

1 NEAL R. GROSS & CO., INC.
2 RPTS DEVIN SHIPLE
3 HIF120160
4
5
6 LEGISLATING TO STOP THE ONSLAUGHT OF
7 ANNOYING ROBOCALLS
8 TUESDAY, APRIL 30, 2019
9 House of Representatives
10 Subcommittee on Communications and
11 Technology
12 Committee on Energy and Commerce
13 Washington, D.C.
14
15
16

17 The subcommittee met, pursuant to call, at 10:00 a.m., in
18 Room 2123 Rayburn House Office Building, Hon. Mike Doyle [chairman
19 of the subcommittee] presiding.

20 Members present: Representatives Doyle, McNerney, Clarke,
21 Loeb sack, Veasey, McEachin, Soto, O'Halleran, Eshoo, DeGette,
22 Butterfield, Matsui, Welch, Cardenas, Dingell, Pallone (ex
23 officio), Latta, Shimkus, Olson, Kinzinger, Bilirakis, Johnson,
24 Long, Flores, Brooks, Walberg, Gianforte, and Walden (ex
25 officio).

26 Staff present: AJ Brown, Counsel; Jeff Carroll, Staff
27 Director; Jennifer Epperson, FCC Detailee; Evan Gilbert, Press
28 Assistant; Waverly Gordon, Deputy Chief Counsel; Tiffany
29 Guarascio, Deputy Staff Director; Alex Hoehn-Saric, Chief
30 Counsel, C&T; Jerry Leverich, Counsel; Dan Miller, Policy
31 Analyst; Phil Murphy, Policy Coordinator; Alivia Roberts, Press
32 Assistant; Andrew Souvall, Director of Communications, Outreach
33 and Member Services; Mike Bloomquist, Minority Staff Director;
34 Robin Colwell, Minority Chief Counsel, C&T; Jordan Davis,
35 Minority Senior Advisor; Kristine Fargotstein, Minority
36 Detailee, C&T; Margaret Tucker Fogarty, Minority Staff Assistant;
37 Peter Kielty, Minority General Counsel; Tim Kurth, Minority
38 Deputy Chief Counsel, C&T.

39 Mr. Doyle. The Subcommittee on Communications and
40 Technology will now come to order. The chair recognizes himself
41 for 5 minutes.

42 Well, I want to welcome everyone to today's legislative
43 hearing on solutions to a problem that we all have firsthand
44 experience with, illegal robocalls. Today's hearing will
45 examine the onslaught of illegal robocalls and seven legislative
46 proposals to help address this harmful, predatory, and extremely
47 annoying practice.

48 Among the bills we will consider today is Chairman Pallone's
49 Stopping Bad Robocalls Act, which I support and am an original
50 co-sponsor of along with many members of this committee. This
51 bill offers a comprehensive set of solutions that I believe can
52 help seriously reduce the numbers of robocalls that consumers
53 receive.

54 We will also consider Ranking Member Latta's STOP Robocalls
55 Act which I have also agreed to co-sponsor. While I have some
56 concerns about this bill, Ranking Member Latta and I have agreed
57 to work together to resolve these issues in order to advance this
58 legislation. We will also be considering two bills from
59 Congresswoman Eshoo, the HANGUP Act and the ROBO Calls and Texts
60 Act, as well as Congressman Crist's Spam Calls Task Force Act
61 of 2019 and Congresswoman Speier's ROBOCOP Act and Congressman
62 Van Drew's Robocall Enforcement Enhancement Act of 2019.

63 I want to thank our panel of witnesses for appearing before

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

64 us today to testify about this important issue and the legislation
65 that is before this subcommittee.

66 Unwanted robocalls and texts are the top consumer complaint
67 received by the Federal Communications Commission and the Federal
68 Trade Commission. According to the FCC's report on robocalls,
69 consumer complaints to the FCC have increased from 150,000 a year
70 in 2016 to 230,000 in 2018. The Federal Trade Commission which
71 administers the Do Not Call Registry received nearly 3.8 million
72 complaints regarding robocalls last year alone.

73 As might be expected, the number of robocalls has exploded
74 as well, topping out at nearly 48 billion, with a B, last year,
75 a 57 percent increase in volume from the year before according
76 to the YouMail Robocall Index. That number is estimated to
77 increase to 60 billion by the end of this year. And while some
78 of these calls constituted legitimate alerts and reminders, those
79 calls accounted for only 20 percent of the total amount of
80 robocalls.

81 In the month of March alone, phones in my hometown of
82 Pittsburgh received an estimated 37 million robocalls which was
83 an eight percent increase in the number of calls we received the
84 month before. The problem has gotten so bad that you can watch
85 videos on the internet of people getting robocalls while they
86 are in the middle of making a video complaining about robocalls.

87 One of my favorites is of AT&T's CEO getting a robocall in the
88 middle of an interview, showing that truly no one is immune to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

89 this nuisance.

90 Many phone service providers have begun making robocall
91 blocking technologies like Mr. Foss's Nomorobo service available
92 to their customers, and I applaud the efforts of those to offer
93 these services to customers for free. I encourage all phone
94 service providers to make these services available to their
95 customers free of charge.

96 I believe that Congress and the FCC have an obligation to
97 work with phone providers and their customers whether they may
98 be institutions like the Cancer Moffitt Center, which is with
99 us today to talk about this issue, or individual consumers, to
100 not only help with the deployment of blocking technologies, but
101 to work on addressing the underlying shortcomings of the law and
102 our nation's telecommunications infrastructure to help stem the
103 tide of this harmful and predatory practice.

104 Thank you. I look forward to the testimony of the witnesses
105 and I yield the balance of my time to Congresswoman Eshoo.

106 Ms. Eshoo. Thank you, Mr. Chairman, for yielding time to
107 me, and thank you for considering two of my bills during today's
108 hearing, the HANGUP Act and the ROBO Calls and Texts Act.

109 Millions of students, veterans, farmers, and homeowners have
110 loans owed to or guaranteed by the federal government. In 2015,
111 Congress created a loophole that allows companies collecting this
112 debt to robocall borrowers without consent. The HANGUP Act is
113 bipartisan, bicameral legislation that repeals this loophole,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

114 ensuring that all Americans are protected from these abusive
115 robocalls.

116 Very importantly, last Wednesday, a Fourth Circuit Court
117 of Appeals decision strengthened the need for the HANGUP Act
118 because the Court found the 2015 loophole to be unconstitutional,
119 so we have an opportunity here. My other bill, the ROBO Calls
120 and Texts Act, creates a division at the FCC to ensure that the
121 Commission is responsive to the millions of requests that they
122 do something and it compels them to act to adopt technological
123 standards to combat robocalls.

124 So, I thank you, Mr. Chairman, for yielding the time to me
125 and for taking up two of my bills. Yield back. Mr. Doyle.
126 I thank the gentlelady. The chair now recognizes my friend, Mr.
127 Latta, the ranking member for the Subcommittee on Communications
128 and Technology, for 5 minutes for his opening statement.

129 Mr. Latta. Thank you, Mr. Chairman. And good morning and
130 welcome to our panel of witnesses. Like many of my colleagues
131 on this subcommittee, today's hearing addresses one of the top
132 issues I hear about from my constituents when I am back home in
133 Ohio. In fact, some of my constituents are getting so many
134 unlawful robocalls they have stopped answering their phones.

135 After listening to these concerns, I introduced a bill with
136 the chairman, the gentleman from Pennsylvania, that we will be
137 discussing today, called the Support Tools to Obliterate Pesky
138 Robocalls Act, or STOP Robocalls Act. Our bill would give us

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

139 additional tools in our robocall toolbox to go after the bad
140 actors. The STOP Robocalls Act would help terminate illegal call
141 operations by streamlining the process for private entities to
142 share information with the Federal Communications Commission
143 about scams and further industry efforts to trace back the source
144 of unwanted robocalls.

145 In addition to going after the root of the problem, our bill
146 would also protect consumers by providing easier access to legal
147 robocall blocking technology. Our bill distinguishes between
148 legitimate and illegitimate callers and recognizes that we need
149 to go after the bad actors. I hope that the focus of today's
150 hearing is also on how we need to stop illegal, unwanted robocalls.

151 While we all get annoyed by the overwhelming number of
152 unlawful calls we receive, we also rely on our phone system for
153 many valuable, pro-consumer messages. Emergency personnel use
154 voice services to provide evacuation notices and alerts during
155 severe weather and other dangerous situations. Schools use voice
156 and text services to notify parents of changes in the school
157 schedule.

158 And although Ohio doesn't declare as many snow days as D.C.,
159 parents like knowing when school is closing early or canceled.

160 Financial services also use voice and text services to alert
161 consumers to potentially unauthorized activity in their bank
162 account. And the medical community uses voice and text services
163 to follow-up with patients with important information and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

164 checkups after operations and remind patients of prescriptions
165 refills, or even to confirm doctors' appointments.

166 But bad actors have also figured out how to take advantage
167 of the phone system and technology that legitimate entities use
168 to share important messages and instead manipulate the technology
169 to trick and deceive consumers. These scammers deliberately
170 falsify their caller ID information to hoax consumers into
171 thinking they are getting a call from their bank or the IRS or
172 make the call appear that it is coming from someone in their
173 neighborhood. This tactic known as "neighborhood spoofing"
174 assumes that we are all likely to answer a phone call that appears
175 to be local and is a key driver behind unwanted calls and texts
176 to both wireline and wireless phones.

177 Furthermore, this type of fraudulent spoofing results in
178 real financial harm. Scammers trick consumers into answering
179 these calls and then use deceptive tactics to convince people,
180 often vulnerable and trusting senior citizens, to hand over their
181 personal information or to purchase fake goods and services.

182 We want to make sure that we are preserving consumers' access
183 to desirable and, at times, lifesaving calls and text messages
184 while also protecting them from bad actors who fraudulently spoof
185 caller ID information to make illegal robocalls. At best,
186 Americans find these robocalls pesky, and at worst, these illegal
187 calls scam hardworking Americans out of their life savings.

188 Congress, the FCC, and the FTC have made tremendous progress

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

189 working with industry to help reduce the number of illegal
190 robocalls Americans receive. Industry has also been actively
191 working to protect consumers from unwanted robocalls by
192 developing a set of procedures to authenticate caller ID
193 information associated with telephone calls to combat unlawful
194 caller ID spoofing.

195 Last Congress, when I served as the chairman of the Digital
196 Commerce and Consumer Protection Subcommittee, we held a hearing
197 on the options and strategies that the government and industry
198 were employing to fight robocalls and caller ID spoofing and to
199 provide consumers with the tools to protect themselves. We
200 learned of tools available to empower consumers and discuss how
201 consumer education was a key in keeping to prevent people from
202 falling victim. However, as technology continues to evolve, so
203 do the tactics that bad actors use to illegally spoof numbers
204 and make fraudulent robocalls.

205 But despite our progress thus far, more work remains to be
206 done to protect the American consumer. I am glad we are
207 discussing several legislative proposals today that would do just
208 that. I look forward to hearing from the witnesses and thank
209 the chairman for working with me on the STOP Robocalls Act and
210 for holding today's hearing.

211 And with that, Mr. Chairman, I yield back the balance of
212 my time.

213 Mr. Doyle. I thank the gentleman. The chair now recognizes

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

214 Mr. Pallone, chairman of the full committee, for 5 minutes for
215 his opening statement.

216 The Chairman. Thank you, Chairman Doyle.

217 One of this committee's top priorities is putting consumers
218 first, and one of the things I hear most from consumers back home
219 is that they are sick and tired of robocalls. Consumers today
220 are facing more robocalls than ever. Government data from 2017
221 shows that New Jerseyans filed more complaints with the National
222 Do Not Call Registry per capita than any other state about
223 robocalls.

224 And it is getting so bad that some experts estimate that
225 almost half of all calls to our cell phones this year will be
226 robocalls. And we all know how annoying these calls are, but
227 they are more insidious than that. Robocalls are not just being
228 made for telemarketing, some callers are trying to defraud
229 hardworking Americans and seniors in particular. In some
230 instances, criminals are pestering consumers with one-ring calls
231 hoping that they will call the number back and incur excessive
232 charges.

233 And Congress has taken bipartisan action in the past to help
234 put consumers back in control of their cell phones. In 1991,
235 Congress passed the Telephone Consumer Protection Act and then
236 later authorized the Do Not Call Registry, but as technology has
237 evolved robocalls and the threats they impose have simply
238 increased. It is easier than ever for someone to begin making

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

239 robocalls. Bad actors only need a smart phone with a few select
240 applications to make spoofed robocalls. This means that existing
241 approaches to stopping these calls may not work anymore.

242 And so, we need to implement new call authenticity
243 technologies to clear these unwanted calls from our phone lines.

244 Regulators in industry need better tools to protect consumers
245 and once again it is time for Congress to act. Earlier this year,
246 I introduced the Stopping Bad Robocalls Act to turn the tide in
247 the fight against robocalls. And there is no one silver bullet
248 and that is why it is so important that we address this problem
249 for every side. We have a number of bills that are being
250 considered today as the chairman said in this legislative hearing.

251 But with regard to my bill, the Stopping Bad Robocalls Act,
252 it would require that carriers implement new call authenticity
253 technologies to help ensure that consumers know who is on the
254 other end of the line when they pick up the phone and implementing
255 these technological solutions would also help consumers control
256 who can reach them more generally.

257 My bill would also update the legal definition of autodialer
258 to make sure that callers can't use new technologies to get around
259 the longstanding consumer protections against robocalls. The
260 FCC is currently studying how it could address its own
261 interpretation of the term "autodialer," and as part of that
262 proceeding the FCC could begin to fix the problem on its own.

263 And when coming to a resolution, I would urge the Commission

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

264 to put consumers first in this matter so that Congress doesn't
265 have to redo its work.

266 I am hopeful the Commission will do that and, after all,
267 they took a very pro-consumer approach to revision that I included
268 in this legislation last Congress, and that provision requires
269 the FCC to implement a reassigned number database to ensure that
270 when a consumer gets a new telephone number, they aren't receiving
271 the robocalls from the person that had the number before. In
272 December, the FCC adopted an order to implement a reassigned
273 number database much like the one that is in my bill and I applaud
274 this action and I look forward to the FCC getting this database
275 operational as quickly as possible.

276 So, as I said, we have six bills today. There are some from
277 Democrats, some from Republicans. One of the bills before us
278 was introduced by the subcommittee ranking member Latta. We look
279 forward to discussing how to move bipartisan legislation forward.

280 And we also have proposals from Representatives Van Drew, Crist,
281 and Speier that help push the conversation forward, and we have
282 two bills introduced by Representative Eshoo as well. So, I look
283 forward to working in a bipartisan fashion to finally stop the
284 onslaught of these annoying calls and appreciate the fact that
285 we have so many members that are trying to address this.

286 Thank you, Mr. Chairman. Unless anyone else wants my
287 minute, and I don't think so. Thank you.

288 Mr. Doyle. The gentleman yields back. The chair now

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

289 recognizes Mr. Walden, the ranking member of the full committee,
290 for 5 minutes for his opening statement.

291 Mr. Walden. Thank you, Mr. Chairman. Thanks for having
292 this hearing. And I want to thank our panelists for being here
293 today to help inform our work. Nothing brings us, Democrats and
294 Republicans, together faster or stronger than I think this issue
295 and so we look forward to working with all of you to get results.

296 You know, I have done 20 town halls in my district so far
297 this year and I can't think of a time that this question didn't
298 come up about what are you doing to stop robocalls and these
299 unwanted cell calls. And usually in the middle of those town
300 halls I would get one of those as well, one of those calls. And
301 so, I didn't answer it by the way, but I let them go to voice
302 mail and if they don't leave a message they don't exist in my
303 world.

