



# How Congress and the FCC Can Protect Americans from Invasive and Dangerous Robocalls and Robotexts

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Americans receive more than 50 billion unwanted robocalls and robotexts a year, many of them dangerous scams that defraud consumers of hundreds of millions of dollars. Congress and the Federal Communications Commission (FCC) *must act* to clamp down on these invasive and dangerous calls.

### Congress Must:

1. Ensure a **strong, broad prohibition of autodialed calls and texts** made to cell phones without the called party's consent. This issue will become urgent if the Supreme Court rules against consumers in the pending case [Facebook v. Duguid](#).
2. Amend [the Telephone Consumer Protection Act](#) (TCPA) (the law that protects consumers from unwanted robocalls and automated texts) to require \$500 in statutory damages for **every violation of the nationwide do-not-call list rule**. Under current law, the consumer has a right to bring suit only upon getting a second call within 12 months from the same telemarketer. Giving telemarketers one liability-free violation encourages tens of millions of unwanted telemarketing calls.
3. Expand the do-not-call rule and the prohibition of prerecorded calls to **protect all telephone lines**, including those used to make business calls, not just "residential" lines.
4. Prohibit the FCC from issuing **retroactive waivers** of liability for violations of the TCPA.

### The FCC Must:

1. Clarify that the requirement for consent for robocalls **cannot be waived**, and that **consent can always be revoked** in a reasonable manner.
2. Clarify that **only smartphones actually used to make en masse calls** meet the definition of an automated telephone dialing system.
3. Clarify that the **seller of the goods is always fully liable** for unconsented-to calls made by third-party callers to sell their products.
4. Clarify that both telephone service providers and callers must **maintain and produce records** of automated calls and consent for those calls for four years.
5. Clarify that when a consumer provides written consent for telemarketing calls, that **consent only applies to the single telemarketer** to whom the consumer directly provided consent.
6. Prohibit lead generators from exchanging **private information** about consumers with unrelated parties.
7. Mandate that providers of telephone services to robocallers **know their callers** or be held responsible for the calls made in violation of the TCPA.
8. Require all providers of telephone service to **protect their customers from scam calls**.
9. **Prohibit prerecorded calls to residential lines** without the called party's consent, with the exception of emergency calls. Currently, all callers except telemarketers are exempted, so consumers are barraged with unwanted prerecorded survey calls, so-called informational calls, unwanted political calls, debt collection calls, "dead air" calls, and others.
10. **Clarify** that *en masse* calls or texts sent using evasive tactics such as "clicker agents" are covered by the TCPA.
11. **Repeal all exemptions** to the TCPA's prohibitions against unwanted calls (other than the statutory exemption for emergency calls), and stop issuing new exceptions.
12. **Stop issuing retroactive waivers** of liability for TCPA violations, even if Congress does not act to prohibit this practice.

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