

March 23, 2020

Senators Ask FCC, DOJ to Protect Americans From Coronavirus Robocalls

Sens. John Thune (R., S.D.) and Ed Markey (D., Mass.) asked the FCC and Department of Justice today to take action to protect consumers from coronavirus robocalls.

“Today, vulnerable Americans are being bombarded with illegal robocalls, including calls that promise coronavirus testing and possible cures. These calls pose a serious threat to consumers’ wellbeing and risk exacerbating the current coronavirus public health crisis,” the senators said in a letter to FCC Chairman Ajit Pai and Attorney General Bill Barr. “We appreciate the Federal Communications Commission’s (FCC) recent efforts to inform consumers of such scams by launching the ‘COVID-19 Consumer Warnings and Safety Tips webpage,’ [TR Daily, March 20] ... but as the authors of the Telephone Robocall Abuse Criminal Enforcement and Deterrent (TRACED) Act, we write to underscore the serious threat these calls pose and urge your respective agencies to take all necessary steps to protect the public against them.”

The lawmakers complained that “[e]very day, bad actors are placing an estimated one million suspicious calls pertaining to coronavirus, many of which relay deceptive promises of non-existent testing services. Calls like these are more than a nuisance. They are a danger to the public. We are particularly concerned by the threat these calls pose to elderly Americans. They are especially vulnerable to robocall scams, and they are among those at the greatest risk from coronavirus.”

“The TRACED Act gives both the FCC and Department of Justice (DOJ) critical new robocall deterrent and enforcement powers,” the letter added. “Specifically, the TRACED Act directs DOJ, in consultation with the FCC, to convene an interagency working group to study the prosecution of violations of the Communications Act, and requires this working group to study existing and potential policies to deter international robocalls. The statute also directs the FCC to initiate a rulemaking to help protect subscribers from receiving unwanted calls or texts; broadens the authority of the FCC to levy civil penalties of up to \$10,000 per call on people who intentionally flout telemarketing restrictions; and extends the window for the FCC to catch and take civil enforcement action against intentional illegal robocallers.”

The senators asked Chairman Pai and AG Barr to respond by April on “concrete steps you will be taking to address this dangerous scourge of coronavirus-related robocalls.”

Mr. Barr has urged the public to report suspected COVID-19 fraud schemes and directed U.S. attorneys to prioritize probes and prosecution of such schemes. —Paul Kirby, paul.kirby@wolterskluwer.com