304 So, I am all for going after these like I was for going after
305 those people that did the pop-up ads, remember those? When you
306 try and open a software -- now we are seeing who is old here,
307 but the pop-up ads that would occur anytime you opened up your
308 computer. I was for the death penalty for those people, because
309 you couldn't get anything done. And this has escalated to the
310 same place, I think, for consumers, and they have had it and they
311 have rightfully had it and we have had it. And so, you are seeing
312 an all-hands-on-deck approach here.

313 Now, last Congress, we passed the RAY BAUM'S Act that gave

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

314 the FCC some additional authority in this space as well and that
315 was a big bipartisan bill we joined together. I know, Mr.
316 Chairman, we are going to have the FCC fully before the committee.
317 This would be a good topic to raise with them as well because
318 I know Chairman Pai and others are clearly involved in this.

319 But we all benefit by the hearing today. It was a year ago
320 almost to the day that we held a hearing on this very topic, and
321 I think maybe, Mr. Foss, you were here for that. And we
322 appreciated your testimony at that time and we shared several
323 ideas on how industry could do more in this area to stop this
324 scourge, and our consumers should take and make use of the
325 solutions that our really bright innovators are putting forward.
326 We will soon, as I say, have the FCC before us.

327 I am pleased we have these bills, a wide range assortment
328 of different legislative initiatives here to go after this issue,
329 so I am pleased that we have a lot of options before us. As we
330 work to make this a bipartisan success, I know it can be under
331 the chairman's leadership, I do not want to build a false
332 expectation that these bills will end the problem because that
333 is part of what we learned out of the testimony from the hearing
334 a year ago is just how difficult this is because of its
335 international component. Subcommittee members here know
336 better than many on how communications and technologies are
337 constantly evolving. The bad actors' tricks evolved beyond our
338 Do Not Call Registry and will likely figure out an avenue beyond

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

339 our next effort, so we have got to stay vigilant. However, the
340 more friction we create against these criminals, and I call them
341 criminals because they are, and the more focused, public-private
342 partnerships amongst industry, consumer groups, and government
343 are in rooting out the problems, I think we can make some real
344 strides here and gain in helping American consumers.

345 Lastly, while engagement of law enforcement is beyond the
346 purview of our committee, that is an avenue worth pursuing as
347 well as I look forward to the bills being considered today being
348 further strengthened by a dialogue with our friends in the Senate
349 who have also sought to engage the powers of the Attorney General.

350 So again, I want to thank our witnesses. I want to thank
351 the chairman of the subcommittee and the full committee for having
352 this hearing today. And if there are members on our side that
353 would like to use my last minute and a half or so I would be happy
354 to yield. And if not, Mr. Chairman, we can get on with the
355 hearing. So, I yield back and thank you again. Mr. Doyle.
356 The gentleman yields back. The chair would like to remind members
357 that pursuant to committee rules, all members' written opening
358 statements shall be made part of the record.

359 So, I would now like to introduce our witnesses for today's
360 hearing. Mr. Dave Summitt, Chief Information Security Officer
361 for the H. Lee Moffitt Cancer Center & Research Institute and
362 Fellow for the Institute for Critical Infrastructure Technology,
363 welcome.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

364 Ms. Margot Saunders, Senior Counsel, National Consumer Law
365 Center, welcome.

366 Mr. Patrick Halley, Senior Vice President, Advocacy and
367 Regulatory Affairs, USTelecom and The Broadband Association,
368 welcome, sir.

369 And, Mr. Aaron Foss, Founder of Nomorobo, thank you for being
370 here today. We look forward to your testimony.

371 At this time, the chair will now recognize each witness for
372 5 minutes to provide their opening statement, but before we begin,
373 I would like to explain the lighting system. In front of you
374 is a series of lights. The light will initially be green at the
375 start of your opening statement. The light will turn yellow when
376 you have 1 minute remaining and please wrap up your testimony.

377 At that point the light will turn red when your time expires.

378 And with that, Mr. Summitt, you are now recognized for 5
379 minutes, and make sure your microphone is turned on, sir.

380 STATEMENTS OF DAVE SUMMITT, CHIEF INFORMATION SECURITY OFFICER,
381 H. LEE MOFFITT CANCER CENTER & RESEARCH INSTITUTE, FELLOW FOR
382 THE INSTITUTE FOR CRITICAL INFRASTRUCTURE TECHNOLOGY; MARGOT
383 SAUNDERS, SENIOR COUNSEL, NATIONAL CONSUMER LAW CENTER; PATRICK
384 HALLEY, SENIOR VICE PRESIDENT, ADVOCACY AND REGULATORY AFFAIRS,
385 USTELECOM - THE BROADBAND ASSOCIATION; AND, AARON FOSS, FOUNDER,
386 NOMOROBO

387

388 STATEMENT OF DAVE SUMMITT

389 Mr. Summitt. Thank you, Chairman Doyle and members of the
390 committee. It is truly a privilege to be here and been invited
391 to give such a hopefully compelling information for you to act
392 upon the problem we are seeing today. My name is Dave Summitt.

393 I am the chief information security officer for Moffitt Cancer
394 Center in Tampa, Florida.

395 Moffitt is a highly recognized and, in my opinion, one of
396 the most elite hospital, cancer hospital and care in the world.

397 They treat 60,000 individuals on an annual basis at Moffitt and
398 which makes them the third busiest hospital in the nation. In
399 addition, they are a National Cancer Institute Comprehensive Care
400 Center, one of three of 49, and it is truly an honor to be part
401 of that organization.

402 So why I am here today is to bring more of a consumer business
403 portion to this problem because it is a significant problem.

404 And when I first started hearing about and getting excited,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

405 really, about what is being proposed here for stopping robocalls,
406 one of the first things that popped into my mind was I am not
407 sure that the general population and the powers that be that can
408 have some say into this is understanding the real severity level
409 of this and that is why I want to try to bring this home.

410 As large as we are and as much as we go through, and myself
411 being head of the cyber operations at Moffitt trying to protect
412 our patients and our organization and our applications, to give
413 kind of an idea of the extent of this problem we process
414 approximately three million malicious events every month at
415 Moffitt on our network. When the telecom starts being part of
416 this, it is just inundating as even more and it is a very bad
417 problem. These aren't just robocalls for annoyance. And as much
418 as all of the bills so far as addressing this problem of annoyance,
419 this goes much deeper. It is now starting to impact patient care
420 at facilities and health care across the nation.

421 In my efforts of trying to raise awareness of what you are
422 doing with our healthcare community, I used our Critical
423 Infrastructure Information Sharing and Analysis Centers, which
424 was stood up by the government for purposes of reaching our
425 critical infrastructure. Health care is one of the 16 critical
426 infrastructure sectors, and because of that I got a lot of
427 information back from various healthcare organizations across
428 the nation saying we have a problem and behind what I am bringing
429 to you today is that 18 additional healthcare organizations have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

430 backed what we are trying to do and support you with doing. And
431 inside my written testimony, you will see all 18 of these.

432 For an example of our problem, before I came last week, I
433 had our telecommunications people pull our logs. We ended up
434 with 6,600 calls in a 90-day period that were of either malicious
435 intent or identified themselves as someone they are not. And
436 the point I want to make about these 6,600 calls, these were calls
437 that were called to us from the outside of our organization using
438 our ID, our caller ID, to get into the organization.

439 So, when you are sitting here and you are in a healthcare
440 situation and you are seeing a phone call come in from someone
441 inside our organization, you are going to pick that thing up.

442 And that is the intent of what they are trying to do in reaching
443 us. If they get legitimacy behind the caller ID, chances are
444 they are going to pick up the phone. Sixty-six hundred of them
445 in a 90-day period. That equated -- I also pulled the logs of
446 how long it took for those calls to last, 65 hours of time was
447 taken just for those 6,600 calls. That is just one area of these
448 calls that have been coming in. The other calls that we are
449 having now and we have seen a ramp-up going on is that not only
450 are they calling our organization with it, but they are calling
451 our community. They are calling other people outside of our
452 organization using our ID, using our name, and not only that but
453 they are calling these people in our communities and patients.

454 When they pick up the phone and they see it is from Moffitt Cancer

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

455 Center they are being identified on the other end as Moffitt Cancer
456 Center employees.

457 So, if you can imagine, if they happen to get a hold of one
458 of our patients and it is called Moffitt Cancer Center, they are
459 absolutely going to answer that phone. And they are extracting
460 information that can be detrimental to those patients.

461 [The prepared statement of Mr. Summitt follows:]

462

463 *****INSERT 1*****

464 Mr. Doyle. Well, thank you, Mr. Summitt.

465 Ms. Saunders, you are recognized for 5 minutes.

466

467 STATEMENT OF MARGOT SAUNDERS

468

469 Ms. Saunders. Thank you, Chairman Doyle, Mr. Latta, and
470 members of the committee. I appreciate the opportunity to
471 testify today on behalf of the low-income consumers of the
472 National Consumer Law Center and three other national groups.

473 We are here today specifically in strong support of H.R.
474 946. Last month, as you know, Americans received 5.2 billion
475 robocalls, the majority of which are not overt scams but they
476 are unwanted calls made at the behest of American businesses
477 engaged in telemarketing and collecting debts. Passage of 946
478 will stop these unwanted robocalls. American businesses are
479 responsible for most of the intrusive telemarketing calls selling
480 car insurance, health insurance, car warranties, home security
481 systems, resort vacations and the like.

482 And more and different American corporations make billions
483 of robocalls to collect debts. Credit card companies admit to
484 making three to five calls per account per day. Debt collectors
485 admit to making a billion debt collection calls every year. The
486 Telephone Consumer Protection Act was supposed to protect us from
487 unwanted robocalls simply by requiring that all automated calls
488 can only be made to cell phones with consent or pre-recorded calls

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

489 engaged in telemarketing must have written consent when they are
490 made to land lines.

491 But the recent escalation in robocalls is likely due to the
492 anticipated caller-friendly response by the FCC, by the Federal
493 Communications Commission, to loosen restriction on robocalls,
494 which is evidenced by the chart that I have on page 8 of my
495 testimony, that followed the recent decision by the D.C. Circuit
496 Court in ACA v. FCC that, among other things, sent back to the
497 FCC what the technical definition of an automated dialer is.

498 The calling industry's response to this decision illustrated
499 by the request of the U.S. Chamber of Commerce, joined by 16
500 national industries, requested the FCC to loosen restrictions
501 on robocalls. The Chamber and the other callers are pushing the
502 FCC and the courts to interpret the definition of autodialer in
503 such a way that it will not cover any systems currently in use.

504 This is not supported by either the statute, the logic, or the
505 legislative history. If their requests are granted, the number
506 of automated calls will skyrocket and there will be no protections
507 whatsoever against automated texts.

508 And we may not be even able to tell callers to stop calling
509 once we have given them our consent initially. The FCC has the
510 authority to interpret these issues correctly, but Congress can
511 protect consumers unequivocally by passing H.R. 946. For
512 example, one clarification that 946 would make is defining
513 autodialer to include the automated text messaging system that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

514 last year was found by the Third Circuit that sent 27,000 unwanted
515 text messages to one consumer to not be a covered autodialer.

516 Or the 56 million automated calls by Hilton Grand Vacations that
517 were to sell vacations to consumers where the Hilton claims these
518 were not covered by the TCPA so that consent is not required.

519 Other sections of 946 are also essential. We really support
520 the authentication requirements, the wrong number rules, the
521 limiting of exemptions and strengthening enforcement. But here
522 is the dynamic. Passage of H.R. 946 will clearly and
523 unequivocally address the problem of unwanted robocalls. The
524 robocallers, the telemarketers, the debt collectors, and others
525 will object strenuously. It is up to Congress to protect us and
526 to protect the integrity of the American telephone system from
527 the scourge of unwanted robocalls. I would be happy to answer
528 any questions. Thank you.

529 [The prepared statement of Ms. Saunders follows:]

530

531 *****INSERT 2*****

532 Mr. Doyle. Thank you, Ms. Saunders.

533 Mr. Halley, you are now recognized for 5 minutes.

534

535 STATEMENT OF PATRICK HALLEY

536

537 Mr. Halley. Thank you. Chairman Doyle, Ranking Member
538 Latta, members of the subcommittee, thank you for the opportunity
539 to appear before you today. My name is Patrick Halley. I am
540 a senior vice president of Regulatory Affairs and Advocacy at
541 USTelecom - The Broadband Association. Illegal robocalls
542 are a major problem and it is timely and appropriate that this
543 committee is laser-focused on potential solutions. USTelecom
544 and our members share your commitment to doing everything we can
545 to eliminate bad actors. Beyond the daily deluge of calls,
546 consumer business and government agency numbers are being spoofed
547 without their knowledge. And while I don't pretend to be as
548 important as the Moffitt Cancer Center, in the last 3 weeks my
549 number has been spoofed on multiple occasions resulting in calls
550 and voice mails from angry people demanding that I stop calling
551 them. Calls I never made, so I understand this on a personal
552 level.

553 Along with our members, USTelecom is working daily to enhance
554 our knowledge about the calls that traverse our networks in order
555 to block illegal calls and provide consumers with better
556 information. Our efforts are designed to empower consumers by

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

557 providing more information about the identity of callers and
558 enabling them to block the calls that they do not want to receive.

559 Why do we do this? Because consumers demand it. Because it
560 undoubtedly reduces the ability of fraudsters to achieve their
561 objectives and because it increases the confidence of consumers
562 and businesses that rely on our networks. The idea that people
563 aren't answering phone calls is not good for anybody including
564 our members and consumers and businesses.

565 In addition to improving the consumer experience, we are
566 equally focused on facilitating coordination with federal and
567 state enforcement authorities including the FCC, the FTC, and
568 State Attorneys General. By helping law enforcement agencies
569 quickly identify the source of illegal callers, together we can
570 bring criminals to justice. Those who blatantly disobey the law
571 and who enable fraudulent activity need to go to jail.

572 As the subcommittee considers potential legislative
573 solutions, I would like to highlight three areas where our members
574 are taking the lead in addressing the scourge of illegal
575 robocalls. First, industry has undertaken considerable efforts
576 to deploy call authentication technologies, commonly referred
577 to as STIR/SHAKEN, that will substantially diminish the ability
578 of illegal robocallers to spoof caller ID information. Companies
579 of all types and sizes are deploying these standards into their
580 IP networks today and will continue to do so throughout 2019.

581 Once deployed, consumers will have more information about caller

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

582 identity and the types of calls that they are receiving and
583 carriers will be able to more accurately identify the source of
584 calls which will improve call traceback efforts. Testing of the
585 new technology and products is well underway.

586 Second, more tools are available today than ever before for
587 consumers to mitigate illegal or unwanted robocalls. A
588 significant number of voice providers are increasingly
589 integrating these tools into their networks and hundreds of
590 applications are available to consumers on their smart phone.

591 Importantly, facilities-based providers are increasingly
592 developing robocall mitigation tools themselves including
593 directly into their networks. For example, AT&T's Call Protect
594 Service automatically blocks suspected fraudulent calls, and
595 Verizon provides a Spam Alert service for wire line customers
596 and has also rolled out free spam alerting and call blocking tools
597 to wireless customers.

598 Carriers including USTelecom members, CenturyLink,
599 Windstream, Frontier, Consolidated, and others are also deploying
600 a variety of additional tools across their TDM and IP networks,
601 including anonymous call rejection and no solicitation services.

602 Multiple providers also work with companies like Nomorobo with
603 a one-click solution to facilitate their customers' ability to
604 use third-party call blocking services.

605 Third, USTelecom's industry Traceback Group is expanding
606 its efforts to identify the source of illegal robocalls and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

607 working in close coordination with federal and state agencies
608 on enforcement efforts. There are currently 27 members of the
609 Traceback Group including traditional wireline phone companies,
610 wholesale carriers, wireless providers, and cable companies, so
611 it is an industry-wide effort. The members also include foreign
612 carriers and non-traditional voice providers.

