

the call authentication frameworks under subsection (b), with no additional line item charge;

(B) establishing a safe harbor for a provider of voice service from liability for unintended or inadvertent blocking of calls or for the unintended or inadvertent misidentification of the level of trust for individual calls based, in whole or in part, on information provided by the call authentication frameworks under subsection (b);

(C) establishing a process to permit a calling party adversely affected by the information provided by the call authentication frameworks under subsection (b) to verify the authenticity of the calling party's calls; and

(D) ensuring that calls originating from a provider of voice service in an area where the provider is subject to a delay of compliance with the time period described in subsection (b)(1) are not unreasonably blocked because the calls are not able to be authenticated.

(2) Considerations

In establishing the safe harbor under paragraph (1), consistent with the regulations prescribed under subsection (j) of section 227 of this title, as added by section 10, the Commission shall consider limiting the liability of a provider of voice service based on the extent to which the provider of voice service—

(A) blocks or identifies calls based, in whole or in part, on the information provided by the call authentication frameworks under subsection (b);

(B) implemented procedures based, in whole or in part, on the information provided by the call authentication frameworks under subsection (b); and

(C) used reasonable care, including making all reasonable efforts to avoid blocking emergency public safety calls.

(d) Rule of construction

Nothing in this section shall preclude the Commission from initiating a rulemaking pursuant to its existing statutory authority.

(Pub. L. 116-105, § 4, Dec. 30, 2019, 133 Stat. 3276.)

Editorial Notes

REFERENCES IN TEXT

Section 13, referred to in subsec. (b)(5)(C)(ii), is section 13 of Pub. L. 116-105, which is set out as a note under section 227 of this title.

Section 10, referred to in subsec. (c), means section 10 of Pub. L. 116-105.

CODIFICATION

Section was enacted as part of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, also known as the Pallone-Thune TRACED Act, and not as part of the Communications Act of 1934 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITION

For definition of “Commission” as used in this section, see section 2 of Pub. L. 116-105, set out as a note under section 227 of this title.

§ 227b-1. Access to number resources

(a) In general

(1) Examination of FCC policies

Not later than 180 days after December 30, 2019, the Commission shall commence a proceeding to determine how Commission policies regarding access to number resources, including number resources for toll-free and non-toll-free telephone numbers, could be modified, including by establishing registration and compliance obligations, and requirements that providers of voice service given access to number resources take sufficient steps to know the identity of the customers of such providers, to help reduce access to numbers by potential perpetrators of violations of section 227(b) of the Communications Act of 1934 (47 U.S.C. 227(b)).

(2) Regulations

If the Commission determines under paragraph (1) that modifying the policies described in that paragraph could help achieve the goal described in that paragraph, the Commission shall prescribe regulations to implement those policy modifications.

(b) Authority

Any person who knowingly, through an employee, agent, officer, or otherwise, directly or indirectly, by or through any means or device whatsoever, is a party to obtaining number resources, including number resources for toll-free and non-toll-free telephone numbers, from a common carrier regulated under title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), in violation of a regulation prescribed under subsection (a), shall, notwithstanding section 503(b)(5) of the Communications Act of 1934 (47 U.S.C. 503(b)(5)), be subject to a forfeiture penalty under section 503(b) of that Act (47 U.S.C. 503(b)). A forfeiture penalty under this subsection shall be in addition to any other penalty provided for by law.

(Pub. L. 116-105, § 6, Dec. 30, 2019, 133 Stat. 3282.)

Editorial Notes

REFERENCES IN TEXT

The Communications Act of 1934, referred to in subsection (b), is act June 19, 1934, ch. 652, 48 Stat. 1064. Title II of the Act is classified generally to this subchapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

CODIFICATION

Section was enacted as part of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, also known as the Pallone-Thune TRACED Act, and not as part of the Communications Act of 1934 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITION

For definition of “Commission” as used in this section, see section 2 of Pub. L. 116-105, set out as a note under section 227 of this title.

