

October 18, 2024

The Honorable Jessica Rosenworcel
Chairwoman
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls, Targeting and Eliminating Unlawful Text Messages*, CG Docket Nos. 17-59 & 21-402, Eighth Report and Order in CG Docket No. 17-59 and Third Report and Order in CG Docket No. 21-402, FCC-CIRC2409-02 (rel. Sept. 5, 2024)

Dear Chairwoman Rosenworcel,

The undersigned 52 state bankers associations, which represent banks across our nation, write to urge the Federal Communications Commission to take action to combat illegal text messages and calls by adopting the Report and Order (Order) that was scheduled to be considered during the Commission's Open Meeting on September 26, 2024, but was removed from the Meeting's agenda two days before the Meeting.

Criminals are increasingly sending text messages to consumers that impersonate banks with the intent to defraud the consumer. These illegal texts harm consumers and undermine the ability of banks to communicate with their customers. The criminal may send the text to induce the consumer to reveal log-in or other account information or to click on a link that installs malware on the consumer's phone ("smishing" messages). Texts that impersonate a bank were the most common form of text message scam reported to the Federal Trade Commission (FTC) in 2022.¹ The scam's median reported loss was \$3,000 in 2022, accounting for \$330 million in aggregate reported losses that year, according to the FTC.²

The draft Order would take important steps to combat illegal text messages and calls. The Order would require mobile wireless providers to offer "email-to-text" as an opt-in service. Criminals are able to send large numbers of smishing text messages quickly by inserting multiple phone numbers into the "to" field of an email, which then converts the email to a short messaging service (SMS) text message. The draft Order would require mobile wireless providers to offer email-to-text as an opt-in service, so consumers will receive these text messages only if they have affirmatively chosen to do so. We expect this will lead to a significant reduction in the number of consumers who receive email-to-text messages and to a commensurate reduction in the amount of fraud that is facilitated by this form of communication.

¹ Fed. Trade Comm'n, Press Release, New FTC Data Shows Bank Impersonation is Most-Reported Text Message Scam (June 8, 2023), <https://www.ftc.gov/news-events/news/press-releases/2023/06/new-ftc-data-analysis-shows-bank-impersonation-most-reported-text-message-scam>.

² Leslie Fair, Fed. Trade Comm'n, Can Your Staff Spot the Five Most Common Text Message Scams? (June 8, 2023), <https://www.ftc.gov/business-guidance/blog/2023/06/can-your-staff-spot-five-most-common-text-message-scams>.

The draft Order also would require mobile wireless providers that originate text messages to block all texts from a particular source when notified by the Commission of illegal texts from that source, unless the provider, after investigating, determines that the texts are not illegal, or has reasonable belief that either the source is no longer originating illegal texts or that particular texts from that source are lawful. Existing rules require terminating providers – but not originating providers – to block all texts from a particular number when notified by the Commission of illegal texts from that number. But criminals frequently use multiple numbers from which to originate texts. Unlike terminating providers, originating providers have visibility into *all* text messages that a particular source is sending – not solely text messages from a particular number. The originating provider thus is well positioned to stop illegal texts at their source.

In addition, the draft Order would take steps to combat illegal calls. Specifically, the Order would require *all* voice service providers in the call path to block calls that are highly likely to be illegal, based on a reasonable “do not originate” (DNO) list – i.e., a list of numbers highly likely to be illegal, such as calls from invalid, unallocated, or unused numbers. Existing rules require only “gateway” providers (those provides who transmit traffic that originated from a foreign jurisdiction) to block calls based on a reasonable DNO list.

The Order also would require intermediate and terminating providers to block calls upon notification that the Commission has identified suspected illegal traffic. Existing rules require only originating providers and gateway providers to block illegal traffic when notified by the Commission.

Banks are committed to stopping criminals who seek to defraud their customers, but banks cannot achieve this goal alone. We urge the Commission to combat illegal texts and calls by adopting the Order without delay.

Sincerely,

Alabama Bankers Association
Alaska Bankers Association
Arizona Bankers Association
Arkansas Bankers Association
California Bankers Association
Colorado Bankers Association
Connecticut Bankers Association
DC Bankers Association
Delaware Bankers Association
Florida Bankers Association
Georgia Bankers Association
Hawaii Bankers Association
Idaho Bankers Association
Illinois Bankers Association
Indiana Bankers Association
Iowa Bankers Association
Kansas Bankers Association
Kentucky Bankers Association
Louisiana Bankers Association

Maine Bankers Association
Maryland Bankers Association
Massachusetts Bankers Association
Michigan Bankers Association
Minnesota Bankers Association
Mississippi Bankers Association
Missouri Bankers Association
Montana Bankers Association
Nebraska Bankers Association
Nevada Bankers Association
New Hampshire Bankers Association
New Jersey Bankers Association
New Mexico Bankers Association
New York Bankers Association
North Carolina Bankers Association
North Dakota Bankers Association
Ohio Bankers League
Oklahoma Bankers Association
Oregon Bankers Association
Pennsylvania Bankers Association
Puerto Rico Bankers Association
Rhode Island Bankers Association
South Carolina Bankers Association
South Dakota Bankers Association
Tennessee Bankers Association
Texas Bankers Association
Utah Bankers Association
Vermont Bankers Association
Virginia Bankers Association
Washington Bankers Association
West Virginia Bankers Association
Wisconsin Bankers Association
Wyoming Bankers Association

Cc: Commissioner Brendan Carr
Commissioner Geoffrey Starks
Commissioner Nathan Simington
Commissioner Anna M. Gomez