

**AMENDMENT TO H.R. 1542, AS AMENDED
OFFERED BY MR. UPTON OF MICHIGAN AND MR.
GREEN OF TEXAS**

At the end of the bill, add the following new section:

1 SEC. 9. COMMON CARRIER ENFORCEMENT.

2 (a) CEASE AND DESIST AUTHORITY.—Section 501 of
3 the Communications Act of 1934 (47 U.S.C. 501) is
4 amended—

5 (1) by striking “Any person” and inserting “(a)
6 FINES AND IMPRISONMENT.—Any person”;

7 (2) by adding at the end the following new sub-
8 section:

9 “(b) CEASE AND DESIST ORDERS.— If, after a hear-
10 ing, the Commission determines that any common carrier
11 is engaged in an act, matter, or thing prohibited by this
12 Act, or is failing to perform any act, matter, or thing re-
13 quired by this Act, the Commission may order such com-
14 mon carrier to cease or desist from such action or inac-
15 tion.”.

16 (b) FORFEITURE PENALTIES.—Section 503(b) of the
17 Communications Act of 1934 (47 U.S.C. 503(b)) is
18 amended—

19 (1) in paragraph (2)(B)—



1 (A) by striking “exceed \$100,000” and in-
2 serting “exceed \$1,000,000”; and

3 (B) by striking “of \$1,000,000” and in-
4 serting “of \$10,000,000”;

5 (2) in paragraph (2)(C), by striking “subpara-
6 graph (A) or (B)” and inserting “subparagraph (A),
7 (B), or (C)”;

8 (3) by redesignating subparagraphs (C) and
9 (D) of paragraph (2) as subparagraphs (D) and (E),
10 respectively;

11 (4) by inserting after subparagraph (B) of
12 paragraph (2) the following new subparagraph:

13 “(C) If a common carrier has violated a cease and
14 desist order or has previously been assessed a forfeiture
15 penalty for a violation of a provision of this Act or of any
16 rule, regulation, or order issued by the Commission, and
17 if the Commission or an administrative law judge deter-
18 mines that such common carrier has willfully violated the
19 same provision, rule, regulation, that this repeated viola-
20 tion has caused harm to competition, and that such com-
21 mon carrier has been assessed a forfeiture penalty under
22 this subsection for such previous violation, the Commis-
23 sion may assess a forfeiture penalty not to exceed
24 \$2,000,000 for each violation or each day of continuing



1 violation; except that the amount of such forfeiture pen-
2 alty shall not exceed \$20,000,000.”; and

3 (5) in paragraph (6)(B), by striking “1 year”
4 and inserting “2 years”.

5 (c) EVALUATION OF IMPACT.—

6 (1) EVALUATION REQUIRED.—Within one year
7 after the date of enactment of this Act, the Federal
8 Communications Commission shall conduct an eval-
9 uation of the impact of the increased remedies avail-
10 able under the amendments made by this section on
11 improving compliance with the requirements of the
12 Communications Act of 1934, and with the rules,
13 regulations, and orders of the Commission there-
14 under. Such evaluation shall include—

15 (A) an assessment of the number of en-
16 forcement proceedings commenced before and
17 after such date of enactment;

18 (B) an analysis of any changes in the num-
19 ber, type, seriousness, or repetition of viola-
20 tions; and

21 (C) an analysis of such other factors as the
22 Commission considers appropriate to evaluate
23 such impact.

24 (2) REPORT.—Within one year after such date
25 of enactment, the Commission shall submit a report



1 on the evaluation to the Committee on Energy and
2 Commerce of the House of Representatives and the
3 Committee on Commerce, Science, and Transpor-
4 tation of the Senate.

