



# FCC Reports and Proceedings Required by the Pallone-Thune TRACED Act

On December 31, 2019, the Pallone-Thune TRACED Act, S. 151, was signed into law. The TRACED Act is bipartisan legislation designed to focus on telemarketers who make unlawful robocalls to consumers. The Act expands the FCC’s enforcement authority, mandates implementation of the SHAKEN/STIR call authentication framework and directs the FCC to take or consider multiple other actions designed to reduce the instance of unlawful calls. The following chart outlines the status of the 21 reports and/or proceedings the FCC is required to complete as a result of the TRACED Act. It is updated regularly to reflect FCC actions.

Timeframe	Proceeding	Report
Within 3 months	<p>FCC shall issue rules to establish a registration process for private “traceback” efforts to identify suspected unlawful robocalls (sec 13(d))</p> <p><b>On February 6, 2020, the FCC released an NPRM in EB Docket 20-22 (FCC 20-11)</b></p> <p>Note: within 6 months (and annually thereafter) the FCC shall issue a public notice with information on how to register for these efforts.</p>	
Within 6 months	<p>FCC “shall commenced a proceeding” to determine how FCC policies regarding access to numbering resources could be modified to help reduce violations of section 227(b) (sec 6(a))</p> <p><b>On March 11, 2020, the FCC created WC Docket No. 20-67, captioned “Implementation of TRACED Act Section 6(a) — Knowledge of Customers by Entities With Access to Numbering Resources.” SHAKEN/STIR Report and Order and FNPRM scheduled for March 31 Open Meeting is in this docket and docket 17-97</b></p>	
	<p>FCC “shall initiate a proceeding” to protect called parties from one-ring scams (sec 12)</p>	<p>(within 1 year) FCC shall report on the status of this proceeding (sec 12(c))</p>

Timeframe	Proceeding	Report
	<p>FCC shall establish an advisory committee, the “Hospital Robocall Protection Group,” on how to combat unlawful calls to hospitals (sec 14(a))</p> <p>Note: within 6 months of establishment, the Hospital Robocall Protection Group shall issue best practices to combat unlawful calls to hospitals. Within 6 months of the best practices, the FCC shall conclude a proceeding to determine how voluntary adoption of the best practices can be facilitated (sec 14(c))</p>	
<b>Within 9 months</b>	<p>FCC shall adopt regulations to implement the civil forfeiture provisions within 9 months (sec. 3(c))</p>	
		<p>Interagency Working Group shall submit a report to Congress on the findings of their study of impediments to enforcement of violations of section 227(b) (sec 5)</p> <p>Note: Interagency Working Group includes the US Attorney General, FCC, Depts of Commerce, State and Homeland Security, FTC and CFPB</p>
<b>Within 12 months</b>		<p>FCC shall submit a report to Congress, after consultation with the FTC, regarding enforcement by the Commission (sec. 3(a)(3)).</p> <p>Report to be submitted annually thereafter.</p> <p>Replaces the Junk Fax Report required by the JFPA of 2005</p>
		<p>FCC shall submit a report on the extent voice service providers have implemented the call authentication frameworks required by the Act (sec 4(b)(3))</p>

Timeframe	Proceeding	Report
	FCC shall issue best practices that voice service providers may use as part of the implementation of the call authentication technologies required by the Act (sec 4(b) (7))	
	FCC shall adopt rules establishing when a voice service provider may block calls based, in whole or in part, on information provided in the call authentication framework; establish a safe harbor for liability; establish a process for parties to verify the authenticity of the calling party's calls; and ensure that calls in regions subject to a delay in implementation are not unreasonably blocked (sec 4(c))	
	FCC "shall initiate a rulemaking" to help protect a subscriber from receiving unwanted calls or text messages from a caller using an unauthenticated number (sec 7 (titled "Protections from Spoofed Calls"))	
	FCC shall re-examine exemptions issued under subparagraph B or C of section 227(b)(2) to ensure that they contain the minimum consumer protections required by section 8 of the Act (sec 8)	
		FCC shall submit a report to Congress regarding the status of the Reassigned Number Database adopted Dec. 12, 2018 (sec 9)
	FCC shall "take final FCC action" to ensure that call blocking services (for both voice calls and text messages) are provided with transparency and sufficient redress procedures, are provided without an additional line charge to consumers and make reasonable efforts to avoid blocking emergency public safety calls and texts (sec 10(b))	

Timeframe	Proceeding	Report
		FCC shall submit (and shall publish on its website) a report to Congress regarding referrals of robocall violations to the Attorney General (sec 11)
		FCC shall submit a report to Congress on the status of private “traceback” efforts to identify suspected unlawful robocalls (sec 13)
<p><b>Within 18 months</b></p>	<p>FCC shall require voice service providers to implement the call authentication frameworks required by the Act (sec 4(b)(1))</p> <p><b>The FCC tentatively scheduled a vote on a Report and Order and FNPRM in WC Docket 17-97 and a newly created WC 20-67. Vote is scheduled on March 31, 2020.</b></p> <p>Note: FCC “shall not” take the above action with respect to a voice service provider if it determines, within 12 months, that the provider has voluntarily committed to the call authentication frameworks and is capable of implementing the frameworks within 18 months (sec 4(b)(2))</p> <p>Note 2: Not later than 12 months after enactment, the FCC shall assess the barriers to implementation on voice service providers using TDM, on small providers, on rural provider and due to the inability to purchase or upgrade equipment. FCC may delay the 18-month implementation period for a reasonable period of time for a provider or class of providers affected (sec 4(b)(5))</p>	
	<p>FCC shall adopt regulations to streamline the process by which a private entity may share information with the FCC about calls or text messages made in violation of the TCPA (sec 10(a))</p>	

Timeframe	Proceeding	Report
		FCC shall report to Congress regarding whether a covered VoIP service should provide current contact information and retain records relating to each call transmitted (sec 10(c))
Every 3 years		FCC shall assess the efficacy of the technologies used for call authentication frameworks implemented under the Act (sec 4(b)(4))

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