

**Opening Statement of the Honorable Greg Walden**  
**Hearing, “Modernizing the Telephone Consumer Protection Act”**  
**September 22, 2016**

We are here today to talk about modernizing the telephone consumer protection laws. It has been twenty-five years since Congress passed the Telephone Consumer Protection Act, and the world has changed dramatically since then. When the law was signed back in 1991, consumers relied primarily on landline phones to communicate, but today almost half of U.S. households have become “wireless-only,” eliminating their landline phones entirely, and there are more cell phones than people in the US.

The current law is not reflective of these technological advances. Despite an extraordinary number of lawsuits over the years, calls and texts from bad actors continue to happen—clearly this approach isn’t a deterrent to those who place harassing, malicious calls. We all share the goal of preventing harmful phone calls, but it is increasingly clear that the law is outdated and in many cases, counter-productive. The attempts to strengthen the TCPA rules have actually resulted in a decline in legitimate, informational calls that consumers want. The FCC has granted narrow exceptions to specific industries in attempts to clear up ongoing

uncertainty, but the number of petitions still pending before the Commission demonstrate that it's time to examine how effective this approach has been.

Industries across the board have real needs to communicate with their customers in a positive and beneficial way, and today we'll hear from those whose daily operations have been impacted by the TCPA. We have a public utility co-op from Georgia that needs to inform their customers of neighborhood tree maintenance and ways to reduce their energy footprint during peak energy consumption periods. We'll also hear from a managed healthcare provider that is seeking clarification to be able to provide critical information to patients to help lower the cost of health care. These folks, like many others, struggle with how to serve the needs of their customers and the economy with the lack of clarity in the law.

I heard from a staffing company that operates in my district that connects blue-collar workers to temporary, short-term job opportunities. It used to be that those workers would have to sit around the waiting room of a staffing agency all day, waiting for a job to come up, or not. Thanks to technological advances, this company instead uses text messages to communicate with workers when a job that matches their skill set is available, giving the workers the opportunity to continue with their lives while still having the chance to find work. Sounds great, right? Unfortunately, thanks to the TCPA, they were smacked with a lawsuit for their

efforts. For a business like this, a massive class-action lawsuit could mean bankruptcy.

I think we can all agree that there is a big difference between the call fraudulently purporting to be the IRS and the legitimate reminder from the doctor's office of an upcoming appointment. This is the critical distinction we need to recognize in order to strike the right balance. How can we protect consumers from the harassing, spoofed calls they do not want to receive, while at the same time ensuring that they do receive the legitimate calls that improve their quality of life? What are the solutions out there that can be used to determine the difference and are there changes to the law needed to bring them to consumers?

I want to thank my colleagues on the Democratic side for requesting this hearing and for all of our members for the commitment to a productive conversation about modernizing an outdated law. Just yesterday, the full committee passed the Anti-Spoofing Act in a bipartisan manner, legislation that prohibits bad actors from deliberately manipulating a text message number for illegal purposes. Spoofing is a major component of the robo-call problem, but just one piece of this complicated puzzle. There is no silver bullet to solve the problem of unwanted calls, but if there are legislative changes that will protect our constituents, we owe it to them to make every effort to mitigate the problem. I hope the momentum from our accomplishment yesterday can carry on through our

efforts today to work towards the shared goal of protecting consumers from illegal phone calls.

We have a unique set of perspectives here today that I hope will guide us through a productive discussion. From a professor who has studied the law extensively, to businesses concerned about violating the law while providing their services, and those who have been developing technical solutions to these issues at stake; this hearing should set the stage for a constructive consideration of protecting consumers in a new technological era. I thank all of our witnesses for being here and I look forward to hearing your testimony.