

“(10) Evidence compiled by the Congress indicates that residential telephone subscribers consider automated or prerecorded telephone calls, regardless of the content or the initiator of the message, to be a nuisance and an invasion of privacy.

“(11) Technologies that might allow consumers to avoid receiving such calls are not universally available, are costly, are unlikely to be enforced, or place an inordinate burden on the consumer.

“(12) Banning such automated or prerecorded telephone calls to the home, except when the receiving party consents to receiving the call or when such calls are necessary in an emergency situation affecting the health and safety of the consumer, is the only effective means of protecting telephone consumers from this nuisance and privacy invasion.

“(13) While the evidence presented to the Congress indicates that automated or prerecorded calls are a nuisance and an invasion of privacy, regardless of the type of call, the Federal Communications Commission should have the flexibility to design different rules for those types of automated or prerecorded calls that it finds are not considered a nuisance or invasion of privacy, or for noncommercial calls, consistent with the free speech protections embodied in the First Amendment of the Constitution.

“(14) Businesses also have complained to the Congress and the Federal Communications Commission that automated or prerecorded telephone calls are a nuisance, are an invasion of privacy, and interfere with interstate commerce.

“(15) The Federal Communications Commission should consider adopting reasonable restrictions on automated or prerecorded calls to businesses as well as to the home, consistent with the constitutional protections of free speech.”

DEFINITION

Pub. L. 116-105, §2, Dec. 30, 2019, 133 Stat. 3274, provided that: “In this Act [see Short Title of 2019 Amendment note set out under section 609 of this title], the term ‘Commission’ means the Federal Communications Commission.”

§ 227a. Consumer education materials on how to avoid scams that rely upon misleading or inaccurate caller identification information

(1) Development of materials

Not later than 1 year after March 23, 2018, the Commission, in coordination with the Federal Trade Commission, shall develop consumer education materials that provide information about—

(A) ways for consumers to identify scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information; and

(B) existing technologies, if any, that a consumer can use to protect against such scams and other fraudulent activity.

(2) Contents

In developing the consumer education materials under paragraph (1), the Commission shall—

(A) identify existing technologies, if any, that can help consumers guard themselves against scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information, including—

(i) descriptions of how a consumer can use the technologies to protect against such scams and other fraudulent activity; and

(ii) details on how consumers can access and use the technologies; and

(B) provide other information that may help consumers identify and avoid scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information.

(3) Updates

The Commission shall ensure that the consumer education materials required under paragraph (1) are updated on a regular basis.

(4) Website

The Commission shall include the consumer education materials developed under paragraph (1) on its website.

(Pub. L. 115-141, div. P, title V, §503(b), Mar. 23, 2018, 132 Stat. 1092.)

CODIFICATION

Section was enacted as part of the Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018, also known as the RAY BAUM'S Act of 2018, and as part of the Consolidated Appropriations Act, 2018, and not as part of the Communications Act of 1934 which comprises this chapter.

DEFINITIONS

For definition of “Commission” as used in this section, see section 2 of div. P of Pub. L. 115-141, set out as a note under section 155a of this title.

§ 227b. Call authentication

(a) Definitions

In this section:

(1) STIR/SHAKEN authentication framework

The term “STIR/SHAKEN authentication framework” means the secure telephone identity revisited and signature-based handling of asserted information using tokens standards proposed by the information and communications technology industry.

(2) Voice service

The term “voice service”—

(A) means any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the Commission under section 251(e)(1) of this title; and

(B) includes—

(i) transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine; and

(ii) without limitation, any service that enables real-time, two-way voice communications, including any service that requires internet protocol-compatible customer premises equipment (commonly known as “CPE”) and permits out-bound calling, whether or not the service is one-way or two-way voice over internet protocol.

(b) Authentication frameworks

(1) In general

Subject to paragraphs (2) and (3), and in accordance with paragraph (6), not later than 18 months after December 30, 2019, the Commission shall—