

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;