613 Recently, we significantly enhanced our ability to trace
614 back calls by automating the process. The time it now takes to
615 trace back an illegal robocall has been reduced from weeks to
616 days, sometimes even hours. And while our members will continue
617 being vigilant and proactive to combat illegal robocalls, we will
618 need to continue our collaborative approach with our partners
619 in government. We welcome the opportunity to work with Congress
620 on additional ways we can stop these illegal scammers at the source
621 and bring them to justice. Thank you and I look forward to
622 answering your questions.

623 [The prepared statement of Mr. Halley follows:]

624

625 *****INSERT 3*****

626 Mr. Doyle. Thank you very much. Thank you, Mr. Halley.
627 Mr. Foss, you are now recognized for 5 minutes.

628

629 STATEMENT OF AARON FOSS

630

631 Mr. Foss. Chairman Doyle, Ranking Member Latta, members
632 of the committee, thank you for giving me the opportunity to appear
633 before you today. My name is Aaron Foss and I am the founder
634 of Nomorobo.

635 6 years ago, my idea for stopping robocalls was chosen as
636 the winner of the FTC's Robocall Challenge and since then we have
637 stopped over one billion robocalls from reaching Americans, and
638 that is billion with a B. We have prevented hundreds of millions
639 of dollars from being stolen from Americans and I can only imagine
640 how many life savings are still intact thanks to Nomorobo.

641 And as proud as I am of that number, I know it is just a
642 drop in the bucket in solving this enormous problem. Billions
643 of illegal robocalls are made every month and there seems to be
644 no end in sight. Mr. Latta mentioned that the FTC received 3.8
645 million complaints every year. We stop that many robocalls every
646 day and a half, right, and on a best guess we are protecting less
647 than one percent of all phone lines in the United States.

648 I am going to keep my remarks brief because I would really
649 like to get down to the important task at hand which is having
650 a meaningful conversation about stopping the robocall epidemic.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

651 So, I just want to start by stepping back in time and looking
652 at how far we have come. When I first started Nomorobo, the
653 industry said it wouldn't work. We would block too many good
654 calls; the scammers would change tactics. Back then, the
655 carriers weren't even sure that they could block robocalls due
656 to FCC regulations. But we proved that robocall blocking does
657 indeed work and today we are protecting millions of people each
658 and every day from getting scammed and annoyed by robocalls.

659 It is well understood now that a phone number reputation
660 system is vital to stopping the robocall problem and yet robocalls
661 are still at unprecedented levels. More still needs to be done.

662 On April 15th, this year, Tax Day, we decided to change the game
663 again, so we released a full, a real-time feed of all of the active
664 IRS callback scammers, for free, to the carriers. We are publicly
665 showing the scammers' phone numbers along with the recordings
666 and transcriptions of the message that they are currently pushing
667 out right now.

668 We are encouraging all companies to use this data to put
669 an end to one of the longest-running and most notorious robocall
670 scams of all time. If the industry uses this data, in theory
671 we can eliminate the IRS callback scams right now. And to launch
672 it, we took out a full-page ad in the New York Times. What better
673 way to tell the world about a new product. We agonized over every
674 word in this ad, but specifically the headline, right, "We can
675 win the war against robocalls," and the "we" refers to all of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

676 us in this room today, phone companies, robocall blocking
677 companies, lawmakers, regulators. If we work together it can
678 be done.

679 So, I am going to end with a rather radical suggestion for
680 every lawmaker in this room. Every day I am asked, right, what
681 kind of laws can be made? Do we need more of them? What should
682 we do? So, I would just like to propose that we change the laws
683 around sales robocalls from an opt-out system into an opt-in.

684 Right now, you have to take action if you don't want to get the
685 calls. But I believe that you should actually have to take action
686 if you do want to receive them from certain parties, with the
687 obvious exceptions.

688 In order to make sales robocalls you must have the current
689 owners' express written permission. It doesn't matter if the
690 call is being made to a mobile or a landline, a residential or
691 a business one. It doesn't matter if your number is on the Do
692 Not Call Registry or not. I sometimes get robocalls on my Skype
693 line, right, over-the-top services are now getting attacked by
694 these robocall problems. If you don't have the consent, the
695 answer is no. You can't legally call that person with a
696 pre-recorded message.

697 But, honestly, this isn't the big problem. It is not with
698 the legal robocallers, it is with the criminals. Mr. Walden said
699 that. These are criminals. Criminals don't obey the law. So,
700 I thank you again for this opportunity to talk about this huge

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

701 problem. I have a ton of experience in this area and use me as
702 a resource today or tomorrow or next week. Ask me anything.
703 I am in the trenches each and every day fighting this battle for
704 all Americans. Thank you.

705 [The prepared statement of Mr. Foss follows:]

706

707 *****INSERT 4*****

708 Mr. Doyle. Thank you, Mr. Foss. During your testimony,
709 Mr. Soto got a robocall, so there is no escaping it.

710 I will now recognize myself for 5 minutes for questions.

711 Mr. Summitt, let me start with you. In your testimony you
712 talked about the very real risks that your organization faces
713 on a regular basis from spoofed calls and how these calls are
714 not only used to get members of your organization to pick up the
715 phone, but also to give away sensitive information. And worse
716 yet, the credibility of your organization is also being undermined
717 by spoofers using your phone number and name to make unknowing
718 call recipients do the same.

719 Do you feel like the members of your organization and the
720 patients that you treat are losing faith in the integrity and
721 effectiveness of our nation's phone system?

722 Mr. Summitt. Yes, sir. I do. And the reason I say that
723 is because if I am a consumer or I am a patient at Moffitt and
724 I am receiving a phone call that is not Moffitt, I am losing faith
725 and trust in the system. I am losing the potential faith in my
726 provider that somehow data has been leaked or worse, and now I
727 am picking up the phone and giving away additional information
728 by thinking I am speaking to someone who I am legitimately doing
729 work with. It is very much a serious problem.

730 Mr. Doyle. Thank you.

731 Mr. Foss, do you think it would be helpful for consumers
732 if the phone carriers offered services like yours in an opt-out

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

733 basis?

734 Mr. Foss. Absolutely, yeah.

735 Mr. Doyle. Yeah. And so, the people understand that, you
736 know, what kinds of consumers do you think would most benefit
737 from the technology that you and others have created that wouldn't
738 benefit from it if the service was only available in an opt-in
739 basis?

740 Mr. Foss. Sure. So to start this conversation, let's just
741 look at the spectrum of robocalls, right. Here are the illegal
742 scams, right, the fake IRS and the fake Social Security. We can
743 all agree that those completely need to be eliminated from the
744 network. On the other side, it is the good robocalls -- the
745 police, the fire, the schools -- we can all agree that those need
746 to be allowed through.

747 And if we just look at -- and the middle part is that gray
748 area, right. These are the debt collection calls. These are
749 the telemarketers. Let's leave those out of this whole
750 discussion. On this side of the obvious bad robocalls, they
751 should never be allowed on the network. They should be kept off
752 the network, ingress, egress, built in at the level.

753 We don't need to be telling people that this call is a
754 spam-likely call. We just need to make sure that they never get
755 through. That is even what we did with our new product to the
756 carriers with the IRS calls. It is roughly about 50 numbers that
757 are active every single day. Those numbers should be blocked

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

758 from the network immediately. We are providing recordings,
759 transcriptions, we have proof that that is it. Why that can't
760 be provided on an opt-out basis, right, protect the network that
761 way? If you actually want to get these calls, turn it off. I
762 think that would be a great step forward.

763 Mr. Doyle. Thank you.

764 Ms. Saunders, part of the narrative about robocalls that
765 frustrates so many people is the notion that these calls are coming
766 from overseas and efforts to shut them down are like playing
767 whack-a-mole. However, in your testimony, you say that a large
768 proportion of these illegal robocalls consumers receive are
769 ultimately from or on behalf of large, well-established American
770 companies.

771 I think we all agree that fraudulent calls should be blocked,
772 but I am curious why we receive so many illegal calls from
773 established domestic companies and why those companies are not
774 being held accountable under current law. Why is that?

775 Ms. Saunders. So I appreciate the question. The issue I
776 think nobody disagrees with what Mr. Foss says, and I just want
777 to emphasize that the reason I am not emphasizing scam calls is
778 because everyone else is. I am just trying to focus on the other
779 calls.

780 What I tried to show in my testimony, exhaustively, through
781 many, many cases, is the number of calls that are made by existing
782 American companies. And they obviously are making money from

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

783 making these calls. They are making money through telemarketing
784 or debt collection and they are choosing to continue making the
785 calls regardless of whether or not the law, they are violating
786 the law, because they think they can either argue in court that
787 the law does not apply to them or convince the FCC that the law
788 should not be interpreted in a way that it applies.

789 According to the YouMail statistics, which I quote on
790 Footnote 7, only 47 percent of the robocalls currently made are
791 scams. The rest are robocalls, some proportion of those are the
792 wanted robocalls, which we all agree. But there is a lot of --
793 there is 20, 30, 40 percent of calls that are unwanted that still
794 need to be addressed and need to be addressed through the Telephone
795 Consumer Protection Act.

796 Mr. Doyle. You think Chairman Pallone's Stopping Bad
797 Robocalls Act would reduce the number of those calls?

798 Ms. Saunders. Yes, sir.

799 Mr. Doyle. Thank you.

800 Mr. Halley, I just have a couple seconds. I understand you
801 are a Caps fan. I was wondering if you were at the game last
802 Wednesday.

803 Mr. Halley. I was and so were some of your staff.

804 Mr. Doyle. How did that game -- see, at least in Pittsburgh
805 when we get eliminated in the first round we just lose the first
806 four games and it is not as painful as when the Caps take you
807 seven games and then lose in double overtime. Yeah, I just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

808 thought I would bring that up.

809 Mr. Halley. I don't want to get into a debate with you about
810 the Caps or the Penguins, so let's leave that alone.

811 Mr. Doyle. Okay. I will yield back my time.

812 Now I yield 5 minutes to our ranking member, Mr. Latta, for
813 5 minutes.

814 Mr. Latta. Well, again, thanks very much, Mr. Chairman,
815 for holding today's hearing. Thanks again to our witnesses for
816 being here.

817 Mr. Halley, if I could start my questions with you, can
818 carriers currently offer their consumers tools to block
819 robocalls?

820 Mr. Halley. They can and they do.

821 Mr. Latta. Okay, thank you. And how are those tools
822 offered to consumers?

823 Mr. Halley. Sure. You know, some of them are sort of, for
824 example, with Nomorobo a lot of our companies have initiated a
825 capability where a customer can just online click a button and
826 it essentially activates the Nomorobo service. Some of them are
827 building those solutions directly into the network, but, you know,
828 through traditional marketing information they make that
829 information available to companies. USTelecom also makes
830 information available on our website about different solutions.

831 Mr. Latta. Do consumers take the additional effort to
832 opt-in to these services and, if so, what is the adoption rate

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

833 of those services?

834 Mr. Halley. So they definitely do. I cannot give you a
835 specific answer in terms of the actual adoption rate other than
836 I can tell you given the distaste and concerns that consumers
837 have they are increasingly adopting those services.

838 Mr. Latta. And the bill that we have introduced in the STOP
839 Robocalls Act carriers would have the ability to provide call
840 blocking technology as the default standard. Would this help
841 in our fight against the bad actors out there?

842 Mr. Halley. So I think the ability for carriers to sort
843 of on a default basis be able to block certain calls would have
844 a positive effect. At the same time, I think there are some
845 concerns about liability. This is a highly litigious area,
846 obviously, and sort of the concerns about blocking certain calls
847 on an opt-out basis could be an issue. So I think if we
848 were going to do that it would be helpful if there was sort of
849 a safe harbor that says, you know, if you are blocking calls
850 because they are not authenticated or if you are blocking calls
851 because they are known to be fraudulent because of certain best
852 practices or lists, et cetera, then, sure, as long as there is
853 a safe harbor I think that would be a good thing.

854 Mr. Latta. Thank you.

855 Mr. Chairman, I would like to ask unanimous consent to enter
856 into the record letters from CTIA and the American Cable
857 Association for supporting this opt-out approach in the STOP

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

858 Robocalls Act.

859 Mr. Doyle. Without objection, so ordered.

860 [The information follows:]

861

862 *****COMMITTEE INSERT 5*****

863 Mr. Latta. Thank you very much, Mr. Chairman.

864 Mr. Summitt, in your testimony you mentioned that bad actors
865 have fraudulently used healthcare organizations' names when
866 making illegal robocalls and have even spoofed the phone numbers
867 of these organizations to scam victims out of their personal
868 information. I have heard of instances where private entities
869 who experienced similar situations have shared information with
870 federal authorities to be helpful in investigating and stopping
871 bad actors. The STOP Robocalls Act would help streamline this
872 process so there is an easy way for entities whose names and
873 numbers are being spoofed can alert the correct authorities.

874 Do you think a process that is described in our bill would
875 be beneficial in protecting consumers and patients?

876 Mr. Summitt. Absolutely. I am in full agreement of that
877 and, in fact, there is a whole movement in our cyber area as well
878 across the nation in collaborative work in sharing data with
879 different places. This falls under that very same concept and
880 it works. And if we had a method to where we could immediately
881 call someone within the telecom community to help us put down
882 some of these calls that would be one of the best things that
883 we could possibly do. At present, I can give you an example and
884 have in my testimony where we have tried to call our carrier and
885 we do not get assistance.

886 Mr. Latta. Okay, thank you.

887 Mr. Halley, industry has already done a lot in this space

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

888 outside of STIR/SHAKEN and the traceback initiative. Would this
889 help existing efforts in rooting out the bad actors?

890 Mr. Halley. Absolutely. The more information we have
891 about the identity and how to contact different carriers to make
892 sure that we can effectively trace back calls and get to the source
893 of the calls would be helpful.

894 Mr. Latta. Okay, let me follow up. On the traceback, Mr.
895 Halley, on this initiative I just mentioned, I understand that
896 USTelecom manages the traceback process. Can you briefly
897 describe that process?

898 Mr. Halley. Sure, I would be happy to. So I think one thing
899 that is important to understand is, you know, if I am a, you know,
900 I have an AT&T subscriber in Silver Spring, Maryland and I am
901 going to call my mom who is a Spectrum subscriber in Port Orange,
902 Florida, it is not the case that a call just goes from one carrier
903 and -- boom -- it just ends up with the other carrier, right.

904 There are often multiple carriers, transit companies involved.

905 So, I will initiate a call which will be handed off to one
906 carrier who will then hand it off to another carrier and then
907 it will ultimately arrive at the final destination. So, the
908 traceback process is all about figuring out who the source of
909 the call was. And the way we do that is we identify, okay, this
910 number was dialed, this was terminated at this number. Who did
911 the call come from upstream? And once we identify that person,
912 we then identify who did the call come from prior to that upstream,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

913 all the way back to the source of the original call.

914 And so, what we are able to do is determine, based on who
915 was called and the number that they were called at, who was the
916 actual carrier that originated that call and therefore who was
917 the source of that call. And that is extremely helpful and we
918 work every day with the FTC and the FCC and states to help them
919 with information about who are enabling these calls from a carrier
920 side and from the actual source.

921 Mr. Latta. Well, thank you very much.

922 Mr. Chairman, my time has expired and I yield back.

923 Mr. Doyle. The gentleman yields back. The chair now
924 recognizes Mr. McNerney for 5 minutes.

925 Mr. McNerney. I thank the chairman for holding this hearing
926 and I thank the witnesses this morning. Your testimony is very,
927 very good and very informative.

928 Mr. Summitt, despite the growing attention on the annoying
929 and abusive problem of robocalls, the number is actually
930 increasing. We have been hearing that. I am hearing it from
931 my constituents. As we move forward with these bills, it is
932 important to understand what is driving this increase. Would
933 you say that the increase in fraudulent robotics, robocalls is
934 due to the success in these calls in scamming money and getting
935 more money? Do you think that is why we are seeing the increase
936 or that is part of it?

