

State of Vermont

House of Representatives



Montpelier, Vermont

Joint House Resolution

J.R.H. 15

Joint resolution requesting the Federal Trade Commission, the Federal Communications Commission, and Congress to adopt more effective measures to enforce the federal Do Not Call list and to police illegal robocalls

Offered by: Representatives Keenan of St. Albans City, Briglin of Thetford, Dakin of Colchester, Donovan of Burlington, Howard of Rutland City, Jessup of Middlesex, Kimbell of Woodstock, Sullivan of Burlington, Wood of Waterbury, and Young of Glover

Whereas, millions of Americans would prefer not to receive annoying telephone calls soliciting them to make unwanted purchases, and

Whereas, in 1991, Congress enacted legislation that created the first Do Not Call registry; however, the registry was not federally maintained, and

Whereas, in 2003, Congress realized a more assertive federal response was required, and Congress adopted, with strong bipartisan support, a new Do Not Call registry and assigned its administration and enforcement to the Federal Trade Commission (FTC), and

Whereas, only one person at the FTC is responsible for maintaining the list of 230 million numbers, although contractors field 19,000 complaints daily and a relatively small contingent of FTC staff conduct enforcement proceedings, and

Whereas, the placement of a telephone number on the list is supposed to alert private telemarketers not to call that number, but it does not technically block a telemarketer from calling the number, and

Whereas, the advancement of robocalling technology greatly increased the number of telemarketing calls, and in 2009, the FTC adopted new regulations prohibiting most uses of robocalling, except by schools, political organizations, and other organizations not selling a product, and

Whereas, in 2016, the Federal Communications Commission (FCC), which shares jurisdiction with the FTC on these topics, convened the Robocall Strike Force, in which telecommunications industry leaders brainstormed, and

Whereas, an increasingly prevalent telemarketing phenomenon is known as neighborhood spoofing, a technology by which national telemarketers use a false local number to give cell phone owners the misleading impression that the call is from a neighbor, and

Whereas, separately, in 2015, the FCC adopted an order giving telecommunication carriers new authority to block certain robocalls directly, addressing in part, but not eliminating, the persisting and annoying problem of neighborhood spoofing, and

Whereas, on March 16, 2018, the U.S. Court of Appeals for the District of Columbia Circuit in the case *ACA International et al. v. Federal Communications Commission*, No. 15-1211, struck down key provisions of the 2015 order, and

Whereas, while the court upheld the order's authorization of multiple methods for consumers to withdraw their consent to be called, including a provision on healthcare-related calls, the court voided the order's seemingly broad applicability to any ordinary call originating from a conventional smartphone as an unreasonably expansive interpretation of the Telephone Consumer Protection Act of 1991 (the Act), and

Whereas, the court also ruled that the order's ban on calls to a wireless number previously assigned to a consumer who had given consent to be called, but since reassigned to a consumer who had not given consent, also violated the Act, and

Whereas, this decision narrows the FCC's authority to combat robocalls, and

Whereas, although anecdotal evidence indicates a possible 20 percent decline in robocalls, the problem remains a significant impediment to the well-being of millions of Americans, especially during evening hours, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests the Federal Trade Commission, the Federal Communications Commission, and Congress to adopt more effective measures to enforce the federal Do Not Call list and to police illegal robocalls, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the chairs of the FTC and of the FCC and to the Vermont Congressional Delegation.