

TELECOMMUNICATIONS

LET'S ROBOCALL IT OFF

Technology and new state laws are helping consumers end unwanted phone calls.

BY HEATHER MORTON

Your phone rings. The caller ID says it's the IRS. With butterflies in your stomach, you answer the call and are told there is a problem with your tax return. To verify some information and avoid penalties, you must give your Social Security or credit card number.

Another caller mimics a family member and asks you to send a prepaid debit card for bail or some other emergency. That's followed by still another call from a number that looks familiar but turns out to be a recorded pitch for a product or service.

Then, just before you go to bed, the phone rings again. This time you're glad you answered. It's another recording, but it's from the school announcing a snow day tomorrow. There are good robocalls and there are bad ones!

According to the Federal Communications Commission, the IRS hoax has scammed 14,700 victims out of more than \$72 million since October 2013, despite ongoing efforts to educate consumers about the fraud.

No one, not even NCSL staff, is immune



Benninghoff



Chenette



Halloran

from receiving unwanted telephone solicitations, often as robocalls using misleading caller ID. (While writing this article, I received four unwanted calls in four hours.) According

to the YouMail Robocall Index, 4.5 billion robocalls were placed in September. That's more than 150 million calls a day and an average of 13.8 calls per U.S. resident. Texas, California, Florida, Georgia and New York were the top five states receiving robocalls in September.

According to Hiya, an app that helps block unwanted robocalls, the five area codes targeted the most by spammers are 214 (Dallas), 210 (San Antonio), 817 (Forth Worth, Texas), 512 (Austin, Texas) and 832 (Houston). Hiya estimates that 25.3 billion calls have been made to U.S. mobile phones in the first half of this year.

YouMail reports just over 46% of the robocalls placed in September were scams, 12% were telemarketing calls, 23% percent were alerts and reminders, and the remaining 19% were payment reminders. Although nearly half the robocalls were made with the recipient's permission, the majority were unsolicited and unwanted.

FCC Regulations Issued

The FCC has issued several declaratory rulings to address illegal robocalling. The most recent was in June to clarify that voice service providers may offer consumers features that block unwanted calls through analytics (call-blocking programs) and from numbers not in a consumer's contact list (whitelist programs).

The call-blocking clarification was

ILLINOIS

Civics Education for Inmates

The Re-Entering Citizens Civics Education Act makes Illinois the first state to require prisons to offer civics education classes to inmates starting 12 months before their scheduled release. The classes will be taught by incarcerated peer educators who have been trained by nonpartisan civics organizations. The curriculum will cover voting rights, governmental institutions and current affairs and will include simulations of voter registration, elections and other democratic processes. Prisons across the country have offered similar classes, but until now no state has mandated that they be held at all state institutions. The law takes effect in January.

NEW YORK

This Just In

With local news outlets folding fast, two New York lawmakers have proposed a law requiring that any cable company operating in the state offer a local channel with "news, weather and public affairs programming." The programming would have to be independently produced and could not be a rebroadcast of other news shows. New Jersey allocated \$2 million to support local news, but New York's law, if passed, would be the nation's first legislative effort



MASSACHUSETTS

Using the B-Word? That's So 'Disorderly'

A Massachusetts statute allows citizens to file proposed bills directly through a representative. And so it was that Representative Daniel Hunt (D) was obligated to introduce a proposal to ban the use of the word "bitch." The bill says that "a person who uses the word 'bitch' directed at another person to accost, annoy, degrade or demean the other person shall be considered to be a disorderly person." Should the bill become law, it would almost certainly face a stiff First Amendment challenge. "It's important whether you agree or disagree with the legislation being proposed that you honor the duty to represent your constituents and have their voices heard," Hunt said.

to bolster community journalism. Some media experts are leery of government being at all involved in the production of news reporting.

CALIFORNIA

Forego the New Fur

California is the first state to ban the manufacture and sales of new items made from animal fur. The law imposes a civil penalty for each violation and will apply to clothing, handbags, shoes, hats and other fur-bedecked items. Leather, cowhide and shearling are not covered, nor are products used by Native tribes

for religious purposes. Also exempted are used-fur items, taxidermy products and fur from animals taken lawfully with a hunting license. Hawaii and New York are considering similar bans. The Fur Information Council of America, a trade group, has threatened to sue California over the law, which takes effect in 2023.

TENNESSEE

Felons and Antique Firearms

Tennessee is the latest state to allow felons to have antique guns. The new law lifts a ban on guns manufactured before

1899, certain replicas and black powder-using muzzle-loaders for people convicted of felonies or certain misdemeanors. It brings the Volunteer State's law in line with federal code, which doesn't prohibit felons from having antique guns. The bill passed unanimously and took effect in May. Its sponsor, Senator Kerry Roberts (R), says his research found that antiquated weapons, which don't use modern ammunition, are seldom if ever used to commit violent crimes.

