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For Immediate Release

FCC TO ROBOCALLERS: THERE WILL BE NO MORE WARNINGS

Agency Drops Citation Requirement and Extends Statute of Limitations

WASHINGTON, May 1, 2020—The Federal Communications Commission today issued an order that will end the practice of warning most robocallers before issuing penalties for violating the law and for harassing consumers with unwanted robocalls. Such warnings were previously required by law until the TRACED Act was enacted in December 2019.

Under the prior statutory requirement, the Commission had to issue robocallers that did not otherwise fall within its jurisdiction warnings—formally called citations—related to their alleged violations of the Telephone Consumer Protection Act (by, for example, robocalling cell phones without prior consumer consent) before the agency was able to move forward with an enforcement action. In addition, prior to the TRACED Act, any fine the Commission proposed for TCPA violations by robocallers could be based on violations that occurred only *after* the warning had been issued. While caller ID spoofing violations—namely, the use of spoofing to scam consumers—did not require warnings, the act of illegal robocalling by these scammers did.

“Robocall scam operators don’t need a warning these days to know what they are doing is illegal, and this FCC has long disliked the statutory requirement to grant them mulligans,” said FCC Chairman Ajit Pai. “We have taken unprecedented action against spoofing violations in recent years and removing this outdated ‘warning’ requirement will help us speed up enforcement to protect consumers. With strong enforcement and policy changes like mandating STIR/SHAKEN caller ID authentication and authorizing robocall blocking, we are making real progress in our fight against fraudsters.”

In addition, today’s FCC action extends the statute of limitations during which robocallers can be fined for TCPA and for spoofing violations. Until now, the FCC’s Enforcement Bureau had either one or two years, respectively, from the day a violation took place to propose a fine, and only the violations that took place within that timeframe could be included when calculating the proposed forfeiture. With today’s change, the Commission has four years to propose a fine for spoofing and intentional robocall violations. The Order also increases the maximum fines for intentional robocall violations.

Under Chairman Pai, the FCC has taken unprecedented enforcement actions against spoofed robocallers under the Truth in Caller ID Act. These included a [\\$120 million fine](#) against a Florida-based time-share marketing operation, an [\\$82 million fine](#) against a North Carolina-based health insurance telemarketer, and a [\\$37.5 million proposed fine](#) of an Arizona marketer—all three of which were also issued citations for TCPA violations. The Enforcement Bureau and the Federal Trade Commission also recently pushed gateway providers to [stop](#) their suspected facilitation of COVID-19-related scam robocalls. Within 24 hours, those gateway providers stopped carrying those scam robocalls.

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).