

**Opening Statement of Chairman Fred Upton
Subcommittee on Communications and Technology
Hearing on “Modernizing the Telephone Consumer Protection Act”
September 22, 2016**

Today’s hearing will focus on a topic that unfortunately most of us have dealt with on a personal level: pesky robocalls. Many constituents have contacted my office in search of a solution to stop the unwanted calls, and I am sure the same is true for my colleagues. Unfortunately, there just doesn’t seem to be a current solution that is entirely up to the task. Registering your number on the Do-Not-Call List simply isn’t enough these days, and it is time we begin a thoughtful dialogue on providing our consumers with relief.

I’d like to thank Ranking Members Pallone, Eshoo, and Schakowsky for their letter requesting a hearing on this issue of modernizing the Telephone Consumer Protection Act and for adding their voices to the growing chorus for this outdated law to be updated to meet the challenges of the 21st century. The FCC, experts in industry and the business community, and folks back home are all in agreement that it is time to bring this outdated law into the 21st century. Our consumers no longer feel protected under the law; and with seemingly relentless attempts at fraud occurring over the phone, who can blame them?

The TCPA is failing on two fronts. First, the number of bad actors who are intentionally disregarding the TCPA is growing, and until the act is modernized, consumers will be under siege by unwanted pre-recorded messages and solicitations. Second, recent reform attempts have instead captured unintended good actors in the crosshairs, who as a result, face litigation for non-compliance with the TCPA despite their good faith.

While we are all probably familiar with the frustration that robocalls are causing us on the receiving end of the call, what some of us might be less familiar with are the challenges faced by legitimate businesses who have been inadvertently caught in the crosshairs of the TCPA. As bad actors increasingly flaunt the TCPA to gain access to millions of consumers' phone lines, it is important that we recognize that there is a legitimate use of auto-dialing technology that doesn't fall under the same malicious category.

Unlike the well-known "Rachel from Card Services" scam, you can put a face on the folks operating in good faith—they look like your kid's school, or maybe your doctor's office, or even your local credit union. Businesses using auto-dialers often have good intent when contacting their customers, and moreover, their subscribers have come to expect and rely on these types of calls.

An update to the TCPA will do more to prevent unwanted calls and provide clear rules of the road for our legitimate businesses who are operating in good faith. We ought to have a holistic approach towards finding a solution that our constituents can rely on to protect them from unwanted calls, and that legitimate businesses can navigate without hiring an army of attorneys to ensure they are within the letter of the law just to be in touch with their customers. As you will hear, this is no easy task, but today's discussion will be an important first step towards crafting a modern law that protects consumers.