

**AMENDMENT TO H.R. 1542**  
**OFFERED BY MR. UPTON**  
**(enforcement)**

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

1 **SEC. 7. 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)(2) of  
17 the Communications Act of 1934 (47 U.S.C. 503(b)(2))  
18 is amended—

19 (1) in subparagraph (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 subparagraph (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) as subparagraphs (D) and (E), respectively; and

10 (4) by inserting after subparagraph (B) the fol-  
11 lowing new subparagraph:

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

