases/2021/FILED_Reply-Comments_51-AGs_Small-VSPs-and-STIR-SHAKEN_WC17-97.pdf (accessed September 23, 2021).

⁶ Kevin Collier, "Why cybercriminals looking to steal personal info are using text messages as bait," *NBC News*, May 6, 2021, <https://www.nbcnews.com/tech/security/scam-text-messages-are-rampant-no-easy-fix-rcna840>.

⁷ "Total Robocalls Decrease by 3& in the First Month of STIR/SHAKEN Release," *PR Newswire*, August 6, 2021, <https://www.prnewswire.com/news-releases/total-robocalls-decrease-by-3-in-the-first-month-of-stirshaken-release-301350380.html>; "Robocall Record: 7.4 Billion Spam Texts Surpass Total Robocalls By More Than 1 Billion Messages in March 2021," *PR Newswire*, April 1, 2021, <https://www.prnewswire.com/news-releases/robocall-record-7-4-billion-spam-texts-surpass-total-robocalls-by-more-than-1-billion-messages-in-march-2021--301260890.html>.

⁸ Federal Communications Commission, "Consumer Sentinel Network Data Book 2020," https://www.ftc.gov/system/files/documents/reports/consumer-sentinel-network-data-book-2020/csn_annual_data_book_2020.pdf (accessed September 23, 2021).

⁹ Leslie Rutledge, "AG alert: Immediately Delete Vulgar Text Messages," *Sun Times* (Heber Springs, AR), July 27, 2021, https://www.thesuntimes.com/news/ag-alert-immediately-delete-vulgar-text-messages/article_a1f7a5a88-361f-5560-a9ad-c6c38f00fb25.html.

¹⁰ Federal Communications Commission, "Statement of Commissioner Jessica Rosenworcel, Dissenting," <https://docs.fcc.gov/public/attachments/FCC-18-178A5.pdf> (accessed September 23, 2021).

carriers with technical and legal tools to take on this threat, I recognize that text messages — which involve even more types of services and service providers — are a more complex challenge. I urge the FCC to use all of its authorities, including investigations, rulemaking, and enforcement, to address unwanted text messages, send a deterrent message to marketers, and identify technical solutions.

I stand ready to assist the FCC in the fight against unsolicited and fraudulent phone calls and text messages and encourage you to inform me if the FCC needs additional legal authorities or resources to tackle this urgent consumer protection issue.

Thank you for your attention to these important matters.

Sincerely,

A handwritten signature in blue ink that reads "Richard Blumenthal". The signature is fluid and cursive, with the first name "Richard" being the most prominent part.

Richard Blumenthal
United States Senate