

**SENATE COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION**

Full Committee  
Wednesday, September 20, 2023, at 10:00 A.M.

**DEMOCRATIC QUESTIONS FOR THE RECORD  
Supplemental Answers**

**COVER PAGE  
Rebecca Slaughter**

## **SENATOR BEN RAY LUJAN (D-NM)**

1. What, if any, additional tools or authorities does the FTC need in order to more effectively crack down on illegal robocalls?

Americans continue to be plagued by robocalls, which are, at best, an insufferable intrusion and, at worst, a mechanism for fraud and theft. The FTC has been very effective in addressing illegal robocalls made by real businesses in violation of the Do Not Call Registry, the Telemarketing Sales Rule, and other rules we enforce. These efforts, though useful, are clearly insufficient, and the problem has not gone away. Bad actors, often located overseas, are using sophisticated auto-dialing technology to spam our phones to perpetrate scams, stealing money and personal information. These bad actors are not deterred by threats of civil or even criminal penalties. That is why the FTC has been focusing its enforcement efforts on cutting off the pipeline of calls by pursuing the VOIP providers who assist and facilitate massive autodialing schemes.

I strongly support the efforts of Congress to place more responsibility on carriers (which are largely outside the jurisdiction of the FTC) to prohibit their networks from being used for illegal robocalls.

2. What, if any, additional tools or authorities does the Commission need to protect consumers from the most harmful risks of artificial intelligence?

Our obligation is to enforce the statutes as they exist today, which apply to artificial intelligence just as much as to any new technology. Artificial intelligence is likely to impose a substantial demand on the agency in terms of the staff hours and technological resources necessary to properly investigate the law violations it may generate. We are grateful for any and all resources Congress provides us to undertake this work; it is critically important that our funding levels keep pace with the demands on the agency.

It may be the case that addressing the challenges of AI requires additional tools beyond what our existing statutes provide. If so, it is for Congress to decide whether and how to provide new authorities to the Commission.

3. How much technology expertise does the Commission have, and how could additional technologists enhance the Commission's work to protect consumers from the risks of emerging technologies?

The Commission has been engaged in critical work to build out our technological expertise. I was proud to support the creation of the Office of Technology, with the goal of ensuring that we are as well equipped as the companies we investigate to understand both the promise and the peril of new technologies. For a long time, the Commission has put an economist on every case we bring; ideally, we will be able to use technologists in the same way, because there are precious few cases we have today that do not implicate some type of technological expertise.

4. In 2021, the FTC issued a report on anti-competitive repair restrictions, concluding that “there is scant evidence to support manufacturers’ justifications for repair restrictions”. What else can the FTC do to promote “right to repair” for consumers?

I am very proud of the unanimous, bipartisan report on repair restrictions, “Nixing the Fix,” which the FTC issued while I was Acting Chair, and which was followed by a commission policy statement. These actions put the markets on notice that repair restrictions may violate the law. Since then, we have brought several important repair restriction enforcement actions, including against Harley Davidson and Weber, the grill manufacturer. In addition, our October 2022 Advance Notice of Proposed Rulemaking on amendments to the Energy Labeling Rule included questions about the possibility of requiring manufacturers to include repair instructions with energy labels for covered products.

I am heartened that companies are hearing the message and making some progress toward empowering consumers and independent repair shops to make repairs. I am also glad to see important right-to-repair movement in state legislatures; our expert staff regularly provide technical assistance in support of these efforts when requested. We should continue to promote the right to repair through appropriate enforcement action, potential rulemaking, as well as consumer and business education.