



U.S. SENATE COMMITTEE ON
COMMERCE, SCIENCE, & TRANSPORTATION

U.S. Senator Ben Ray Luján

**Senate Commerce Subcommittee on Communications, Media, and Broadband
Subcommittee Hearing on Protecting Americans from Robocalls**

October 24, 2023

Subcommittee Chair Luján's Opening Statement

Good morning, the Subcommittee on Communications, Media, and Broadband of the Senate Commerce Committee will now come to order for a hearing on "Protecting Americans from Robocalls."

First of all, I would like to thank Ranking Member Thune for working with me and my staff to convene this conversation. [Unfortunately, due to international obligations, Senator Thune is unable to attend. I want to thank Senator Fischer for joining me to preside.]

Today, we will hear from our expert witnesses on protecting our constituents from the growing number of fraudulent and illegal robocalls and robotexts.

Every month, Americans receive roughly 1.5 billion to 3 billion scam calls and likely illegal telemarketing calls. This is an issue that I'm confident everyone in the room has dealt with firsthand. Robocalls interrupt meetings. Robocalls interrupt sleep. Robocalls interrupt time with friends and family.

Robocalls have also eroded trust in our nation's communications networks. The FCC recommends that you don't answer calls from unknown numbers to avoid scams. This means that we sometimes miss important messages like doctor's appointment reminders, and messages from work or school.

In 1991, Congress passed the Telephone Consumer Protection Act (TCPA) and, more recently, the Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED) Act of 2019. These two laws seek to protect Americans from predatory and unsolicited robocalls and robotexts, giving federal agencies the tools to fight back.

In many ways, these laws have been successful. Since TCPA and TRACED were implemented, the number of unsolicited and illegal telemarketing calls has significantly decreased.

- Do Not Call complaints to the Federal Trade Commission have steadily declined
- from 500,000 in 2019 to less than 200,000 today.
- The Federal Communications Commission has issued hundreds of millions of
- dollars in enforcement actions against illegal robocallers.

- The FCC has empowered the Industry Traceback Group and phone companies to
- block by default illegal or unwanted calls based on reasonable evidence.

The Federal Communications Commission provided a statement for today's hearing, and—without objection—I would like to enter it into the record.

However, it is important that we recognize that robocalls and robotexts aren't just a nuisance. Scammers use our telecom networks to defraud Americans out of an estimated \$39 billion dollars in 2022 alone. That's roughly enough money to provide affordable broadband to the current 21 million household enrolled in the Affordable Connectivity Program for 8 years.

Scammers and fly-by-night companies are stealing American families' hard-earned dollars—using our telecom networks to do so—and don't face any consequences. The FCC levies fines, but fines go uncollected, and the company dissolves and moves assets elsewhere. Congress must empower our regulators and enforcement agencies to ensure that when an individual or a company breaks the law, they are held to account.

Part of the reason these scammers are so effective at tricking consumers and evading enforcement is that the technology is constantly evolving. We will hear testimony that suggests consumer consent for telemarketing is increasingly falsified. Automated bots and other artificial intelligence systems are using public data to consent on behalf of a consumer for calls they never asked for and do not want. Automated robocalls and robotexts are using chatbots and generative artificial intelligence to impersonate a real, live person, lulling the recipient into a false sense of security by mimicking voices and mannerisms.

In the most frightening examples, bad actors are playing on our emotions and impersonating loved ones in distress. Earlier this year in the Senate Human Rights Subcommittee, Senator Ossoff and Ranking Member Blackburn heard testimony from Jennifer DeStefano of Arizona, who was a victim of a scam call impersonating her daughter. Without objection, I would like to also enter her testimony into the record for today's hearing. She testified, "AI is revolutionizing and unraveling the very foundation of our social fabric by creating doubt and fear in what was once never questioned, the sound of a loved one's voice."

This hearing will examine how robocallers are evading enforcement, consider public-private efforts to combat illegal robocalls, unravel how new and evolving technologies are changing the landscape, and investigate what next steps are needed to protect Americans from fraudulent and illegal text messages and calls.