

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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April 1, 2020

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Attorney General Barr and Chairman Pai:

Thank you for your recent actions to implement portions of the TRACED Act, which was signed into law by President Trump on December 30, 2019.¹ As the Department of Justice (DOJ) and the Federal Communications Commission (FCC) recently announced, the COVID-19 Pandemic has led to an increase in illegal robocalls and scammers attempting to defraud Americans.² Many of these scammers are alleged to have used the COVID-19 Pandemic to scam Americans by attempting to sell them fake tests or treatments for the disease, misrepresenting themselves as medical professionals or representatives from Medicare and Medicaid, as well as posing as officials from the Centers for Disease Control and Prevention (CDC).³ This comes at a time when more Americans are concerned about the security of their job and their ability to receive critical health care services in light of the public health emergency.

We commend the early steps the Commission and the Department have taken to begin implementing the TRACED Act; however, we urge you both to take all necessary actions to safeguard and protect Americans from these harmful and deceptive robocalls.

The TRACED Act gives the FCC and DOJ new and expanded tools and authorities to combat illegal robocalls. Critical to stemming the flow of these calls during the COVID-19 Pandemic is to deter and take enforcement action against these illegal robocallers. Specifically,

¹ See, e.g., "In the Matter of Call Authentication Trust Anchor," Report and Order and Further Notice of Proposed Rulemaking, Federal Communications Commission. (WC Docket No. 17-97) Rel. March 31, 2020. Available at: <https://docs.fcc.gov/public/attachments/FCC-20-42A1.pdf>, and "FCC Announces the Establishment of the Hospital Robocall Protection Group and Seeks Nominations for Membership," Public Notice, Rel. March 25, 2020. Available at: <https://docs.fcc.gov/public/attachments/DA-20-333A1.pdf>

² See, <https://www.fcc.gov/covid-scams>

³ See, <https://www.cnn.com/2020/03/23/coronavirus-fraudsters-prey-on-fear-with-fake-products-email-scams.html>

the TRACED Act directed the Chief of the Enforcement Bureau of the Commission to provide any evidence it obtains suggesting a willful, knowing, and repeated robocall violation with an intent to defraud, cause harm, or wrongfully obtain anything of value, to the Attorney General.⁴

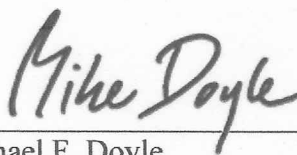
While this provision, combined with the increase in civil penalties of up to \$10,000 per call on people who intentionally cause a robocall violation, is a strong deterrent, ultimately, DOJ must carry out the collection of those penalties. During the COVID-19 Pandemic, we urge you to go after these illegal robocallers aggressively and use all the tools Congress has given you to deter and enforce violations of the law effectively.

Please let us know what steps the FCC and DOJ will be taking to address the increase in robocalls related to the COVID-19 Pandemic no later than April 14, 2020. If you have any questions, please contact Phil Murphy of Chairman Doyle's staff at (202) 225-2135 or Evan Viau of the Minority Staff at (202) 225-3641. Thank you for your attention to this matter.

Sincerely,



Robert E. Latta
Republican Leader
Subcommittee on Communications
and Technology



Michael F. Doyle
Chairman
Subcommittee on Communications
and Technology



Greg Gianforte
Member of Congress



A. Donald McEachin
Member of Congress

⁴ Section 11 of P.L. 116-105 at 47 U.S.C. 227b-2