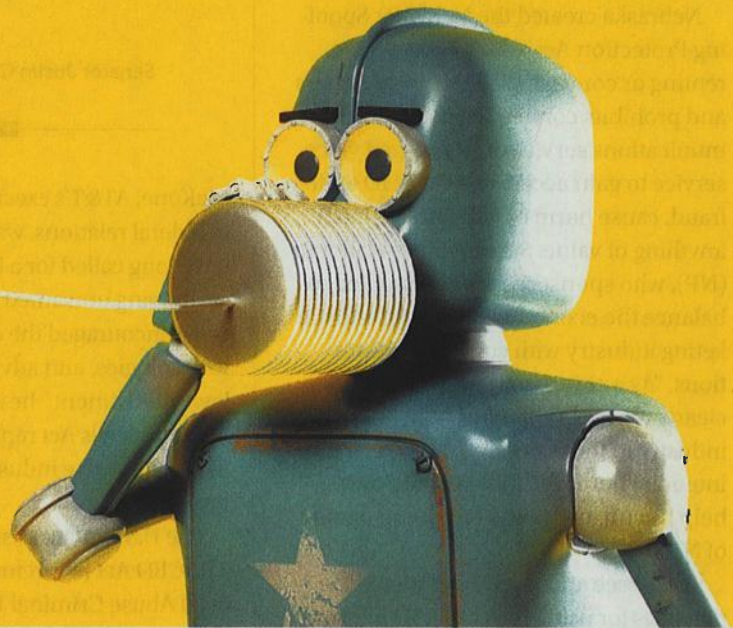
PENNSYLVANIA

Hygiene Products in Public Schools

Needing a tampon and knowing the dispensers at her Pennsylvania high school hadn't been refilled in years, 17-year-old Lilly Minor decided she'd had enough. She contacted her state representative, Danielle Friel Otten (D), and the two wrote Lilly's Bill, which would require the state's public schools (charter schools included) to provide free menstrual hygiene products in every bathroom accessed by female students in grades six through 12. The bill is pending. Meanwhile, other states have acted. California, Illinois, New Hampshire and New York all require schools to provide free menstrual products. Connecticut no longer charges sales tax on tampons, and Ohio has a similar measure pending.

"ILLEGAL ROBOCALLS ARE MORE THAN ANNOYING, THEY ARE A DELIBERATE ATTEMPT BY CRIMINALS TO FLOOD VOICE NETWORKS WITH UNWANTED CALLS THAT SCAM, SPOOF AND PREY UPON VULNERABLE CONSUMERS."

Tim McKone, of AT&T, in a joint industry statement

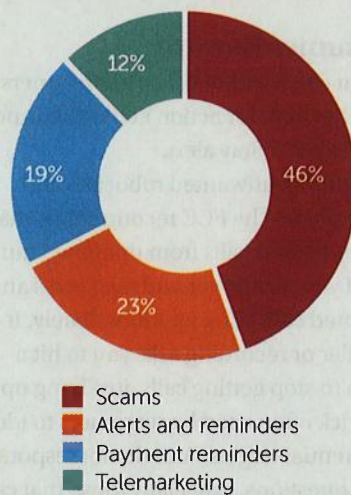


meant to ensure that the programs' "reasonable analytics" could discern unwanted robocalls from wanted calls, like school notifications and payment reminders. "Call-blocking and labeling services can benefit consumers by reducing the number of illegal calls received by consumers, but they can also erroneously prevent legal and wanted communications," says Michele Shuster, general counsel for the Professional Association for Customer Engagement.

In the ruling, the FCC cautioned voice service providers to avoid blocking calls from law enforcement, emergency operations and other public safety entities. Call-blocking programs should also include a point of contact for legitimate callers to report erroneous blocking and a mechanism to resolve such complaints.

The FCC's whitelist clarification says that voice service providers may offer an opt-in program letting consumers specify the phone numbers they wish to receive calls from. If used, a whitelist program makes call blocking the default for consumers.

Robocalls by Category, for September 2019



Source: YouMail

In addition, the FCC has urged the telecommunications industry to develop caller ID authentication, known as SHAKEN/STIR (see "Know Your Robo-Terms," page 26), to combat caller ID spoofing. Many providers are using the SHAKEN/STIR framework to ensure that the information about the source of calls on the network is accurate.

States Not Waiting on Feds

In the midst of the FCC regulatory actions, state legislators have introduced numerous bills and resolutions to address commercial communications, including robocalls, caller ID spoofing, no-call lists and registries and other telemarketing issues.

So far just this year, 35 states have introduced more than 150 bills and resolutions and enacted or adopted 25 of them. Arkansas enacted legislation that holds telecommunication service providers and third-party spoofing providers accountable for certain activities, imposing criminal penalties for some. Kentucky prohibited phone solicitations that misrepresent the name or phone number in caller ID services, with specified exemptions.

