

118TH CONGRESS
1ST SESSION

S. 2095

To authorize the Federal Communications Commission to enforce its own forfeiture penalties with respect to violations of restrictions on the use of telephone equipment.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2023

Mr. LUJÁN (for himself, Mr. BLUMENTHAL, Ms. KLOBUCHAR, Mr. SCHATZ, Mr. WELCH, Mrs. FEINSTEIN, and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize the Federal Communications Commission to enforce its own forfeiture penalties with respect to violations of restrictions on the use of telephone equipment.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “FCC Legal Enforce-
5 ment Act”.

1 **SEC. 2. ENFORCEMENT OF FORFEITURE PENALTIES BY**
2 **FEDERAL COMMUNICATIONS COMMISSION.**

3 (a) IN GENERAL.—Title V of the Communications
4 Act of 1934 (47 U.S.C. 501 et seq.) is amended—

5 (1) in section 503(b)(3)(B) (47 U.S.C.
6 503(b)(3)(B)), by striking “In such action,” and in-
7 serting the following: “If, during the 120-day period
8 beginning on the date of a referral of an unpaid for-
9 feiture penalty imposed for a violation of section 227
10 (relating to restrictions on the use of telephone
11 equipment), the Attorney General does not com-
12 mence an action to recover the amount assessed, the
13 Commission may commence and supervise the litiga-
14 tion of such an action and any appeal of such an ac-
15 tion in its own name by any of its attorneys des-
16 ignated by it for such purpose. In any action under
17 this subparagraph,”; and

18 (2) in section 504(a) (47 U.S.C. 504(a))—

19 (A) by striking “It shall be the duty” and
20 inserting “Except as provided in the subsequent
21 sentence, it shall be the duty”; and

22 (B) by striking “The costs and expenses of
23 such prosecutions” and inserting the following:
24 “If, during the 120-day period beginning on the
25 date on which the Commission refers an unpaid
26 forfeiture penalty imposed for a violation of sec-

1 tion 227 (relating to restrictions on the use of
2 telephone equipment) to the Attorney General
3 for prosecution under this subsection, the At-
4 torney General does not commence such a pros-
5 ecution, the Commission may prosecute for the
6 recovery of the forfeiture penalty. The costs and
7 expenses of a prosecution under this sub-
8 section”.

9 (b) **PRIORITY.**—In carrying out the amendments
10 made by subsection (a) of this section, the Federal Com-
11 munications Commission shall prioritize enforcement of
12 unpaid forfeiture penalties imposed for a violation of sec-
13 tion 227 of the Communications Act of 1934 (47 U.S.C.
14 227) (relating to restrictions on the use of telephone
15 equipment) that are greater than \$25,000,000.

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