937 Mr. Summitt. The tactics are getting more sophisticated.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

938 If I can reach the masses with legitimacy, I am going to have
939 a better result. And I can tell you, I entered the healthcare
940 field from a Defense Department career after 21 years and I have
941 been in the healthcare field for 8 years. When I entered that
942 I was actually manager of a telecom of another hospital system.
943 I did not see this problem 8 years ago. If it was there, it
944 was very low. Now we are in a time where it is so bad that we
945 are impacting patient care.

946 Mr. McNerney. It must be that these folks are making money
947 doing it.

948 Mr. Summitt. They are making money and they are doing it
949 on the backs of our patients and other consumers and in that
950 process they are hurting us very, very badly.

951 Permit me for a moment, but one of the things that I am hearing
952 here, we have capabilities today. Our technology today can do
953 things to help put this down and I am asking for that to be pushed
954 forward faster than what it is. When Mr. Halley's describing
955 going from carrier to carrier to carrier and you have the traceback
956 function, there is already the admission that we have the
957 capability to know where these phone calls come from. It can
958 be done. Why are we not pushing this forward at every phone call
959 and making that part of the protocol of the communications that
960 go from carrier to carrier to carrier?

961 And when I receive that on the end and I am getting a phone
962 call from the U.S. Department of Justice, why am I not expecting

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

963 for that phone call to be actually from the U.S. Department of
964 Justice?

965 Mr. McNerney. Okay, thank you.

966 Mr. Halley, following up on the chairman's comments on the
967 threat that these phone calls are making our phone system
968 obsolete, do you expect to see technological strides in curbing
969 unwanted phone calls coming in time to prevent the loss of faith
970 in our nation's phone system?

971 Mr. Halley. I do. I think we are doing everything we
972 possibly can as an industry in close collaboration with government
973 to address this problem. As has been stated, there is no -- by
974 the chairman -- there is no silver bullet. This is going to
975 require a combination of efforts from call-blocking services to
976 traceback efforts and to, you know, authentication of the calls
977 so that we know when a call is being made it is a real number
978 not a spoof number.

979 And if we can do that, we can, you know, we can address the
980 fact and figure out how to deal with calls that are being spoofed,
981 including blocking them. So, there are a lot of things that are
982 being done that will do this in a timely manner.

983 Mr. McNerney. So with the STIR/SHAKEN technology that
984 should allow consumers to see the ID of the phone call that is
985 coming in, how much does a consumer need to get involved to protect
986 themselves using that technology?

987 Mr. Halley. So it should be transparent to the consumers.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

988 This is just a very technological protocol that is sort of in
989 the background. And what it will do, just to be clear, is it
990 will provide information about the authenticity of the call in
991 the sense that the call is a real number that has been dialed
992 and it has been verified. It is not a number that has been
993 spoofed.

994 It doesn't in and of itself block the call, right. It is
995 just providing more information. It is providing the carriers
996 more information so that they can determine, you know, what
997 policies they are going to adopt with respect to calls that are
998 not authenticated and it is going to provide more information
999 to third-party analytics providers and ultimately to consumers
1000 so they can know --

1001 Mr. McNerney. The consumer is going to need to know what
1002 is going on so they can decide which phone calls to answer.

1003 Mr. Halley. Absolutely. And there is going to be consumer
1004 information component to all that too as to what it means when
1005 they are getting different information about what kind of a call
1006 it is.

1007 Mr. McNerney. Mr. Foss, do you believe that the government
1008 and innovators have the tools to keep ahead of this arms race?

1009 Mr. Foss. That is a good question, right? Like technology
1010 always outpaces legislation and regulation, right, it has to,
1011 so these criminals are always going to be one step ahead. Our
1012 system is very adaptive, right, again we just saw the rise in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1013 neighbor spoofing a couple of years ago. When we first started
1014 out it was purely a blacklist system. Blacklisting doesn't work
1015 against the neighbor spoofing, right, those calls that look like
1016 they are coming from your area code and exchange.

1017 So, I think that third-party providers like us, the carriers,
1018 all the organizations, if we had the framework to be able to do
1019 pieces of that then we can stay ahead of the changes, because
1020 I can guarantee, right, the only constant is change itself. The
1021 only thing I can guarantee about robocallers is that they won't
1022 stop, right. They will just keep on changing their tactics until
1023 they get through no matter what anybody does.

1024 Mr. McNerney. Okay, thank you, Mr. Chairman.

1025 Mr. Doyle. The gentleman yields back. The chair now
1026 recognizes Mr. Johnson for 5 minutes.

1027 Mr. Johnson. Thank you, Mr. Chairman. I appreciate you
1028 having this hearing today. It is a very important subject.

1029 Mr. Halley, do I have that right? Halley, is that the right
1030 pronunciation?

1031 Mr. Halley. Halley, like Valley with an H.

1032 Mr. Johnson. Halley, okay. You know, unwanted calls are
1033 not the only type of unwanted communications that people receive.

1034 I am sure every one of us in this room receives hundreds of
1035 thousands of emails per year that are unwanted and some might
1036 even be from scammers and fraudsters. What makes the phone system
1037 different and makes people more vulnerable to falling victim to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1038 these scams?

1039 Mr. Halley. I think there is, you know, first of all, it
1040 is real time, right, so you don't have the opportunity to just,
1041 you know, decide whether or not you are going to ignore it, which
1042 is fairly easy in an email. And it is also just a highly personal
1043 communication, right, when somebody is calling sometimes with
1044 information about you specifically designed to trick you into
1045 doing something, right.

1046 And so, there is just a certain element of the types of
1047 communications you get on a phone that are just fundamentally
1048 different than over via email.

1049 Mr. Johnson. Okay. Continuing with you, Mr. Halley, I
1050 think we can all agree that we want to go after bad actors and
1051 ensure that legitimate business communications can continue while
1052 the FCC and industry considers how to implement STIR/SHAKEN and
1053 call blocking and labeling technologies.

1054 Do you see any value for consumers in having the ability
1055 to receive information about their health care, updates about
1056 their financial situation, or things like school closings that
1057 could potentially be mislabeled or blocked if analytics don't
1058 work properly for call blocking and labeling technologies?

1059 Mr. Halley. Yes. I think it is important that all the work
1060 we do here, while we are getting smarter and smarter about the
1061 types of calls that are going over our networks and the analytics
1062 providers get better and better every single day, we do have to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1063 be careful not to block legitimate calls for certain.

1064 Mr. Johnson. Okay. Are there steps carriers are taking
1065 to ensure that calls are not mislabeled or improperly blocked?

1066 Mr. Halley. Absolutely, on a daily basis. I can tell you
1067 that Mr. Foss's companies and others in the space, the analytics
1068 companies, work regularly to determine how to ensure that we are
1069 blocking the calls that should be blocked, but not blocking the
1070 calls that should get through.

1071 Mr. Johnson. Okay. What is the current process for
1072 unblocking or fixing mislabeled calls?

1073 Mr. Halley. Sure. All the members that we work with have
1074 a process in place where a legitimate business can contact them
1075 to, you know, essentially protest the fact that a call is being
1076 blocked and try to make sure that the numbers that are being
1077 blocked are unblocked. I will say it is a subjective process,
1078 right. I think we need to be careful because we absolutely don't
1079 want to block calls that are legitimate and that might be from
1080 a school or a bank alerting me to a fraud or anything else that
1081 is positive. Just because somebody comes to a carrier and says,
1082 "Hey, that was a legitimate call, unblock me," we have to be
1083 careful, right. And so, we have a process in place to figure
1084 out how to handle that.

1085 Mr. Johnson. I can tell you, you know, from a personal note,
1086 even something as simple as a potential scam or fraud alert on
1087 a call is very, very helpful to me. I mean I am not going to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1088 call out my carrier in a public hearing like this, but I can tell
1089 you that I have probably over the last 3 months begun to get alerts
1090 on certain phone numbers from my carrier saying, "Hey, we think
1091 this is a scam or a fraud alert." And I can ignore that call
1092 and, you know, throw it aside. I don't worry about it.

1093 So, I can tell you that that is at a minimum is helpful to
1094 me. Continuing on, Mr. Halley, how does call blocking and
1095 labeling from carriers, such as many of your members, differ from
1096 call blocking and labeling from third-party app providers like
1097 that of Mr. Foss's company, Nomorobo?

1098 Mr. Halley. Sure. So I think ultimately the technology
1099 behind call blocking and call labeling is similar whether it is
1100 something that is being done in a carrier network and, in fact,
1101 our carriers are working with third-party analytics companies
1102 to build these capabilities directly into our networks. I don't
1103 think there is technologically a difference, it is just a question
1104 of how it is being implemented.

1105 I don't know if you want to --

1106 Mr. Foss. Yeah, if I could chime in. Yeah, absolutely.
1107 Nobody wants the good calls stopped, right, nobody. We all want
1108 the bad calls stopped to all those pieces working together, right.
1109 In theory, everybody should have the same data like, you know,
1110 2 weeks, 3 weeks, everybody can go and look back and say that
1111 was a robocall. The thing that we think that is going to be the
1112 main thing is detecting those very, very quickly.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1113 So, there is the question, right, if we had a kind of a
1114 head-to-head, right, who is detecting them quicker or who is more
1115 accurate and things like that again working together that is
1116 ultimately where this comes in.

1117 Mr. Johnson. Well, as an IT guy, I can tell you I am
1118 extremely inquisitive about the technology that lets you identify
1119 what those potential robocalls are, but we can't get into it now
1120 because my time has expired.

1121 Mr. Chairman, I yield back.

1122 Mr. Doyle. I thank the gentleman and he yields back. The
1123 chair now recognizes Mr. Loeb sack for 5 minutes.

1124 Mr. Loeb sack. Thank you, Mr. Chair. I do want to thank
1125 Chairman Doyle and Ranking Member Latta for convening this hearing
1126 today, and also want to thank all these great witnesses here.
1127 This is obviously a huge problem for our constituents.

1128 Like one of our other members, Mr. Walden, he mentioned he
1129 had 20 town halls. I have had 20 Coffees with your Congressman.

1130 I can't say that in every single one this has come up, but in
1131 most of them it has especially in a place like Iowa where we have
1132 an aging population. I am aging myself and so I get a
1133 disproportionate number of these damn calls as well.

1134 And, you know, I have -- I sit here and I think, well, I
1135 have a cell number that I didn't think anybody had. I am a member
1136 of Congress. How did this happen? Well, they can get through
1137 to all of us. That is the thing. It is just quite amazing.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1138 And we have got to have this relief, there is no doubt about it,
1139 because I do hear about this all the time. And it is a bipartisan
1140 problem because every one of our constituents, you know, could
1141 potentially be faced with this problem going forward.

1142 I am glad that we have got a lot of these bills that we are
1143 talking about today. And it does seem like there are some
1144 technological limitations to the scope of these bills, so I do
1145 want to raise the question of what to do for the folks who don't
1146 have the latest and greatest technology, whether that means cell
1147 phones and smart phones with screens or home phones with some
1148 form of digital output. It strikes me that the Americans who
1149 are likely to lack these new technologies are likely to be older
1150 and potentially more vulnerable to the very sorts of criminals
1151 who call with a bogus story about owing taxes to the IRS or claim
1152 of a loved one in jeopardy or whatever the case may be.

1153 So, to that point I have a couple questions for everybody.
1154 I am not going to pick out anyone in particular, I will just
1155 let you folks go at it. I do want to discuss the challenges and
1156 limitations for implementing STIR/SHAKEN to the widest possible
1157 consumer base. I understand that gateways might be helpful on
1158 older networks. How could the use of gateways help make sure
1159 that rural customers in particular get access to these new ways
1160 to stop robocalls?

1161 And I will just open that up to the panel and let you folks
1162 jump in.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1163 Mr. Halley. So I think it is one of the limitations on the
1164 STIR/SHAKEN framework is that as it is currently designed, the
1165 STIR/SHAKEN standard works for IP traffic. It doesn't work for
1166 the TDM, you know, traffic that is the older copper networks and
1167 so that could have an impact on folks who are more dependent on
1168 the traditional telephone, you know, copper line telephone
1169 service.

1170 With that being said, that is the current limitation on the
1171 standard and it is also important -- two of the things I mentioned
1172 in my testimony, you know, no solicitation services or anonymous
1173 call rejection services, those will work over anything whether
1174 it is a TDM network or an IP network. And so, services like that
1175 if the number, if somebody has purposely masked their caller ID
1176 the call doesn't get through. Or if somebody doesn't go through
1177 the process of there is a human element before somebody actually
1178 it rings, there is a step has to be taken that this is, in fact,
1179 a real call.

1180 So, there are things that can still be done to address that
1181 kind of traffic even though the current STIR/SHAKEN standard
1182 wouldn't be effective.

1183 Mr. Loeb sack. Anyone else? Yes, go ahead, Mr. Summitt.

1184 Mr. Summitt. Yes, implementing STIR/SHAKEN in our
1185 organization would require us to basically redo our front end
1186 of our telecommunications system because we are not up to speed
1187 with that new technology. And we have looked into it, but the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1188 point is we are just one organization across the nation to get
1189 this implemented and for every dollar I spend in trying to protect
1190 our organization or redoing infrastructure is a dollar away from
1191 care and research.

1192 Mr. Loeb sack. Anybody else? Yeah, go ahead.

1193 Mr. Foss. For our solution, right, we piggyback right now
1194 off of simultaneous ring. It is available in theory on TDM, on
1195 IP, on mobile, on landline, right. We like the idea of being
1196 completely backwards-compatible. In theory, instead of like a
1197 gateway we could somehow do the STIR/SHAKEN lookup on behalf of
1198 the technologies and the carriers that can't support that. How
1199 that would play out, not exactly sure.

1200 But it is absolutely, I think, important to -- everybody
1201 just looks at the latest and greatest. You know, you have the
1202 brand-new, you know, fancy cell phones, but there are still tons
1203 of landlines and those are sometimes even more vital than even
1204 the mobile lines.

1205 Mr. Loeb sack. That is right.

1206 Ms. Saunders, do you have anything you want to say?

1207 Ms. Saunders. The only thing I would like to point out,
1208 if I might, is that STIR/SHAKEN is a critically needed technology
1209 but it will not take care of all the problems of identifying who
1210 the callers are. As was explained in an article in the New York
1211 Times just last week, callers also have the ability to buy hundreds
1212 of phone numbers that are essentially anonymous. And when one

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1213 number is caught by this technology, they just switch to another
1214 phone number.

1215 Mr. Loeb sack. And I see my time is up. I apologize I have
1216 to interrupt, but I don't want us ever to forget about rural folks
1217 and older folks. Thank you very much and I yield back. Thank
1218 you.

1219 Mr. Doyle. The gentleman yields back. The chair now
1220 recognizes Mr. Kinzinger for 5 minutes.

1221 Mr. Kinzinger. Well, thank you, Mr. Chairman. And thank
1222 you all for being here and hopefully this won't take the whole
1223 time.

1224 Mr. Summitt, you mentioned cases of criminals disrupting
1225 hospital business operations and committing financial fraud
1226 including by robocallers using spoofed numbers identical to the
1227 hospitals in order to gain sensitive patient information, which
1228 is not only bad at face value but it erodes trust between patients
1229 and their healthcare providers. As you put it, these calls are
1230 identified as a reputable source such as law enforcement or a
1231 government entity which is what heightens the likelihood of
1232 success.

1233 I don't mean to put you on the spot, but Mr. Engel and I
1234 this year introduced a bill on 9-1-1 swatting. It is the
1235 Anti-Swatting Act. You may know that swatting is a hoax on an
1236 emergency services dispatcher using a form of spoofing. These
1237 perpetrators will call police forces and in some cases a SWAT

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1238 team to a target's home and there have been cases where there
1239 have been tragic loss of life. And I have actually been a victim
1240 of swatting myself, early on.

