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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