

**(E) Alternative methodologies**

The Commission shall identify, in consultation with small providers of voice service and those in rural areas, alternative effective methodologies to protect customers from unauthenticated calls during any delay of compliance granted under subparagraph (A)(ii).

**(F) Revision of delay of compliance**

Not less frequently than annually after the first delay of compliance is granted under subparagraph (A)(ii), the Commission—

(i) shall consider revising or extending any delay of compliance granted under subparagraph (A)(ii);

(ii) may revise such delay of compliance; and

(iii) shall issue a public notice with regard to whether such delay of compliance remains necessary, including—

(I) why such delay of compliance remains necessary; and

(II) when the Commission expects to achieve the goal of full participation as described in subparagraph (D).

**(6) No additional cost to consumers or small business customers**

The Commission shall prohibit providers of voice service from adding any additional line item charges to consumer or small business customer subscribers for the effective call authentication technology required under paragraph (1).

**(7) Accurate identification**

Not later than 12 months after December 30, 2019, the Commission shall issue best practices that providers of voice service may use as part of the implementation of effective call authentication frameworks under paragraph (1) to take steps to ensure the calling party is accurately identified.

**(c) Safe harbor and other regulations****(1) In general**

Consistent with the regulations prescribed under subsection (j) of section 227 of this title, as added by section 10, the Commission shall, not later than 1 year after December 30, 2019, promulgate rules—

(A) establishing when a provider of voice service may block a voice call based, in whole or in part, on information provided by 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 subsec. (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 system 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;