1241 I want to keep the theme today of moving with narrow,
1242 effective legislation aimed at bad actors, but public safety
1243 testified last year in support of this legislation because it
1244 would clearly define perpetrators for the criminals that they
1245 are. Have you had a chance to review that legislation? It is
1246 fine if you have not, but, if so, would you have any issue with
1247 something like that moving along with some of the others here
1248 today?

1249 Mr. Summitt. And I apologize, I have not reviewed that
1250 specific one.

1251 Mr. Kinzinger. That is fine.

1252 Mr. Summitt. I have read every one being presented to here
1253 and but I have not read that one, but I would be in support of
1254 something to do that. And the other thing I just want to quickly
1255 say about all this, it is -- I am not necessarily saying that
1256 we need to dump all this back on the telecoms, but I am saying
1257 we have technologies today that can and why are we not putting
1258 into place giving the callee, the recipient, enough information
1259 to know whether I want to answer this phone call or not. Again,
1260 if I see that caller ID, fine. It is my choice whether to answer
1261 that call or not. But I need to know that is who the person is.
1262 By protecting -- and the arguments have been there is some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1263 legitimate reasons why they shouldn't be known, fine, let's put
1264 those as anonymized or restricted and it still gives me the
1265 responsibility to say I am going to answer or not that call.

1266 Mr. Kinzinger. Thank you. Mr. Halley, your written
1267 testimony states that fines are sufficient to curb the scourge
1268 or, I'm sorry, insufficient to curb the scourge of robocalls.

1269 Why do you think fines are not enough to curb these bad actors,
1270 and is it that fines could be steeper but enforcement is difficult
1271 or what do you attribute that to?

1272 Mr. Halley. Sure. I think what you have heard today is
1273 that there are sort of a range of different types of robocalls,
1274 right.

1275 Mr. Long. Pull your microphone closer.

1276 Mr. Halley. Sure. I think what you have heard today is
1277 that there are range of different types or robocalls, some that
1278 are, you know, from businesses who are conducting business for
1279 legitimate reasons, and then you have a significant portion of
1280 which are just blatantly illegal, and then some cases blatantly
1281 trying to commit a fraud. As Mr. Foss said, they don't care what
1282 the law is. And we can talk all we want about how the TCPA should
1283 be interpreted, et cetera, but they are not going to pay attention.

1284 They are just going to dial millions and billions of robocalls.

1285 And so, the point there is, you know, we can double or even
1286 triple the fine under the act for those types of calls. They
1287 don't care.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1288 Mr. Kinzinger. Yeah. You are never going to be able to
1289 track it down.

1290 Mr. Halley. So, we have to take these people and figure
1291 out how to put them in jail rather than impose fines on them.

1292 Mr. Kinzinger. Okay, so when we are going after these actors
1293 I understand that the authorities they only have a statute of
1294 limitation of about a year, I guess, to actually bring charges.
1295 What are your thoughts, you kind of went into this, on how to
1296 increase that time of statute of limitations so the good guys
1297 can do all they can to go after these folks, and what are the
1298 benefits or risk of expanding any statute of limitations?

1299 Mr. Halley. I think we are supportive of expanding. There
1300 is different bills that have different, whether it is 2, 3, or
1301 4 years, et cetera, and some of the bills handle it differently.

1302 But as a general matter, we think that making sure the FCC, the
1303 FTC, State AGs, have sufficient amount of time to go back and
1304 take action against bad actors is important. And as technology
1305 is developing, and I completely agree with what you said that
1306 there are solutions and we are working every day to implement
1307 them, sometimes the actual legal process just takes a long time.

1308 And so I think we are in favor of enhancing the statute of
1309 limitations.

1310 Mr. Kinzinger. Excellent. Thank you all for being here
1311 and I yield back, Mr. Chairman.

1312 Mr. Doyle. The gentleman yields back. The chair now

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1313 recognizes Mr. McEachin for 5 minutes.

1314 Mr. McEachin. Thank you, Mr. Chairman. I want to thank
1315 you and Chairman Pallone for convening today's hearing on this
1316 issue that is -- that all of our constituents care deeply about.

1317 Today, unwanted robocalls are not only ubiquitous and a
1318 nuisance, they can be predatory. While some actors rely on
1319 robocalls to provide important information about appointments,
1320 school closures, and other matters, spam and phishing calls remain
1321 a problem. And as we have already heard today, we have got steps
1322 that providers can take to mitigate these spam calls on their
1323 own, SHAKEN/STIR technology and other innovative products like
1324 Nomorobo that aim to verify and authenticate calls are offering
1325 a promising start.

1326 As Mr. Loeb sack identified, we have some concerns about rural
1327 areas. And I want to start off, I guess, by asking Mr. Halley
1328 -- is it, did I say that right, Halley?

1329 Mr. Halley. Halley, Halley, whatever you want is fine with
1330 me.

1331 Mr. McEachin. Well, how --

1332 Mr. Halley. Valley with an H.

1333 Mr. McEachin. Well, how does your daddy pronounce it?

1334 Mr. Halley, thank you, sir. Are there models in Europe that
1335 we could be looking at that would allow us to use technology like
1336 SHAKEN/STIR in rural areas that are copper-dependent, as you
1337 suggested that is a current limitation of the technology now.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1338 How do we expand it into rural areas? What can we do? It is
1339 my understanding there might be models in Europe that we could
1340 emulate.

1341 Mr. Halley. So I don't know the answer to that question,
1342 unfortunately, but I would be happy to answer that after the
1343 hearing.

1344 I don't know if anyone else knows about European?

1345 Mr. McEachin. I was going to turn to Mr. Foss. I thought
1346 in sort of your piggyback on there that you suggested there are
1347 some ways that Nomorobo can be adapted to I think you said older
1348 technologies. You may not have said "older technologies" but
1349 that is what I heard. Is that correct?

1350 Mr. Foss. Yeah, absolutely. And again, if we are at the
1351 network level, right, as Mr. Halley was saying is that each call
1352 is kind of passed throughout the different levels of the network,
1353 right. If we had something that was again a spam scam filtering
1354 at the network level, even higher up, right, those results would
1355 trickle down to all of the phones in the network whether it is
1356 rural, whether it is landline, whether it is mobile and absolutely
1357 protect those constituents.

1358 Mr. McEachin. Now what can we do here in the Congress to
1359 help provide an atmosphere to allow that type of technology to
1360 move forward? Because you look at my district, I represent the
1361 4th district of Virginia and yes, we have good urban populations
1362 and centers, but we also have wide swathes of rural Virginia which

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1363 we tend to call Southside Virginia.

1364 How do we make, get that technology spread to Southside
1365 Virginia which is again mostly rural?

1366 Mr. Foss. Sure. So why don't I tell you about the
1367 difficulties that I have when we talk to some of the carriers,
1368 right, what are some of the objections, what are some of the things
1369 that they are concerned about. And again, Mr. Halley knows it,
1370 right. Number one is, are we only blocking the calls that should
1371 be blocked, right.

1372 So again, if you were to use our entire database, right,
1373 the one and half million numbers that we have there, are there
1374 a swath of robocallers in there that should or should not be
1375 blocked? It is up for debate, right, that we are an editorial
1376 service, our users say that we do not, you know, they do not want
1377 to get these calls, therefore they are hiring us, right.

1378 If there were things like safe harbor, if there was more
1379 on the legal side, right, that is even with our IRS offering,
1380 we are making a transcription and a recording, you know, today
1381 what that number is, the message that is being pushed out, that
1382 should give the carriers enough confidence to be able to say,
1383 "Yeah, we can shut this down at the network level." And again,
1384 Mr. Halley can probably shed some light on that of if there was
1385 a safe harbor, if there was something where, you know, using a
1386 data provider like us or their own internal things and they go
1387 and do this that there wouldn't be the legal ramifications if

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1388 something did go wrong.

1389 Our false positive is, last month was 0.07 percent, right,
1390 less than a tenth of a percent. Our users know that it is very
1391 accurate. Our accuracy was over 97 percent, right, we only missed
1392 like 3 percent of those calls. But that would be what I would
1393 think if the carriers, whenever we go to a carrier and say, "Hey,
1394 go and integrate this," they are definitely worried what happens
1395 if we stop good calls. We know the answer that you are not going
1396 to, but I think that that would give the industry more impetus
1397 or more encouragement to use services like us.

1398 Mr. McEachin. I appreciate you and I appreciate you all
1399 being here today. Thank you, Mr. Chairman. I yield back.

1400 Mr. Doyle. The gentleman yields back. The chair now
1401 recognizes Mr. Bilirakis for 5 minutes.

1402 Mr. Bilirakis. Thank you. Thank you, Mr. Chairman. I
1403 really appreciate you holding this hearing.

1404 This is something that is affecting all of us, but
1405 particularly our seniors what they are going through.
1406 Inexcusable what is happening, particularly, Mr. Summitt, your
1407 testimony with regard to Moffitt which is in my area. Sixty-six
1408 hundred calls in 90 days and that information, I mean and our
1409 patients, cancer patients, you know, they are being, again,
1410 tricked into these calls and they are giving the information.

1411 I mean I would give information out too if Moffitt were calling
1412 me. I would think it would be legitimate.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1413 So we have got to do something, and I appreciate you holding
1414 the hearing. And we are doing something, we are responding, so
1415 I appreciate it, in a bipartisan fashion. At the same time,
1416 again, Mr. Foss, at the same time, I do have concerns about
1417 legitimate, consented robocalls being inadvertently blocked.
1418 How often do legitimate calls inadvertently get blocked and how
1419 quickly can they be identified and remediated?

1420 Again, I am concerned about the healthcare related robocalls
1421 where you remind an individual that their healthcare appointment
1422 is the following day or what have you. So, if you can give me
1423 an answer I would appreciate that.

1424 Mr. Foss. Yeah, absolutely. So the other piece about like
1425 modern robocall blocking, we keep on saying the word "blocking"
1426 and "stopping" and, you know, the stopping at the network level,
1427 right, never letting those calls even get through, those should
1428 be for the ones that we are 100 percent guaranteed, we have proof,
1429 we have recordings, we have transcriptions, those can be stopped
1430 at the network level.

1431 Even with Nomorobo, so on our landline product, if you are
1432 on our list you get a challenge question. It is called a captcha.

1433 You have to -- it says this phone is protected by Nomorobo, please
1434 type the number 72, 6, right, humans can always get through.
1435 If a doctor's office is calling with a person that accidentally
1436 gets on, they can actually get through. It rings the number.

1437 On mobile, we actually, since we are an app, we don't block

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1438 the call. It just gets sent directly to voice mail, at which
1439 point even like with some of the newer phones it shows the
1440 transcription right there. So, the risk of that message not
1441 getting through is actually incredibly small.

1442 Mr. Bilirakis. Okay, very good. Again, I appreciate the
1443 approach of better information sharing between FCC and industry
1444 in Mr. Latta's STOP Robocalls Act. I would like to work with
1445 him, he is a good friend, on more specific public-private
1446 partnership ideas as it continues through the process.

1447 Mr. Foss, does your company have a working relationship with
1448 the Federal Communications Commission or the FTC to notify
1449 appropriate officials when you have specific identified bad
1450 actor, a bad actor, so they may review it for potential charges?
1451 If not, is this something you would consider?

1452 Mr. Foss. Yeah, absolutely. So, our genesis, right, I won
1453 a competition from the FTC, right. We as a company, me as an
1454 individual, we owe them kind of a debt of gratitude. We are always
1455 willing to work with FTC, FCC, and law enforcement just in general.

1456 So, I can say that when we will detect a scam that is, let's
1457 say it is purporting to be from the FTC or from Social Security
1458 Administration or the IRS and things, we will reach out
1459 proactively to those organizations.

1460 Right now, with the IRS one, we are making that automated.
1461 They can go and see the numbers that are actually going and doing
1462 that. What we found also works even better is working in reverse.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1463 So, think about the way that law enforcement has traditionally
1464 gone after these robocallers, right. They have to get subpoenas
1465 and subpoenas and kind of follow the traceback and going back
1466 and forth, and by that point the trail kind of goes cold.

1467 I was on a panel with Consumer Reports and one of the attorney
1468 generals said that it sometimes takes up to 50 subpoenas to get
1469 one of these. What I encourage any law enforcement that reach
1470 out to us is we will tell you right now the calls that are coming
1471 through, right. You want to know the calls that are being made
1472 to people in Florida. You want to know the ones that are
1473 purporting to come from Florida or Texas or do you want IRS calls
1474 that are hitting people in Florida.

1475 We have a honey pot, right, we have a quarter of a million
1476 phone lines that belong to us. We regularly send in real time
1477 those calls to law enforcement, so I have no idea what they do,
1478 right. Do they answer them? Do they trace them back? Do they
1479 -- I don't know. But those kinds of partnerships and those kinds
1480 of teamwork, again, as part of that. And I have gone on record,
1481 right, there is a lot of public records where we have helped with
1482 a lot of those cases, gotten them shut down based on the data
1483 that we provided to law enforcement.

1484 And again, we don't charge for any of that. That is just
1485 kind of part of our job is what we think.

1486 Mr. Halley. If I could just add one thing to that which
1487 is that one of the reasons we set up the USTelecom industry

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1488 Traceback Group is to avoid the 50-subpoena problem. So, what
1489 we are able to do is rather than having somebody have to go to
1490 each individual carrier who may be in the call path and subpoena
1491 each of them individually, because the Communications Act
1492 provides for this we can do the whole traceback from involving
1493 every single carrier who is involved in that call without having
1494 to go through a subpoena for each one of them. And we work very
1495 closely daily with the FCC and the FTC to provide referrals and
1496 provide that kind of information specifically to address that
1497 problem.

1498 Mr. Bilirakis. Very good, thank you.

1499 I appreciate it, Mr. Chairman. I yield back.

1500 Mr. Doyle. The gentleman yields back. The chair now
1501 recognizes Mr. Pallone for 5 minutes.

1502 The Chairman. Thank you, Mr. Chairman.

1503 I wanted to start with Mr. Summitt. In your written
1504 testimony you note that Moffitt employees receive 6,600 external
1505 calls identified as coming from one of Moffitt's own internal
1506 numbers. And if I am understanding you correctly, you mean that
1507 Moffitt got 6,600 calls that were spoofed in what would seem to
1508 be an effort to trick employees at your hospital into believing
1509 that they were speaking to another employee when, in fact, it
1510 was a fraudster on the other end of the line; is that correct?

1511 Yes?

1512 Mr. Summitt. Yes, sir. That is correct.

1513 The Chairman. Can you explain why this spoofing of this
1514 type poses such a problem for your institution and for the security
1515 of a patient's information?

1516 Mr. Summitt. Sure. There is a wide variety of those types
1517 of calls coming in and, quite frankly, when I mentioned this to
1518 our telecom people and we were reviewing the logs, they kind of
1519 chuckled because this is just one area and it is more than 6,600
1520 of these calls. This is just one identifying themselves as
1521 Moffitt coming into Moffitt.

1522 So, the reason this is dangerous is that internally if we
1523 are looking at our caller ID and we see someone from Moffitt
1524 calling, we are going to pick that phone call up. They have
1525 already won the first step in attempting to get information.
1526 And what they are doing is several different ranges of schemes
1527 going on. It will either be until I try to identify someone else
1528 in Moffitt that they can potentially get to by asking for a doctor
1529 by name and the location he is located in or a researcher by name
1530 to get into the research area, or they are actually asking
1531 information about patients and their patient information and
1532 their insurance information.

1533 The Chairman. All right. Well, I appreciate that.

1534 Now, Mr. Halley, your association, The Broadband Association
1535 has been in the forefront of bringing the telecom industry
1536 together to work on the robocalls problem. Under my bill, the
1537 Stopping Bad Robocalls Act, the FTC would issue rules requiring

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1538 carriers to adopt call authentication technology like SHAKEN and
1539 STIR, and that tech would hopefully make it substantially more
1540 difficult for spoofing to continue on the scale that we are seeing
1541 today. So, can you explain how call authentication tech works
1542 and how it would help fix the robocall problem, please?