§ 227b-2. Provision of evidence of certain robocall violations to Attorney General

(a) In general

If the Chief of the Enforcement Bureau of the Commission obtains evidence that suggests a

willful, knowing, and repeated robocall violation with an intent to defraud, cause harm, or wrongfully obtain anything of value, the Chief of the Enforcement Bureau shall provide such evidence to the Attorney General.

(b) Report to Congress

Not later than 1 year after December 30, 2019, and annually thereafter, the Commission shall publish on its website and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(1) states the number of instances during the preceding year in which the Chief of the Enforcement Bureau provided the evidence described in subsection (a) to the Attorney General; and

(2) contains a general summary of the types of robocall violations to which such evidence relates.

(c) Rules of construction

Nothing in this section shall be construed to affect the ability of the Commission or the Chief of the Enforcement Bureau under other law—

(1) to refer a matter to the Attorney General; or

(2) to pursue or continue pursuit of an enforcement action in a matter with respect to which the Chief of the Enforcement Bureau provided the evidence described in subsection (a) to the Attorney General.

(d) Robocall violation defined

In this section, the term “robocall violation” means a violation of subsection (b) or (e) of section 227 of this title.

(Pub. L. 116–105, §11, Dec. 30, 2019, 133 Stat. 3285.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, also known as the Pallone-Thune TRACED Act, and not as part of the Communications Act of 1934 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITION

For definition of “Commission” as used in this section, see section 2 of Pub. L. 116–105, set out as a note under section 227 of this title.

§ 228. Regulation of carrier offering of pay-per-call services

(a) Purpose

It is the purpose of this section—

(1) to put into effect a system of national regulation and review that will oversee interstate pay-per-call services; and

(2) to recognize the Commission’s authority to prescribe regulations and enforcement procedures and conduct oversight to afford reasonable protection to consumers of pay-per-call services and to assure that violations of Federal law do not occur.

(b) General authority for regulations

The Commission by regulation shall, within 270 days after October 28, 1992, establish a sys-

tem for oversight and regulation of pay-per-call services in order to provide for the protection of consumers in accordance with this chapter and other applicable Federal statutes and regulations. The Commission’s final rules shall—

(1) include measures that provide a consumer of pay-per-call services with adequate and clear descriptions of the rights of the caller;

(2) define the obligations of common carriers with respect to the provision of pay-per-call services;

(3) include requirements on such carriers to protect against abusive practices by providers of pay-per-call services;

(4) identify procedures by which common carriers and providers of pay-per-call services may take affirmative steps to protect against nonpayment of legitimate charges; and

(5) require that any service described in subparagraphs (A) and (B) of subsection (i)(1) be offered only through the use of certain telephone number prefixes and area codes.

(c) Common carrier obligations

Within 270 days after October 28, 1992, the Commission shall, by regulation, establish the following requirements for common carriers:

(1) Contractual obligations to comply

Any common carrier assigning to a provider of pay-per-call services a telephone number with a prefix or area code designated by the Commission in accordance with subsection (b)(5) shall require by contract or tariff that such provider comply with the provisions of titles II and III of the Telephone Disclosure and Dispute Resolution Act [15 U.S.C. 5711 et seq.; 5721 et seq.] and the regulations prescribed by the Federal Trade Commission pursuant to those titles.

(2) Information availability

A common carrier that by tariff or contract assigns a telephone number with a prefix or area code designated by the Commission in accordance with subsection (b)(5) to a provider of a pay-per-call service shall make readily available on request to Federal and State agencies and other interested persons—

(A) a list of the telephone numbers for each of the pay-per-call services it carries;

(B) a short description of each such service;

(C) a statement of the total cost or the cost per minute and any other fees for each such service;

(D) a statement of the pay-per-call service’s name, business address, and business telephone; and

(E) such other information as the Commission considers necessary for the enforcement of this section and other applicable Federal statutes and regulations.

(3) Compliance procedures

A common carrier that by contract or tariff assigns a telephone number with a prefix or area code designated by the Commission in accordance with subsection (b)(5) to a provider of pay-per-call services shall terminate, in accordance with procedures specified in such