

September 21, 2016

The Honorable Greg Walden, Chairman
The Honorable Anna Eshoo, Ranking Member
Subcommittee on Communications and Technology
Energy and Commerce Committee
United States House of Representatives
Washington, D.C. 20510

Dear Chairman Walden and Ranking Member Eshoo:

The undersigned non-profit organizations, representing millions of consumers, write to express our strong support for your interest in improving protections against unwanted robocalls. As you know, unwanted robocalls are currently the top consumer complaint to the Federal Communications Commission (FCC), and were the source of over 2 million complaints to the Federal Trade Commission (FTC) in 2015.

We agree that more tools need to be brought to bear in the battle against the millions of unwanted, harassing, and illegal robocalls to which consumers continue to be subjected. In particular, we support the ROBOCOP Act, legislation introduced by Representative Jackie Speier (D-CA) (H.R. 4932) and Senator Charles Schumer (D-NY) (S. 3026). This legislation would provide important new incentives for carriers to provide consumers with call-blocking technologies and to eradicate caller-ID spoofing, which we believe is critical to addressing the runaway robocall problem.

At the same time, we are concerned that some proposals being put forward for discussion, such as altering the definitions of “autodialer” and “consent” under the Telephone Consumer Protection Act (TCPA), would seriously undermine the enforcement power of this fundamental law. Altering the definition of autodialer would have the effect of creating dangerous gaps in the law; the current definition reaches all of the telemarketing technologies used today. And altering the definition of consent would eliminate important incentives currently in place for callers to ensure that they actually have the consent of the called party. There are many technologies already in place that provide callers with data on whether the person from whom they have consent is still the current owner of the phone. Changing these definitions would be unfortunate steps backward, and would hurt consumers.

Some in the calling industry evidently want to be able to make robocalls without the consent of the consumers called, and without liability for making even repeated and widespread mistakes. We urge the Committee to take utmost care not to make changes to the TCPA that

would subject American consumers to tens of millions more unwanted, and currently illegal, robocalls.

We would be happy to work with the members of the Committee on stronger protections to guard against unwanted, disruptive, and at times harassing, even fraudulent, robocalls. Please feel free to contact Margot Saunders of the National Consumer Law Center at msaunders@nclc.org or Maureen Mahoney of Consumers Union at mmahoney@consumer.org for further information.

Sincerely,

Consumer Action
Consumer Federation of America
Consumers Union
National Association of Consumer Advocates
National Consumer Law Center
Public Knowledge

cc: Honorable Fred Upton, Chairman, House Energy & Commerce Committee
Honorable Frank Pallone, Jr., Ranking Member, House Energy & Commerce Committee
Members, House Energy & Commerce Committee