1543 Mr. Halley. Yes, I would be happy to. And I am a telecom
1544 lawyer not an engineer and luckily the people who are in charge
1545 of the STIR/SHAKEN protocol are all really smart engineers.

1546 At a high level it involves inserting information into the
1547 headers involving calls and the exchange of tokens, essentially,
1548 between companies as call traffic, as a call traverses through
1549 multiple networks. And in a nutshell what it enables
1550 functionally is that when a call is originated, that originating
1551 carrier who is generating that call is able to authenticate that
1552 the call is being made with a real number that is not a spoofed
1553 number. And then that carrier is telling everybody else in the
1554 chain, this is a legitimate call from a real telephone number
1555 that hasn't been spoofed. And as long as everybody else in
1556 the call path has also implemented that protocol, it will continue
1557 to be passed from one carrier to the next with that information
1558 all the way to the end recipient.

1559 The Chairman. Well, thank you.

1560 And then my last question is to Ms. Saunders about
1561 autodialer. The FCC is currently considering how to interpret
1562 the definition of an autodialer that Congress adopted in '91.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1563 And, in my opinion, it is critical that the FCC put consumers
1564 first to ensure that robocallers aren't given a loophole to make
1565 more calls.

1566 So, let me ask Ms. Saunders, what is the most important thing
1567 the FCC needs to understand when it comes to clarifying the
1568 definition of an autodialer and why is it important that we get
1569 our call authentication requirements right and we get this
1570 technology deployed?

1571 Ms. Saunders. The Telephone Consumer Protection Act is a
1572 consumer protection act. And given that, the FCC which
1573 implements the act should be required to implement its regulations
1574 and its interpretations to protect consumers, not to protect robo
1575 dialers. The FCC currently has before it, dozens of petitions
1576 as I have mentioned requesting a loosening of the interpretations
1577 of autodialers in such a way that no autodialers currently being
1578 used would be covered. So I think it is essential that the FCC
1579 remember that fact. It is clear from the litigation from the
1580 courts that there is a perfectly legitimate way to interpret
1581 autodialer to cover the autodialers that are being used so that
1582 consumers continue to be protected.

1583 The Chairman. All right, thank you so much and I thank the
1584 panel. I thank you, Mr. Chairman.

1585 Mr. Doyle. The gentleman yields back. The chair now
1586 recognizes Mr. Long for 5 minutes.

1587 Mr. Long. Thank you, Mr. Chairman. Thanks for holding this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1588 hearing.

1589 Whenever people come up to me at home, there are two things
1590 that they want to tell me, which the other side of the aisle won't
1591 understand one of these things, the other one they can relate
1592 to. But they say, "Keep supporting Trump. Stick behind Trump.
1593 Support the President." That is always pretty much to a person
1594 what they say. The second thing that they say is, "When are you
1595 going to do something about these robocalls?" So, it might be
1596 different in other districts across the aisle, but that is the
1597 two questions. I imagine they probably get that second question.

1598 And my staff yesterday when they were preparing for this
1599 hearing, they had a question for me. They said, "We are doing
1600 the robocall deal tomorrow. Tell us about some of the robocalls
1601 that you get." Well, the thought that popped into my mind was
1602 Elizabeth Barrett Browning's, "How do I love thee? Let me count
1603 the ways." How do I get robocalls? Let me count the ways. We
1604 all get a ton of robocalls.

1605 But I have a question for everyone on the panel if you can
1606 help me with this, because this is a robocall that I get. It
1607 has slowed down a little recently, but the total call, it is always
1608 a voice mail and it starts by "Or," with the word "Or," "Or to
1609 be placed on our Do Not Call list, press 2." Can any of you
1610 enlighten me what they are getting at or what they want? Or I
1611 have never pressed 2, I have always just pressed block call on
1612 my iPhone. But are you all familiar with that call and what is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1613 the scam?

1614 Ms. Saunders. So the Do Not Call Registry, which is a part
1615 of the Telephone Consumer Protection Act, requires that
1616 telemarketers ask -- first of all, it prohibits calls unless you
1617 have consented in writing to the calls. But it also requires
1618 that they ask you if you want to be placed on their internal Do
1619 Not Call list. And if you answer yes, then they are required
1620 to put you on that list and prohibited from calling you again.

1621 You are smart to not press 2, because that just alerts them
1622 that you actually are a live person and that they will call you
1623 again.

1624 Mr. Long. Well, that is all they are phishing for is the
1625 fact that you are --

1626 Ms. Saunders. Yeah, they are phishing, because they are
1627 obviously already not complying with the law or they wouldn't
1628 have --

1629 Mr. Long. Well, there is no message. There is no like,
1630 you know, for life insurance, a million dollars' worth of life
1631 insurance for a dollar a day, you know, press 1 to hear about
1632 that. The whole message is, "Or to be placed on our Do Not Call
1633 list, press 2." And I was just --

1634 Mr. Foss. Yeah. So my thought here is that your -- since
1635 you are saying it is going to voice mail, your voice mail message
1636 is probably pretty long. And so those autodialers will start
1637 playing the message when it detects, when it thinks that a person

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1638 has picked up and said hello, and that is when it will start playing
1639 the message.

1640 So if your message is, you know, "Hi, I am not here right
1641 now. If you need to reach me go over to here" --

1642 Mr. Long. I don't think I have a message. I think my mine
1643 is an auto message, but anyway.

1644 Mr. Foss. Well, whatever it may be, right? So that
1645 actually, if you answered that call you actually might find out
1646 the whole thing right there. This is the thing. Everybody
1647 thinks that these robocallers are like super smart and things.

1648 On the business side they absolutely are. On the blasting these
1649 calls out, it is just, you know --

1650 Mr. Long. While I have your microphone turned on there,
1651 on your Nomorobo what regulatory authority do you operate under?

1652 Mr. Foss. We don't, actually, right, there are none because
1653 we are a third-party service that the consumer is getting into
1654 a relationship directly with us.

1655 Mr. Long. And again, I know you have been asked this before,
1656 but how do you ensure legitimate calls go through with your
1657 service?

1658 Mr. Foss. Yeah, so is it perfect? Absolutely not, right,
1659 our false positive last month was less than a tenth of a percent.

1660 And then we will go in, if we get reports then it will get on
1661 to our white list, our black list is automated. But, effectively,
1662 if the consumer doesn't like what we are doing, right, they cancel

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1663 the service. They don't use it anymore.

1664 Mr. Long. And I think for Mr. Halley if they would have,
1665 if the staff would have just put on your card "Hal Lee," like
1666 Hal was your first name, Lee was your last name, everybody wouldn't
1667 have had a problem. But I recommend that for next time.

1668 But, Mr. Summitt, before I run out of time here, I appreciate
1669 very much what you do in the cancer world. From a father of a
1670 Hodgkin's lymphoma survivor, I know how important those calls
1671 are that you get and how frightening it is when you are first
1672 diagnosed and you are expecting a call from the hospital.

1673 Do you have any cause or should we have any cause for concern
1674 that when the hospital is calling to set up an appointment that
1675 we get that call instead of thinking that it is, you know, it
1676 may say your name on there and we think, well, that is a scam
1677 because we have heard it is a scam. Is there anything that we
1678 need to be cautious of or anything that we would vote on that
1679 we need to be sure and protect that your calls to remind people
1680 of appointments will get through?

1681 Mr. Summitt. And I appreciate that question because that
1682 is one of our concerns is that I am afraid that if you are expecting
1683 a call from us and it turns out to be someone else and you have
1684 given away information, then I am just -- then that problem is
1685 just going to add more to your problems that you have. And my
1686 concern is that those calls if it continues, they are going to
1687 stop.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1688 So, my recommendation on anyone receiving any call from a
1689 healthcare organization is to call back the organization and make
1690 sure that it is a legitimate call.

1691 Mr. Long. Okay, thank you.

1692 Mr. Chairman, I am out of time. But if you want me to say
1693 anything later, just press 2.

1694 Mr. Doyle. I thank the gentleman. I polled our side. No
1695 one has ever got that first question asked of them.

1696 The chair now recognizes Mr. Veasey for 5 minutes.

1697 Mr. Veasey. Thank you, Mr. Chairman.

1698 You know, one of the things that I have noticed that I thought
1699 was very interesting is that there are a lot of recommendations
1700 on here that would ask for providers and for telephone companies
1701 to make certain provisions that would make consumers less subject
1702 to these calls, requiring voice service providers to provide free
1703 effective caller ID authentication for all calls, requiring
1704 telephone companies to provide free call blocking services,
1705 establish an unblocking system that consumers can control calls,
1706 and submit regularly to the FCC about the implementation of some
1707 of these consumer protections.

1708 But the question that I wanted to ask you is that when other
1709 industries like, for instance, in the alcohol industry where they
1710 have taken on, you know, anti-drunk driving, anti, you know,
1711 binging campaigns where tobacco companies have been required to
1712 make certain advertisements and what have you in efforts to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1713 prevent, you know, teens from smoking and to make their products,
1714 you know, less likely to fall into the hands of underage smokers,
1715 do you think that requiring telecom companies, not telecom
1716 companies but telemarketing companies, to maybe step up in this
1717 area and put money behind some of these campaigns dealing with
1718 call blocking and what have you would be a more effective way
1719 to go?

1720 Ms. Saunders. Is that for me?

1721 Mr. Veasey. Yes.

1722 Ms. Saunders. I appreciate the question. I think if we
1723 are unable to get telemarketers to comply with the law to even
1724 get consent before they call, I doubt whether we would actually
1725 be successful in getting them to pay the system to block their
1726 calls. I represent low-income consumers and I am very aware of
1727 the potential cost on small phone companies and their necessity
1728 of transferring those costs to the lowest income consumers who
1729 then would have trouble even affording their telephone.

1730 We have not previously discussed this, but one idea that
1731 we have had, and I speak for a number of consumer groups, is that
1732 in recognition of the fact that my telephone is only useful if
1733 I can call many other people, the telephone system in the United
1734 States has long had a Universal Service Fund under which all
1735 telephone users contribute a small amount to support small
1736 telephone users' development and it has been used in a variety
1737 of ways.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1738 We would suggest that the Universal Service Fund be
1739 investigated as a potential source of money for those very small
1740 companies or very poor phone companies to help them pay for the
1741 technology that would allow them to implement these protections.

1742 Because the entire system is only as strong as its weakest link
1743 and until we get all the systems in the country up to the same
1744 level, we are all vulnerable.

1745 Mr. Veasey. You know, I know that there have been certain
1746 states, my colleague here to the left, Representative Clarke,
1747 I know that her state of New York that they have passed state
1748 legislation or attempted to pass state legislation to deal with
1749 this issue.

1750 My question is that with this being an interstate commerce
1751 issue, is having a federal law something that is really going
1752 to be required to really clamp down on this even more or do you
1753 think state laws on their own are effective?

1754 Ms. Saunders. So I have been involved with your colleagues
1755 in New York in working on the New York law. There are many
1756 similarities between that law and Mr. Pallone's law, bill, or
1757 I should say between the bills. I do think that unquestionably
1758 a federal bill will be the fastest and most efficient way to deal
1759 with this problem.

1760 Mr. Halley. I would agree with that. Whether it is in this
1761 context or another context, as a general matter on these sort
1762 of interstate communication services if we can have one national

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1763 federal framework to govern these issues I think that is ideal,
1764 so I would agree with my colleague.

1765 Mr. Veasey. And in closing with my last question here, until
1766 we can get these companies to, you know, to clean up their act
1767 and pass laws to prevent them from doing the spoofing and the
1768 unwanted calls, do you think that there needs to be more of a
1769 public education campaign?

1770 One of the areas that really concerns me is senior, or senior
1771 citizens. I know that, you know, they obviously get targeted
1772 all the time. I know my grandmother died earlier this year.
1773 She was a 106, she died earlier this year and, you know, she got
1774 numerous calls like all the time from telecom companies. Is there
1775 -- but I don't see much out there as far as advertisements or
1776 public service announcements warning people about these calls.

1777 Ms. Saunders. If I might, I think public education is always
1778 valuable, but I have a personal situation where my very, very
1779 smart mother-in-law was taken in thinking that her grandson, my
1780 son, was calling her from Canada in jail. She was at the bank
1781 withdrawing money until someone -- and she runs several
1782 businesses. So I am not sure that public education is something
1783 that we can rely on here.

1784 Mr. Veasey. That is amazing. Okay, thank you.

1785 Mr. Chairman, I yield back.

1786 Mr. Doyle. The gentleman yields back. The chair now
1787 recognizes Mrs. Brooks for 5 minutes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1788 Mrs. Brooks. Thank you, Mr. Chairman, and thank you for
1789 holding this very important hearing.

1790 Ms. Saunders, I actually have a family member who had the
1791 same thing happen to him. And so, while education is critically
1792 important and strengthening our laws are really important, one
1793 thing as a former U.S. attorney I would like to talk about, because
1794 what hasn't really come up in any of the hearings so far is where
1795 has law enforcement been in all of this.

1796 And I am very curious, and that is what one of the bills,
1797 H.R. 721, is a Spam Calls Task Force Act. But what I am really
1798 curious about, and I think, Mr. Halley, in your testimony, in
1799 your written testimony you talked about the Justice Department
1800 and we need more criminal enforcement actions. Is it happening?

1801 Are U.S. attorneys and the Justice Department, have they in the
1802 last 8 years, to what Mr. Summitt's point it has really accelerated
1803 in the last 8 years. Can we point to any cases? Has anyone gone
1804 to jail, been prosecuted?

1805 These may be complex cases, because they may involve national
1806 actors and international actors and does anyone know about
1807 anything relative to that? Mr. Halley?

1808 Mr. Halley. So the short answer is not enough is happening.
1809 We are seeing a lot of efforts out of the Federal Communications
1810 Commission through forfeiture penalties and going after companies
1811 who are breaking the law. Even in that instance, you know, when
1812 somebody fails to pay their fine it is incumbent upon the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1813 Department of Justice to go collect the funds, so there is more
1814 work that could be done there.

1815 But also --

1816 Mrs. Brooks. Those would be civil forfeiture sentences.

1817 Mr. Halley. Exactly. So, on the criminal side, not -- no,
1818 there hasn't been a sufficient amount of activity to go after
1819 criminal actors. The FTC has a separate authority. They have
1820 also taken a significant amount of actions on the civil authority
1821 side, but there has not been a sufficient focus on folks who are,
1822 you know, blatantly illegally breaking the law, committing fraud,
1823 et cetera, in my opinion.

1824 Mrs. Brooks. I assume they may be very difficult cases to
1825 put together. Does anyone know about any cases?

1826 Ms. Saunders?

1827 Ms. Saunders. The FTC has brought 151 cases in the last
1828 10 years.

1829 Mrs. Brooks. Criminal cases?

1830 Ms. Saunders. No, civil cases.

1831 Mrs. Brooks. Okay.

1832 Ms. Saunders. The FCC has brought a smaller number. I
1833 would posit that unless you can get the criminal cases instigated,
1834 and unfortunately U.S. attorneys and district attorneys are
1835 generally more concerned with going after different kinds of
1836 crimes --

1837 Mrs. Brooks. I understand.

1838 Ms. Saunders. -- that the best enforcement is private
1839 enforcement. It is not popular, but if you arm individuals who
1840 have been harmed by these scams and by these unwanted calls with
1841 the ability to go into court and force the people who have been
1842 harassing them to pay penalties, that creates at least a financial
1843 incentive to comply with the law. That is for the non-scam calls.

1844 So, I agree with what has been said that the only way you
1845 are going to deal with the scam calls is to criminally prosecute
1846 them. But it is about half and half.

