

NCLC Attorney Margot Saunders to Testify at U.S. Senate Hearing on Stopping Illegal Robocalls on April 11; Will Urge FCC to Strengthen Key Federal Privacy Law

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Robocalls increase 370% since Dec. 2015 with 5.2 billion robocalls in March 2019

Full written testimony of National Consumer Law Center Senior Counsel Margot Saunders is available at: <http://bit.ly/robo-scourge>

Washington - On Thursday, April 11 at 10:00 am ET, the U.S. Senate Committee on Commerce, Science, and Transportation will convene a hearing on Illegal Robocalls: Calling All to Stop the Scourge. "Robocalls have increased 370% percent in less than four years, with over five billion robocalls made just in March 2019," **said National Consumer Law Center Senior Counsel Margot Saunders**, who will testify at the hearing. "The surge in consumer complaints reinforces the need for the Federal Communications Commission to strengthen the federal Telephone Consumer Protection Act's application to autodialed calls and the right of consumers to withhold their consent to receive these and other robocalls."

In her testimony, Saunders will discuss the skyrocketing problem of unwanted robocalls since the Telephone Consumer Protection Act (TCPA), which is overseen by the Federal Communication Commission (FCC), was enacted in 1991.

"The Telephone Consumer Protection Act is the principal federal law to provide protections against unwanted robocalls. Its key principle is to give *the person being called* control over whether to receive robocalls," **said Saunders**. "The problem is not just calls from overt scams such as identity theft schemes: major well-known American corporations and debt collectors are responsible for hundreds of millions of robocalls each month, and many of these businesses break the law by continuing unrelenting calls to consumers even after being told repeatedly to stop. If the rate of telemarketing calls continues at the current pace, in 2019 there will be over 11 billion telemarketing robocalls made in the United States. Business robocallers complain to be the victim of a TCPA crisis but it's a crisis of their own creation."

Robocalls surged after a 2018 decision from the U.S. Court of Appeals in D.C. that set aside a 2015 FCC order on the question of how to interpret the TCPA's ban on autodialed calls to cell phones without the called party's consent. This decision raised the specter that the prohibition might be interpreted not to cover the autodialing systems that are currently used to deluge cell phones with unwanted calls. "Many of the offending companies are anticipating a caller-friendly response to the many requests they have submitted to the FCC to *loosen* restrictions on robocalls," **said Saunders**. "Congress should make clear that it intends the TCPA to be interpreted to cover the autodialing systems used today."

Saunders' testimony will stress the critical importance of consumer enforcement of the TCPA's restrictions. Without consumer enforcement, robocallers that flood consumers' phones with unwanted calls would have little to fear.

The FCC, under Chairman Ajit Pai, has taken some important steps to address unwanted robocalls, but much more needs to be done. The consumer groups recommend that:

- Congress should pass the TRACED Act, so that consumers can identify who the caller is when calls come in to their phones.
- The FCC should ensure that the TCPA covers all calls and texts to cell phones made with automated equipment. If the FCC definition of an automatic telephone dialing system is not sufficiently broad, consumers will have no protection against a host of types of unwanted calls and text messages.
- The FCC should reinforce consumers' right to consent or withhold consent to receive robocalls, and the right to withdraw any consent that was previously given.
- The FCC should ensure that callers, many of whom are well-known companies, are not allowed to hide behind the third parties they hire to make the calls on their behalf.
- The TCPA rules must remain privately enforceable so consumers may obtain redress for harm and to deter violations of the law.

Saunders will testify on behalf of the National Consumer Law Center (on behalf of its low-income clients), Consumer Action, Consumer Federation of America, National Association of Consumer Advocates, Public Citizen, and U.S. PIRG.

Read more of NCLC's extensive body of work on illegal robocalls:
<https://nclc-old.ogosenet.net/issues/robocalls-and-telemarketing.html>