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Energy and Public Utilities  
Rules and Reference

**Senate Bill 145**  
**Senate Judiciary Committee**  
**Chairman Eklund**  
**Sponsor Testimony - Senator Dave Burke**  
**June 12, 2019**

Chairman Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for allowing me to provide sponsor testimony for Senate Bill 145. This bill creates the offenses of theft for conversion of a telephone number or exchange and providing misleading caller identification information.

The practice of a caller intentionally and fraudulently utilizing a phone number that is not assigned to them is commonly referred to as “spoofing”. Spoofers often deceitfully use a number with a similar area code and central office code to their potential target’s number. This is done in an attempt to mislead the target into thinking that someone they may know is calling them. This encourages the target to answer the phone and increases the likelihood of the target being scammed.

When spoofing occurs, the target is a potential victim but so is the person to whom the phone number was legally assigned. I have personally received numerous calls from others claiming that I had just called them when I had not. Spoofing phone numbers is an unfair, deceptive trade practice; it is identity fraud and should be treated as such. Victims should be eligible for a right of action and to protect their phone number, and to be offered relief if they are injured by a spoofer.

This bill will prohibit using or repeating a telephone number, exchange, or misleading caller identification information that is not assigned to the person, with the intent to defraud, cause harm, or wrongfully obtain anything of value. Violators stealing a phone number will be charged with a felony of the fifth degree and those providing misleading caller identification information will be charged with a felony of the fourth degree. Penalties increase if the victim is of a protected class. This bill does not apply to those using “unknown” or “blocked” phone numbers. In addition, a person injured by a violation shall have a cause of action and be entitled to remedies including the goods and services agreed to without an obligation to pay.

Thank you again for your time and consideration of Senate Bill 145. I would be happy to answer any questions you may have at this time.



FCC Chairman Ajit Pai noted robocalls remain by far the commission's top complaint and said battling the nuisance is a top priority. | Win McNamee/Getty Images

## **TECHNOLOGY**

# **FCC votes to curb unwanted robocalls**

By **JOHN HENDEL** | 06/06/2019 11:54 AM EDT | Updated 06/06/2019 12:59 PM EDT

The Federal Communications Commission on Thursday voted unanimously to let wireless carriers automatically block unwanted robocalls for their subscribers unless they opt out, despite some businesses' outcry that this could make it harder to reach customers.

The volume of calls has kept rising despite federal efforts to rein them in. Nearly 48 billion robocalls were made in the U.S. last year, estimates YouMail, a firm that offers call-blocking services.

FCC Chairman Ajit Pai noted robocalls remain by far the commission's top complaint and said battling the nuisance is a top priority. "My message to the American people today is simple: we hear you and we are on your side," he said going into Thursday's vote.

Pai also kickstarted a regulatory process to start gathering public input on whether the FCC should require phone companies to authenticate calls to make sure they're really coming from the number that pops up on caller ID.

Scammers and other robocallers often use so-called "spoofed" numbers to make a call seem like it's coming from a local number or even a legitimate caller like the IRS. Call spoofing has existed for decades but became trivially easy to pull off with the proliferation of internet-based calling in recent years.

The telecom industry is currently working to voluntarily adopt a set of technology standards for authenticating calls. But Pai reiterated a threat to regulate if phone companies don't have the tech in place by the end of this year.

"To date I have been pleased by the progress industry has made" toward the year-end goal, he said. "But in case it isn't, the FCC will not hesitate to take regulatory action."

All five FCC commissioners voted to approve the item. But Republican Mike O'Rielly and Democrat Jessica Rosenworcel broke with the chairman on certain points, lodging their objections as partial dissents.

O'Rielly took issue with what he called "breathtakingly expansive" authority the FCC asserted to collect information from carriers in order to assemble reports on the implementation call blocking and authentication. Democratic Commissioner Geoffrey Starks had secured the inclusion of language to do so as the agency negotiated the terms of the item ahead of the vote.

And Rosenworcel said the FCC should have told carriers they have to make call blocking free for subscribers. The agency made no such requirement, a move Rosenworcel called "devastating."