1847 Mrs. Brooks. Any other comments, Mr. Foss?

1848 Mr. Foss. Yeah.

1849 Mrs. Brooks. On criminal enforcement?

1850 Mr. Foss. I am a big fan of an ounce of prevention, right,
1851 rather than a pound of cure. It seems like enforcement to me
1852 is the pound of cure. If we were to put an ounce of prevention
1853 into the network level, I think that we would see a marked
1854 reduction in these predatory scams.

1855 Mrs. Brooks. Mr. Summitt, I have a question because you
1856 have been a cyber expert for a long time, can you share with us
1857 though how -- what your concerns are particularly with hospital
1858 cases and with hospital systems? Is the primary concern the
1859 identity theft that is taking place or is the primary concern
1860 that -- because I think, you know, the Justice Department has
1861 been involved in the past, and long in the past when I was in
1862 the Justice Department from '01 to '07, we were very focused on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1863 identity theft.

1864 And I am just curious whether, you know, are you hearing
1865 from your patients and others that it is the identity theft or
1866 is it actual, has any patient care actually been impeded?

1867 Mr. Summitt. It is across the board, Congresswoman.
1868 Patient relationships with our providers and the patients
1869 themselves are being impacted. The trust factor is there. We
1870 have people that have heard the worst news of their lives coming
1871 into our organization and to add on top of that anything else
1872 is not going to go well for that patient. So we see this as
1873 absolutely affecting patient safety and patient care especially
1874 when it starts interrupting our workers inside the facility by
1875 receiving these calls and then having to deal with them.

1876 There are so many different avenues that this is impacting
1877 that this is why I am excited that we are finally getting -- that
1878 I am able to give you the idea of what is going on in the real
1879 world right now.

1880 Mrs. Brooks. Thank you. I think we need the prevention
1881 beyond the cure. I yield back.

1882 Mr. Doyle. I thank the gentlelady. I would note that the
1883 Wall Street Journal reported that the FCC levied \$208 million
1884 of fines against telemarketers. They have collected \$6,790 of
1885 that 208 million. Remind them not to ever hire them for my debt
1886 collectors.

1887 The chair now yields 5 minutes to Mr. Soto.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1888 Mr. Soto. Thank you, Mr. Chairman. And during this
1889 committee hearing I received a robocall myself. Thanks for
1890 recognizing that we are all being inundated by these calls.
1891 Apparently, if you own property in Florida there is lots of real
1892 estate speculators who want to buy it. I guess that is a good
1893 sign for my district at least.

1894 If we can talk about one thing that is definitely bipartisan,
1895 it is annoying robocalls. We have heard it throughout so many
1896 of my colleagues today, but particularly when we are talking about
1897 it being sort of the presupposed fraud and crime it becomes a
1898 big issue. You know, we are particularly honing in in my office
1899 on fraudulent healthcare calls and one of the, I think one of
1900 the budget submissions we have submitted on health care is to
1901 the Federal Trade Commission on fraudulent healthcare calls.

1902 The committee is aware of growing practice of robocallers
1903 targeting healthcare providers and patients in an effort to commit
1904 financial fraud. In some cases, callers use spoof numbers making
1905 it appear like they are calling from a hospital or a physician
1906 office and seek to obtain sensitive health related or other
1907 financial information about patients. It goes on from there.

1908 But I want to thank one of our guests today who work with
1909 us to help put that together. That is Mr. Dave Summitt, thanks
1910 for being here today. You are the CIO overseeing cybersecurity
1911 at H. Lee Moffitt Cancer Center in Florida, so welcome up from
1912 our state. One of the busiest cancer centers in the United

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1913 States, ranked by U.S. News and World Report as one of the top
1914 ten cancer centers in the United States and you are under constant
1915 attack by this, attempts to get people's health information.

1916 So, would language like that be helpful in moving the FTC
1917 along to help partner with you in this area, and how are they
1918 doing right now as far as helping with what you are trying to
1919 achieve to protect people's information at Moffitt Cancer Center?

1920 Mr. Summitt. So, Congressman, just clarification, I am
1921 Chief Information Security Officer at Moffitt.

1922 Mr. Soto. Oh, we gave you a raise there.

1923 Mr. Summitt. You gave me a raise. Thank you, I appreciate
1924 that and hope the people back home are hearing this.

1925 Mr. Soto. Chief Information Security Officer, okay.

1926 Mr. Summitt. And now I have kind of lost the question.

1927 Mr. Soto. So how is the -- would language like this
1928 directing the FTC to particularly hone in on fraudulent calls
1929 related to health care be helpful and how have they been partnering
1930 with you currently?

1931 Mr. Summitt. I wish I could say that we are combating this
1932 effectively on a daily basis. But we are so inundated with this
1933 particular problem and the other problems that we have just in
1934 cyber on networks and network attacks and software attacks that
1935 we just do not have the bandwidth to sit and do this on a daily
1936 basis. That is the damaging part of this. We cannot combat this
1937 alone.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1938 I do believe that these bills that I have been reading has
1939 a lot of great things in each one of them that when we start working
1940 together here, we are going to be able to solve this problem.

1941 And I do believe we have the technology right now to solve this
1942 problem, if not heavily curb it. I would like to see some more
1943 activities specifically within our critical infrastructure and
1944 health care to have additional tools on our behalf to help us
1945 with this fight. And I do believe the FCC and the FTC can
1946 absolutely step up and help us out with this along with the
1947 telecoms and along with the third parties. But, so one single
1948 solution isn't the answer here.

1949 Mr. Soto. Thank you, Mr. Summitt.

1950 Now I recently was able to block some of those calls I was
1951 getting about these real estate solicitations. I just want to,
1952 for the record, for Ms. Saunders, Mr. Halley, and Mr. Foss, what
1953 phones don't have a blocking function and how do you feel about
1954 requiring all new phones to have a blocking function?

1955 We will start with you, Ms. Saunders.

1956 Ms. Saunders. My understanding is that most landlines do
1957 not have a really robust blocking function.

1958 Mr. Soto. Okay. Is that a consensus among all of you?

1959 Mr. Foss. Yeah.

1960 Mr. Soto. Are there other types of phones that don't have
1961 a blocking function right now?

1962 Mr. Foss. Also like feature phones, flip phones that are,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1963 you know, old school cell phones. The modern smart phones from
1964 Android, from Apple, those operating systems allow app developers
1965 to build those in. But effectively any other device, nothing
1966 is built in.

1967 Mr. Soto. So these are really where the battle lines are
1968 formed.

1969 Mr. Halley?

1970 Mr. Halley. I was going to say, but that doesn't prevent
1971 carriers from trying to build in network blocking solutions so
1972 that the call never actually gets through, regardless of what
1973 kind of device the consumer has. And we are actively working
1974 on those types of solutions as well.

1975 Mr. Foss. Even for it is at the network level where they
1976 are piggybacking off of certain services like caller ID to go
1977 and show an indicator that it is a robocall, at least that is
1978 giving information to the landlines that would say something like
1979 "robocaller," or to the feature phones. So yeah, don't let the
1980 perfect get in the way of very good.

1981 Mr. Doyle. The gentleman yields back. The chair now
1982 recognizes Mr. Walberg for 5 minutes.

1983 Mr. Walberg. Thank you, Mr. Chairman, and thanks to the
1984 panel for being here.

1985 And I keep my smart phone out here to see what is going to
1986 come in here as a spoof. My carrier, I know, catches a number
1987 of calls, but I regularly keep this to remind myself that the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1988 spoof does come in. I don't get to answer many of the calls that
1989 come through. I choose to let them go to voice mail if it happens,
1990 and most don't. So, this is an important hearing and a hearing
1991 that hopefully solutions will come because this is a great tool,
1992 but it is sure wasting our lives in many ways.

1993 Today's hearing is a great start in addressing this growing
1994 problem. There are several bills on today's hearing which each
1995 add different ideas to the conversation. While this is
1996 promising, we need to remain focused on the larger problem first
1997 as we piece together legislation. Illegal spoofed calls, not
1998 calls that may be legitimate, but unwanted, it is critical that
1999 we not conflate the two.

2000 Mr. Halley, the STIR/SHAKEN standards that telephone
2001 carriers are implementing is a great first step at tackling
2002 clearly illegal spoofed calls. As we try to capture other types
2003 of spoofed calls in addition to nonexistent area codes or
2004 unassigned numbers, how do we stop bad actors while maintaining
2005 flexibility and consumer choice?

2006 Mr. Halley. Thank you for the question. So,
2007 implementation of STIR/SHAKEN across the network is critically
2008 important as you have just identified. The other things we can
2009 do are making the types of analytics tools, whether they are
2010 provided in our carriers' networks or over the top, available
2011 to as many people as we possibly can.

2012 And the other third piece I would mention, two others,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2013 really, one is the industry Traceback Group, making sure that
2014 all companies are participating in the industry traceback
2015 process. And one thing I should say is, you know, Mr. Summitt
2016 has suggested that there are solutions to solve this problem and
2017 I agree. Not everybody participates in the traceback process,
2018 all right. There are times when we initiate a traceback and we
2019 can figure out the call ended at carrier A who received it from
2020 carrier B, and then when we get to the next one in the chain,
2021 they are not a part of a group, some of them refuse to participate
2022 and so that is a problem.

2023 And so, efforts via the legislative process to provide more
2024 information and to encourage participation in that traceback
2025 process would be really important. And as I have said, in
2026 addition to that, sort of going after the root of these illegal
2027 robocalls and putting some folks behind bars would be a helpful
2028 solution as well.

2029 Mr. Walberg. Along that line, with technology constantly
2030 advancing faster than we can really keep up with it, how do we
2031 ensure that our regulations as well keep up with advances in
2032 technology?

2033 Mr. Halley. So to me the key is flexibility and not
2034 over-prescription, because whatever the current standard is it
2035 is going to be different 5 years from now because we will have
2036 learned the way in which people try to get around it and we are
2037 going to need to as an industry be able to quickly and flexibly

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2038 update the protocols and update the processes in which we operate.
2039 And so, to me, the thing we need to be careful about is just
2040 that if we are going to have any sort of requirements whether
2041 they be congressional or FCC that we do so in a manner that ensures
2042 sufficient flexibility for industry, because even we are going
2043 to have trouble keeping up with the bad guys. Certainly,
2044 government is going to have trouble as well.

2045 Mr. Walberg. Okay, Mr. Foss, would you like to add something
2046 to that?

2047 Mr. Foss. Yeah, absolutely. I would caution on any of
2048 these laws and regulations, right, don't get into the weeds.
2049 Let us get into the weeds. Even Mr. Soto was asking, do we need
2050 to make certain exemption or focus on health care and things like
2051 that, like let us do the heavy lifting. If you do a broad
2052 definition, what is an autodialer, what is a violation, when does
2053 that occur, that would be really, really helpful for all of us.

2054 Mr. Walberg. Mr. Summitt?

2055 Mr. Summitt. Yes. And I would also add to that not just
2056 you guys get in the weeds, get us involved in the community and
2057 in these businesses and in our critical infrastructure as part
2058 of that discussion, I think, is just so very, very important.

2059 I think the support of the task, 721, the task force, is going
2060 to be a great thing in moving this forward and that is where you
2061 get the interagency together and that is, I believe, one of the
2062 key things in getting your legislation defined here.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2063 Mr. Walberg. Mr. Halley, is there any things that you see
2064 in specific that aren't in these bills that we are meeting around
2065 today?

2066 Mr. Halley. Yeah. So, I think we are supportive of the
2067 objectives of the legislation generally across the board. There
2068 are certain details which we might offer suggestions, and we have
2069 had productive conversations with the staff or the sponsors in
2070 the committee and we appreciate that opportunity and we will
2071 continue to have that discussion.

2072 Mr. Walberg. Thank you. I yield back.

2073 Mr. Doyle. The gentleman yields back. The chair now
2074 recognizes Mr. O'Halleran for 5 minutes.

2075 Mr. O'Halleran. I thank you, Mr. Chairman, for convening
2076 this important hearing to examine some forms of abuse of robocalls
2077 -- I'm sorry -- consumers in my district receive daily and I do
2078 too. In fact, I was thinking we don't even answer the phone
2079 anymore whether it is cell or landline if we don't know the number.
2080 We will look it up on the computer and check it, but we just
2081 don't do that anymore. I often hear similar concerns from
2082 Arizonans about this issue. As a former small business owner,
2083 I recognize that businesses have certain reasons in which they
2084 need to contact customers for legitimate purposes. As a former
2085 law enforcement officer, I also recognize there are bad actors
2086 today trying to scam consumers and these bad actors need to be
2087 held accountable for their actions. While some bad actors may

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2088 be based beyond our borders, we need to ensure our government
2089 has the resources it needs to protect Americans nationwide.

2090 Mr. Halley, I would like to recognize and commend the
2091 industry for taking proactive steps to develop call authorization
2092 technology to stop the influx of unwanted robocalls. While
2093 STIR/SHAKEN tools are starting to be adapted by carriers, in your
2094 view, do smaller wireless carriers in rural communities face any
2095 roadblocks to adapting these new technologies?

2096 Mr. Halley. Well, the protocol is the protocol regardless
2097 of who the provider is, but I will say that there is a cost, right,
2098 associated with implementing the software and upgrading your
2099 network. As a general matter, when new technology is rolled out
2100 among, you know, the entire industry, you know, advancements tend
2101 to happen faster with the larger providers first, and sometimes
2102 there are issues of equipment availability and vendor
2103 availability.

2104 So I think we need to be on the lookout for making sure that
2105 solutions are available on a timely manner and in a cost-effective
2106 manner for all providers, but particularly with the smaller
2107 providers where that may be a problem.

2108 Mr. O'Halleran. Thank you. And also, Mr. Halley, in your
2109 testimony you state that there are acute need for aggressive
2110 criminal enforcement against illegal robocallers at the federal
2111 and state level and that fines alone are insufficient. How can
2112 section 5 of H.R. 946, of which I am a cosponsor, be enhanced

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2113 to provide broader enforcement for robocall violations?

2114 Mr. Halley. Sure, so the legislative efforts here that are
2115 looking at enabling folks to go after first-time offenders, I
2116 think, is positive consideration, of increasing the forfeiture
2117 penalties is something definitely that should be looked at. I
2118 will say with respect to the FCC's collection issue, one of the
2119 challenges they face, just to give them some credit, is they can
2120 issue forfeitures, but once somebody decides not to pay it, they
2121 are then dependent on the Department of Justice to go after those
2122 bad actors in court which sometimes can create an issue.

2123 So, I think the way that it can be advanced would be to
2124 recognize that in addition to things we can do on the civil
2125 enforcement side, there may be things we can look at whether it
2126 is, you know, directing the Department of Justice to form a
2127 specific group to specifically go after illegal robocallers that
2128 are committing fraudulent activities, for example. I do agree
2129 that the legislation that is looking at requiring the Attorney
2130 General to lead an interagency effort is a potentially positive
2131 step as well.

2132 Mr. O'Halleran. And just as an aside here, there has been
2133 so many times in our history as a country whatever the issue is
2134 that we talk about enforcement, but we really, truly don't get
2135 down to enforcing because of the complexity of the system or the
2136 lack of personnel or the lack of funding, whatever it is. We
2137 can talk all day, but if we don't know how to enforce it and really

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2138 put the funds forward, then we are just telling the consumer out
2139 there that we really don't want to get this dealt with.

2140 Mr. Summitt, I just want to thank you for sharing your
2141 compelling testimony with us on the difficulties your
2142 organization faces with the influx of robocalls you receive while
2143 you are trying to focus on your mission of saving lives.

2144 Mr. Chairman, I believe we have a duty to bring relief to
2145 consumers who have been the victims of malicious robocalls from
2146 bad actors. I look forward to working with my colleagues on
2147 legislation like H.R. 946 to address this pervasive issue once
2148 and for all. And I yield back.

2149 Mr. Doyle. The gentleman yields back. The chair now
2150 recognizes Mr. Gianforte for 5 minutes.

2151 Mr. Gianforte. Okay, thank you, Mr. Chairman. I thank the
2152 panelists for being here today for this important topic.