Maine Senator Justin Chenette (D) sponsored legislation that makes it an unfair trade practice for a telemarketer to misrepresent his or her phone number when making a solicitation or to use a recorded or artificial voice. "The state can't sit idly by and wait for the federal government to act when small businesses are losing productivity, seniors are being

scammed and people are afraid to answer their phones," Chenette said when the bill was signed.

Nebraska created the Neighbor Spoofing Protection Act, which bans selling, renting or conveying telephone numbers and prohibits connecting with a telecommunications service or IP-enacted voice service to gain access to a caller ID to defraud, cause harm or wrongfully obtain anything of value. Senator Steve Halloran (NP), who sponsored the bill, worked to balance the economic role of the telemarketing industry with consumer protections. "As a citizen and businessman, I clearly recognize that this is an important industry to the economy," he says. "I don't intend to harm the industry, but rather help [them] and protect the good people of Nebraska."

Tennessee and Virginia increased the penalties for using false caller ID information. Alabama, Hawaii, Illinois, Kentucky, New Jersey, North Dakota and Pennsylvania adopted resolutions. Pennsylvania Representative Kerry Benninghoff (R), who supports more federal action, sponsored a resolution urging Congress to grant the FCC additional authority to stop unwanted and illegal robocalls and spoofing.

"Clearly, more needs to be done," Benninghoff says. "Our phones are ringing off the hook. Every day, and several times a day, our seniors and neighbors are being bombarded by people who are attempting to steal their hard-earned money and personal information."

Industry Responds

In a joint statement, USTelecom, CTIA-The Wireless Association and NCTA-The Internet & Television Association affirmed their commitment to battling illegal and unwanted calls. "Illegal robocalls are more than annoying, they are a deliberate attempt by criminals to flood voice networks with unwanted calls that scam, spoof and prey upon vulnerable consumers who are justifiably fed up."

When the U.S. House passed the Stopping Bad Robocalls Act and sent it to the Senate in July, the response from Tim

"PEOPLE ARE AFRAID TO
ANSWER THEIR PHONES."

Senator Justin Chenette, Maine

McKone, AT&T's executive vice president of federal relations, was encouraging. "We have long called for a holistic approach to addressing unwanted and illegal robocalls, encouraged the deployment of new technologies, and advocated for increased law enforcement," he said. "The Stopping Bad Robocalls Act represents another tool in our collective industry and enforcement toolbox."

The U.S. Senate passed the bipartisan TRACED Act (short for Telephone Robocall Abuse Criminal Enforcement and Deterrence) in May. It will, among other things, raise the fines the FCC can levy on robocallers and increase the statute of limitations for bringing those cases.

Consumer Beware

What can frustrated, wary consumers do as they wait for action at the state and federal levels? Stay alert.

To combat unwanted robocalls and phone scams, the FCC recommends that you not answer calls from unknown numbers. If you do answer and realize it's an unwanted call, hang up immediately. If the caller or recording asks you to hit a button to stop getting calls, just hang up. It's a trick often used by scammers to identify potential targets. And do not respond to any questions, especially those that can be answered with "Yes."

So, fair warning to the robocaller targeting this NCSL staffer, in Japanese, on my office phone. I'm not going to push any more buttons or try to get you to speak English. I'm simply not answering any more unknown callers. I'm robocalling it off. I've had enough.

Heather Morton is a program principal in NCSL's Fiscal Affairs Program.

Know Your Robo-Terms

Robocall: a telephone call from an automated source that delivers a recorded message to a large number of people.

Caller ID spoofing: deliberately falsifying the information transmitted to a caller ID display to disguise the caller's identity.

SHAKEN/STIR: a technology that prevents the completion of spoofed phone calls and ensures calls are authentic and secure by using cryptographic certificates. It stands for Signature-based Handling of Asserted Information Using toKENs (SHAKEN) and the Secure Telephone Identity Revisited (STIR).

The IRS Scam

The Internal Revenue Service will not:

- Call you to demand immediate payment. The IRS will not call you if you owe taxes without first sending you a bill in the mail.
- Demand that you pay taxes and not allow you to question or appeal the amount you owe.
- Require that you pay your taxes a certain way—with a prepaid debit card, for example.
- Ask for your credit or debit card numbers over the phone.
- Threaten to bring in police or other agencies to arrest you for not paying.

If you don't owe taxes or have no reason to think that you do:

- Do not give out any information. Hang up immediately.
- Contact TIGTA (the Treasury Inspector General for Tax Administration) to report the call. Use its "IRS Impersonation Scam Reporting" webpage. You can also call 800-366-4484.
- Report the call to the Federal Trade Commission. Use the "FTC Complaint Assistant" on FTC.gov. Add "IRS Telephone Scam" in the notes.

If you know you owe tax or think you may owe:

- Call the IRS at 800-829-1040. IRS workers can help you.

Source: IRS.gov