"I do not think that this agency should pat itself on the back for its efforts to reduce robocalls and then tell consumers to pay up," she said.

Following the meeting, Pai told reporters he expects carriers will voluntarily make their blocking technology free.

AT&T and Verizon issued separate statements welcoming the FCC vote, as did their trade group USTelecom. Yet a host of business trade associations, including health-care administration, credit union and banking groups, had raised objections to the FCC action ahead of the vote, worried about their ability to make lawful calls to their customers. They had asked the commission to delay the vote.

Pai dismissed such grievances during Thursday's meeting.

“This FCC will stand with American consumers, not with those who are badgering them with these unwanted robocalls,” Pai said. He acknowledged that legitimate callers have raised concerns but noted the rule changes include a mandate that providers offering automatic call blocking must invite complaints from any party that feels its calls are being unfairly blocked and to stop blocking those calls if they're indeed found not to be nuisances.

Nevertheless, some groups were still troubled by the vote. “We remain disappointed,” National Association of Federally-Insured Credit Union general counsel Carrie Hunt said in a statement. The group believes “necessary and time-sensitive calls and texts would still be significantly delayed or prevented entirely as a result of this policy,” she said.

“In the event of fraud or a data breach, consumers could be left in the dark for days, exposing their financial accounts to increased risks and theft,” Hunt added.

The FCC action comes as Congress turns increased attention to unwanted robocalls. The Senate last month overwhelmingly passed a bill that would force phone companies to identify spam calls to consumers, increase fines for illegal robocalls and extend the statute of limitations for authorities to prosecute offenders.

The House Democratic majority is declining to take up that measure for now, instead preferring to negotiate a broader legislative package that it believes will accomplish the same as the Senate bill and more. The U.S. Chamber of Commerce and other business organizations have [objected](#) to current drafts of some of the Democratic bills that could form the basis of that package.

But top House Energy and Commerce Republican Rep. Greg Walden (R-Ore.) suggested this week that negotiations are going well and that House legislation may be ready for markup soon.

“I think we may be in a really good place,” Walden told reporters on Capitol Hill. “We’ve had really productive discussions.”

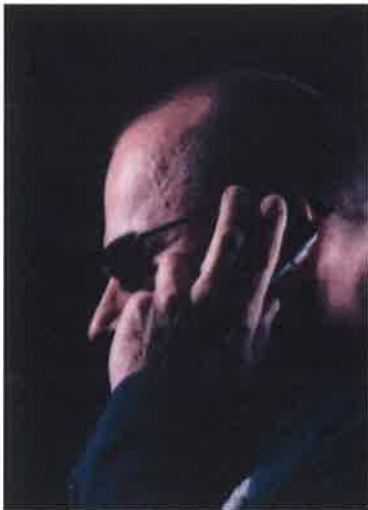


U.S. DEPARTMENT OF JUSTICE ★ DRUG ENFORCEMENT ADMINISTRATION

## DIVERSION CONTROL DIVISION

Alert - Extortion Scam Targeting DEA Registrants - June 11, 2019

### Extortion Scam Targeting DEA Registrants



DEA is aware that registrants are receiving telephone calls and emails by criminals identifying themselves as DEA employees or other law enforcement personnel. In an attempt to create the illusion that these criminals are DEA employees, they have masked their telephone number on caller id with a phone number for a legitimate DEA office. For example, these criminals have used the phone numbers for DEA's Office of Congressional and Public Affairs and DEA's 800 number which is used to provide direct support to DEA registrants.

Impersonating a federal agent is a violation of federal law. Registrants should be aware that no DEA agent will ever contact members of the public by telephone to demand money or any other form of payment or threaten to suspend a registrant's DEA registration.

If you are contacted by a person purporting to work for DEA and seeking money or threatening to suspend your DEA registration, submit the information through "[Extortion Scam Online Reporting](#)" posted on the DEA Diversion Control Division's website, [www.DEADiversion.usdoj.gov](http://www.DEADiversion.usdoj.gov).

[Extortion Scam Online Reporting](#)