2153 Montanans reasonably think that being on the National Do Not Call
2154 List means they won't get called, except they are getting called,
2155 a lot, and they are sick and tired of it. Alvin, a
2156 70-year-old man from Kalispell, receives over 20 calls a day.

2157 His provider allows him to block 12 numbers; clearly that is
2158 not enough. Connie in Missoula asked me to get back to her about
2159 an issue by email, not by phone. Why, because she is getting
2160 inundated with robocalls and doesn't pick up her phone. A young
2161 woman in Bozeman received a call from her little brother's phone
2162 number, but it wasn't her brother. It was a scammer calling from

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2163 her little brother's number. Unfortunately, her little brother
2164 had died of a heroin overdose a couple of months previously.
2165 She was shaken and shocked.

2166 It is an indictment on the system that a young woman gets
2167 a call from a scammer using her deceased brother's phone number.

2168 I look forward to solutions and I am encouraged by the
2169 conversation today to end this practice so no one has to go through
2170 what this young woman did. There is a bipartisan agreement here
2171 and I think this needs to be fixed. I look forward to working
2172 together with my colleagues to get it fixed.

2173 So, I want to focus, continue the conversation on law
2174 enforcement and what we need to do to help, and I will start with
2175 Mr. Halley. You mentioned the need for increased criminal
2176 enforcement in this area to quickly crack down on bad actors.

2177 Can you explain what you think can be done to better empower
2178 law enforcement to go after bad actors?

2179 Mr. Halley. Sure. Look, there is the TCPA. There is the
2180 Truth in Caller ID Act. There are other consumer protection,
2181 you know, fraud prevention laws that are on the books. I think
2182 as much as anything it is not so much that we need to change the
2183 law as it is that we need to recognize that if this is, in fact,
2184 such a big issue, it is not just a nuisance issue, right, it is
2185 a real issue that affects not just healthcare institutions but
2186 banks and many other industries as well that are having similar
2187 problems, we need to recognize that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2188 It is not just about a nuisance. It is about real crime,
2189 real fraud. And for those types of calls, I think we just need
2190 to sort of double down and quadruple down on our commitment to
2191 actually enforce laws and go after those who are committing crime.

2192 Mr. Gianforte. Okay.

2193 Mr. Foss, would you like to add anything to that?

2194 Mr. Foss. Yes, so this kind of a forum, the enforcement
2195 side doesn't seem to be working as strongly as the prevention
2196 side. So, I would just, you know, do we need all the prongs of
2197 this, absolutely. I don't know, I don't have any specific
2198 recommendations over there, right. The things that I always
2199 usually suggest are looking at this problem from different angles,
2200 right, looking at with the new technology. Don't look at it,
2201 this is a very different type of crime that is being perpetrated.

2202 It has been traced back and things need to change nowadays, and
2203 again things that like USTelecom are doing and things and having
2204 new tools like our honey pot and things like that. I think that
2205 we can absolutely do that.

2206 Mr. Gianforte. Okay.

2207 Mr. Halley. I would just say we can probably do more and
2208 we are now doing more also at the state level, really coordinating
2209 with State Attorneys General as well for particular incidents
2210 that are going on within the state borders.

2211 Mr. Gianforte. Okay.

2212 Mr. Summitt, anything you would add?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2213 Mr. Summitt. Sure. Technology can solve a lot of things,
2214 but it can't -- it is not the end-all. It is not a hundred percent.

2215 And as much as I would like to agree, I would respectfully
2216 disagree with enforcement. Even though enforcement has not been
2217 as effective as it can be, I think the reason is we don't have
2218 enough information going forward to prosecute some of these
2219 things.

2220 And, quite frankly, when I am getting 6,600 calls in a 90-day
2221 period, I can't do a traceback on 6,600 calls nor does a telecom
2222 want me to give them every time this happens. So, enforcement
2223 side of this and getting the latitude to the FTC to pursue with
2224 cooperation from us providing data to them is a key part of this.

2225 Mr. Gianforte. Okay. And again, I want to thank the
2226 panelists for being here today for this important topic. And
2227 with that, Mr. Chairman, I yield back.

2228 Mr. Doyle. The gentleman yields back. The chair now
2229 recognizes Ms. Eshoo for 5 minutes.

2230 Ms. Eshoo. Thank you, Mr. Chairman. And I apologize to
2231 the committee members and to those that are testifying that I
2232 haven't been able to be here for most of the hearing. I am
2233 chairing a hearing upstairs on the cost of prescription drugs
2234 in Medicare.

2235 What I am struck by is that the United States of America
2236 saw to it that a man landed and walked on the moon in 1969, the
2237 year my first child was born, and I just can't accept the fact

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2238 that we can't really rid people of the harassment of robocalls.

2239 I do believe in technology and I think that enforcement and
2240 technology together are the set of bookends that we need in this.

2241 To Ms. Saunders, in your written testimony you say that the
2242 NCLC supports the HANGUP Act which I am very grateful for. As
2243 I mentioned in my opening statement, the Fourth Circuit Court
2244 of Appeals decided that the loophole that my bill repeals is
2245 unconstitutional. Can you just spend a moment on why there is
2246 still a need for the legislation now that the Fourth Circuit
2247 declared the loophole unconstitutional?

2248 Ms. Saunders. Yes, thank you, Ms. Eshoo. The HANGUP Act
2249 would undo a really grievous harm to the TCPA which exempted all
2250 calls made to collect federal government debt from the requirement
2251 of consent. We have seen, I would say, hundreds of cases by
2252 student loan collectors, generally, who are harassing not just
2253 borrowers, but also friends and neighbors and wrong number calls
2254 with unmercifully high number of calls. And we have actually
2255 even submitted a complaint to the FCC asking them to deal with
2256 it which they have not.

2257 Ms. Eshoo. What was their response?

2258 Ms. Saunders. None.

2259 Ms. Eshoo. Ah.

2260 Ms. Saunders. There was no response.

2261 Ms. Eshoo. There you go.

2262 Ms. Saunders. So we strongly support the HANGUP Act.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2263 In response to your specific question, we have 11 circuits
2264 in this nation, one circuit has not declared the TCPA's provision
2265 exempting these calls from the consent requirement as
2266 unconstitutional. But the callers themselves routinely defend
2267 actions brought against them for illegal robocalls by saying this
2268 whole statute is unconstitutional and that was the goal in this
2269 case. So, this good decision in the Fourth Circuit may not stand.
2270 It may be overruled en banc. It may be overruled by the Supreme
2271 Court and may be differed with by other circuits. The HANGUP
2272 Act is still essential.

2273 Ms. Eshoo. Thank you very much.

2274 To Mr. Foss, thank you for -- I read your written testimony
2275 and I loved how you just came to the point. Usually written
2276 testimony is encyclopedic and so yours was just a pleasure. It
2277 was like I just turned the page once or twice and I was done.
2278 But there was a lot packed into it.

2279 Mr. Foss. I just get down to business. I don't know.

2280 Ms. Eshoo. Yeah, how do you deal with spoofing? So,
2281 specifically, if a robocaller uses my phone number to mask their
2282 identity, would your technology blacklist my phone number even
2283 though I haven't robocalled?

2284 Mr. Foss. No. So, we don't really care if a phone number
2285 is spoofed or legitimate, it is real, we care about the calling
2286 patterns. So, in that case, if somebody spoofs your number and
2287 is now making, you know, tens of thousands of calls in an hour,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2288 well, then it is going to get on our blacklist while that attack
2289 is happening, right. Once that attack, once they go on to someone
2290 else's number it drops off our blacklist and there is no harm
2291 with that.

2292 Ms. Eshoo. So your blacklist deals with volume?

2293 Mr. Foss. Correct, because that is the best -- volume as
2294 well as content. So again, if we see a small volume but we have
2295 a recording, we have a transcription, we know what is going after
2296 that, that is one way that your reputation will go down. The
2297 most obvious way is just when you start seeing these high-volume
2298 calling patterns.

2299 Ms. Eshoo. I see. Well, thank you for your important work.

2300 To Mr. Halley, much has been discussed today or I think it
2301 has given the testimony about the problems with voice-based
2302 autodialers. What are your members doing to ensure that
2303 Americans still have landlines that are protected from robocalls?

2304 Mr. Halley. Sure, so we are building --

2305 Ms. Eshoo. There are still a lot of people that have them.

2306 Mr. Halley. Absolutely, there are.

2307 Ms. Eshoo. I know my kids don't understand it at all, but

2308 --

2309 Mr. Halley. Right. No, I have one and it is an old
2310 1980's-style phone and my son just looked at it and started to
2311 talk into it and it didn't work. It was pretty funny.

2312 Anyway, we are doing a lot. So, we are building in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2313 technology into our network so that even if the phone itself,
2314 for example, is an older phone, the network has the capability
2315 to block calls that are unwanted or illegal. And, you know, we
2316 are looking at solutions like anonymous call rejections services
2317 for those types of older services where if the number, if somebody
2318 who is calling has specifically stripped their caller ID, it won't
2319 go through.

2320 Ms. Eshoo. How much of a dent do you think, I mean the
2321 universe, say, is a hundred percent robocalls on landlines, what
2322 would you estimate what you have done has put what percentage
2323 of a dent into it?

2324 Mr. Halley. Well, you have to start with the percentage
2325 of calls that are over landline which are --

2326 Ms. Eshoo. I understand.

2327 Mr. Halley. -- extremely small. So, for that remaining
2328 portion of calls that do come over land --

2329 Ms. Eshoo. It is a lot to people that just have a landline
2330 though.

2331 Mr. Halley. Of course, for those individual callers, sure.
2332 You know, look, for those people who have opted in to the
2333 solutions that I am talking about it has made a huge dent. The
2334 calls either don't get through or they have a lot more information
2335 about the call so that they can make a decision as to whether
2336 or not they want to answer it or not.

2337 In terms of whether or not, you know, 10, 20, or 90 percent

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2338 of customers have actually taken those services, I don't know,
2339 but it is rising every day.

2340 Ms. Eshoo. Thank you.

2341 Thank you, Mr. Chairman.

2342 Mr. Doyle. The gentlelady yields. Ms. DeGette, you are
2343 recognized for 5 minutes.

2344 Ms. DeGette. Thank you very much, Mr. Chairman. I was up
2345 at a hearing in Natural Resources and I apologized to them for
2346 being late because of I was here earlier. And everybody in the
2347 room on both sides of aisle says, "We need to do something about
2348 robocalls." So this is something that I think that is striking
2349 everybody in America.

2350 And I have always wondered about what, exactly what the Do
2351 Not Call Registry did. And I also think, and I am just going
2352 to say this in public, I think that the Do Not Call Registry had
2353 real benefits but it had some real shortcomings. And, in my
2354 opinion, one of the shortcomings that it had is it allowed
2355 campaigns to exempt themselves. So, I get called on a frequent
2356 basis by candidates wanting me to record robocalls for them to
2357 send out and I won't do it because I think that robocalls by
2358 politicians maybe should be even more illegal than robocalls from
2359 everybody else.

2360 But in any event, that is what I want to talk to the panel
2361 about today is the national no call registry because it seemed
2362 like it was making some real impact for a while, but now it seems

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2363 that -- and even at its most effective points consumers didn't
2364 realize things like politicians and others could still make calls
2365 under the Do Not Call Registry. And I am wondering if we pass
2366 some of this legislation that we are considering today, are we
2367 going to have some of the same shortcomings that we have found
2368 with the Do Not Call List? So, Ms. Saunders, I wanted to ask
2369 you, do you think that Congress and the FTC did enough to prepare
2370 the public for what the Registry would and wouldn't do?

2371 Ms. Saunders. I am afraid that I am not familiar with
2372 exactly what the FTC and the FCC did years ago.

2373 Ms. DeGette. Okay.

2374 Ms. Saunders. I can tell you -- I can answer more about
2375 what is currently going.

2376 Ms. DeGette. Tell me what is -- yeah, well, tell me about
2377 the current situation.

2378 Ms. Saunders. So I think the Do Not Call Registry is good
2379 if it could be enforced.

2380 Ms. DeGette. Right.

2381 Ms. Saunders. Unfortunately, there is the -- the private
2382 remedies for enforcing it are not nearly as good as the private
2383 remedies for enforcing the rest of the TCPA. Senator Durbin on
2384 the Senate side is proposing a bill that will make the remedies
2385 somewhat equivalent. The FCC has the authority to expand beyond
2386 telemarketing and include other calls in the prohibition to
2387 landlines. They could potentially do that or one of the bills

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2388 that are pending today could allow that expansion.

2389 Ms. DeGette. Right.

2390 Ms. Saunders. The New York bill that is currently pending
2391 would prohibit all automated calls and prerecorded calls to
2392 landlines and residential, to landlines and cell phones and
2393 business phones, regardless of content if they are automated,
2394 unless there is consent or there is an emergency. So, there are
2395 different things that can be done.

2396 Ms. DeGette. What would you think would be the -- not
2397 commenting on the specific bills, but what kind of a paradigm
2398 would be the most important paradigm for consumers, do you think,
2399 for Congress to pass?

2400 Ms. Saunders. I think that has been recognized here today
2401 we are dealing with two sides of a problem. We have three kinds
2402 of calls that are being made --

2403 Ms. DeGette. Right.

2404 Ms. Saunders. -- to borrow Mr. Foss's analysis. One are
2405 the wanted reminders and legitimate business calls that we want
2406 to make sure are allowed through. For those calls, as long as
2407 consent has been provided there is no problem. Then on the other
2408 side are the scam calls which whether that is 30 percent or 47
2409 percent, clearly, they need to be stopped.

2410 Ms. DeGette. Right.

2411 Ms. Saunders. That is probably best stopped with a caller
2412 authentication problem and the technologies that Mr. Foss and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2413 others implement. For the rest of the calls which 30, 40 percent,
2414 those are telemarketing and unwanted debt collection calls, we
2415 need a very strong Telephone Consumer Protection Act that will
2416 create the financial incentive for the callers to comply with
2417 the law. In the meantime, with call authentication and effective
2418 tracebacks we will be able to catch them because we will know
2419 who they are.

2420 Ms. DeGette. So, Mr. Halley, do we have the technology to
2421 be able to carry out that kind of a paradigm?

2422 Mr. Halley. Yeah, we do.

2423 Ms. DeGette. Mr. Foss is also nodding yes.

2424 Mr. Halley. Yes, we have the technology. Now what is
2425 incumbent on some of the things that I have been talking about
2426 today is carrier participation. So USTelecom members actively
2427 participate in tracing back calls, for example, not all of them
2428 do and not every carrier is necessarily implementing, you know,
2429 all the different tools and solutions that we are talking about.

2430 The technology is there, but we do have to make sure that
2431 everybody who is part of this is taking advantage of it.

2432 Ms. DeGette. Thank you.

2433 Thank you very much, Mr. Chairman. I yield back.

2434 Mr. Doyle. The gentlelady yields back.

2435 Without objection, the following documents will be made part
2436 of the record: A letter from the Chamber of Commerce Coalition
2437 members; a letter from Consumer Reports; a letter from the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2438 Electronic Privacy Information Center; a letter from National
2439 Association of Federally-Insured Credit Unions; a letter from
2440 ACA International; an attachment to the letter from ACA
2441 International; and a letter from Representative Van Drew of New
2442 Jersey. Without objection, so ordered.

2443 [The information follows:]

2444

2445 *****COMMITTEE INSERT 6*****

2446 Mr. Doyle. I want to thank the witnesses for their
2447 participation in today's hearing. I want to remind all members
2448 that pursuant to committee rules they have 10 business days to
2449 submit additional questions for the record to be answered by the
2450 witnesses who have appeared. I ask each witness to respond
2451 promptly to any such question you may receive.

2452 At this time the subcommittee is adjourned.

2453 [Whereupon, at 12:16 p.m., the subcommittee was adjourned.]

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701