

# United States Senate

WASHINGTON, DC 20510

January 23, 2019

The Honorable Joseph Simons  
Chairman  
Federal Trade Commission  
600 Pennsylvania Avenue NW  
Washington, D.C. 20580

Dear Chairman Simons:

We are deeply concerned by the continued threat of illegal robocallers and other scammers during the ongoing government shutdown and want to work with you to make sure anyone falling victim to them during this unnecessary lapse in funding does not fall through the cracks. We write with questions to better understand how Congress can assist the Federal Trade Commission (FTC) to protect consumers during the shutdown and to ensure the agency has sufficient resources to address the backlog of consumer complaints and cases of identity theft as soon as funding is restored.

Many scams and cases of identity theft begin with robocallers. Robocallers are worse than just an intrusive nuisance. They can be dangerous and illegal, especially when they seek consumers' personal or financial information to defraud them. These scams are also rapidly evolving, recently seeking new prey among furloughed federal workers with a pre-recorded voice threatening "the recent government shutdown is affecting your standing with the IRS."<sup>1</sup> However, scams can appear in a myriad of formats, including spam e-mails, text messages, unexpected internet pop-up messages, false advertising, fraudulent charities, and door-to-door solicitations. As you know, fighting these many kinds of fraud is a major focus of the FTC's law enforcement efforts.

To that end, the FTC maintains a number of other important online services to prevent scams, assist consumers who have been scammed, and support the Commission's law enforcement efforts. For example, the FTC maintains the Do Not Call Registry to protect consumers from receiving unwanted commercial telemarketing calls. During this ongoing shutdown, consumers trying to add themselves to the Do Not Call Registry, either online or via telephone, encounter a message that this service is not being offered due to the lapse in funding. In addition, legitimate telemarketers seeking to comply with the Do Not Call Registry are not even able to download the list of numbers they are not to call. Instead, they are instructed to "continue to use their existing lists from the National Do Not Call Registry until the shutdown concludes."<sup>2</sup> While legitimate telemarketers may continue to reference existing lists during the shutdown, unscrupulous scammers may exploit this lapse to the public's detriment.

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<sup>1</sup> Romm, Tony. "The Latest Threat from the Government Shutdown: More Robo-calls." The Washington Post. January 11, 2019. [https://www.washingtonpost.com/technology/2019/01/11/latest-threat-government-shutdown-more-robocalls/?utm\\_term=.3bad7093b519](https://www.washingtonpost.com/technology/2019/01/11/latest-threat-government-shutdown-more-robocalls/?utm_term=.3bad7093b519).

<sup>2</sup> <https://telemarketing.donotcall.gov/faq/faqbusiness.aspx>

The FTC also produces vital consumer education, tracking consumer complaints and issuing "Scam Alerts" when it detects an uptick in certain kinds of scams. If the FTC was operating normally, it would have been able to alert the public about the newest scam targeting those affected by the government shutdown. However, the FTC has not issued such an alert.

In addition, we understand that IdentityTheft.gov, the federal government's one-stop resource to help consumers report and recover from identity theft, as well as two consumer complaints reporting websites—Complaint Assistant and Econsumer.gov—are unavailable during the shutdown.

In order to provide necessary guidance to constituents affected by robocalls and other scams during the shutdown, we respectfully request you provide answers to the following questions:

1. What information should consumers retain to document evidence of Telemarketing Sales Rule or Telephone Consumer Protection Act violations?
2. What information should consumers retain to document evidence of potential Federal Trade Commission Act violations?
3. What will you do to encourage the reporting of scams and unwanted calls that could not be reported during the shutdown, when the government reopens?
4. Where should consumers go for information while the government is shut down regarding the latest kinds of scams to look out for?
5. What can consumers do to recover from identity theft that occurs while the government and IdentityTheft.gov is shut down?
6. How can Congress assist your agency with additional resources to address the backlog of consumer complaints the FTC will likely have when funding is restored?

Thank you for your prompt attention to this matter.

Sincerely,



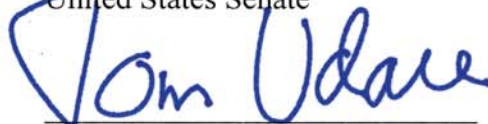
Richard Blumenthal  
United States Senate



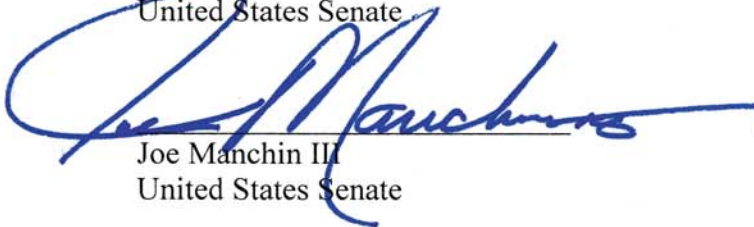
Edward J. Markey  
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Sheldon Whitehouse  
United States Senate



Tom Udall  
United States Senate



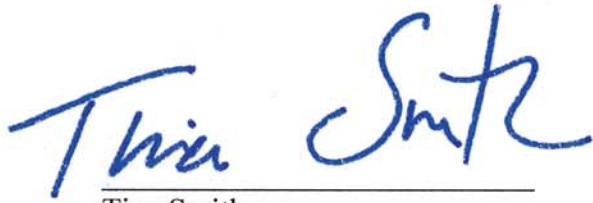
Joe Manchin III  
United States Senate



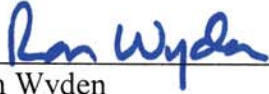
Mark R. Warner  
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Amy Klobuchar  
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Tina Smith  
United States Senate



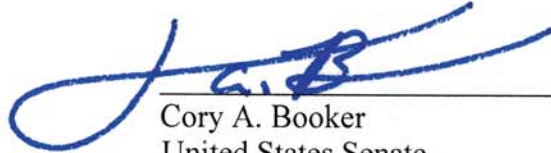
Ron Wyden  
United States Senate



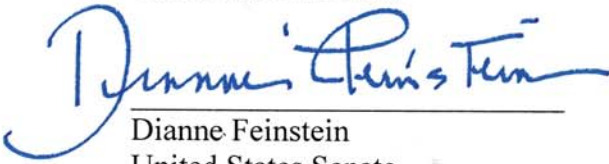
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