**Before the**

Federal Communications Commission

Washington, DC 20554

|  |  |  |
| --- | --- | --- |
| In the Matter ofAmendment of Section 1.80(b) of the Commission’s RulesAdjustment of Civil Monetary Penalties to ReflectInflation  | ))))))) |  |

ORDER

**Adopted: June 9, 2016 Released: June 9, 2016**

By the Chief, Enforcement Bureau:

# INTRODUCTION

1. This procedural Order amends Section 1.80(b) of the Commission’s rules (the Rules)[[1]](#footnote-2) to adjust the forfeiture penalties for inflation, in accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Inflation Adjustment Act).[[2]](#footnote-3) As discussed below, agencies are required to publish interim final rules with the initial penalty adjustment amounts by July 1, 2016. The new penalty levels must take effect no later than August 1, 2016.
2. Any adjustments in civil monetary penalties that we adopt in this Order will apply only to such penalties assessed after the effective date of the amendments to Section 1.80(b).[[3]](#footnote-4) In addition to implementing the required inflation adjustments, we also amend Section 1.80(b) to reflect certain other changes required by the 2015 Inflation Adjustment Act.[[4]](#footnote-5)

# DISCUSSION

## Background

1. On November 2, 2015, the President signed into law the Bipartisan Budget Act of 2015, which included, as Section 701 thereto, the 2015 Inflation Adjustment Act, which amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410), to improve the effectiveness of civil monetary penalties and maintain their deterrent effect. Agencies must issue an interim final rulemaking and publish interim final rules by July 1, 2016, which will take effect by August 1, 2016. Agencies must make subsequent annual adjustments for inflation. Annual adjustments must be published by January 15 each year.[[5]](#footnote-6)
2. According to the 2015 Inflation Adjustment Act, the initial inflation adjustment will be the percentage by which the Consumer Price Index (CPI) for the month of October 2015 exceeds the CPI for the month of October of the calendar year during which the civil monetary penalty “was established or adjusted under a provision of law other than this Act.”[[6]](#footnote-7) The 2015 Inflation Adjustment Act requires the Director of the Office of Management and Budget (OMB) to issue, guidance to agencies on implementing the Act.[[7]](#footnote-8) OMB issued that guidance on February 24, 2016,[[8]](#footnote-9) and this Order follows that guidance.
3. Pursuant to the 2015 Inflation Adjustment Act, we update the civil monetary penalties set forth in the Communications Act of 1934, as amended (Communications Act or Act),[[9]](#footnote-10) to reflect an “inflation adjustment”[[10]](#footnote-11) that derives from the “cost-of-living adjustment.”[[11]](#footnote-12) The cost-of-living adjustment reflects the total inflation that has taken place in the years since the penalties were last set or adjusted by statute or rule. Specifically, the adjustment is “the percentage (if any)” by which the “(A) Consumer Price Index for the month of October preceding the date of the adjustment, exceeds (B) the Consumer Price Index for the month of October 1 year before the month of October referred to in subparagraph (A).”[[12]](#footnote-13)
4. The 2015 Inflation Adjustment Act prescribes the following steps in making the initial adjustment to a given penalty for inflation. First, the Commission must identify the applicable civil monetary penalties. Second, it must determine when each penalty was “established or adjusted under a provision of law other than [the Inflation Adjustment Act].”[[13]](#footnote-14) Third, for each penalty, the Commission must calculate the catch-up adjustment, or the percentage increase, that must be applied, based upon the Consumer Price Index (CPI).[[14]](#footnote-15) OMB provided the applicable CPI rate to be applied for each year.[[15]](#footnote-16)
5. The adjusted penalties addressed in this Order were established or adjusted at different times, and thus require individualized adjustments. Attachment A provides the multipliers, which OMB provided, used to adjust the penalty level or range of penalty levels based on the year the penalty was established or last adjusted by statute or regulation. After applying the multiplier, penalty levels are rounded to the nearest dollar.[[16]](#footnote-17) Attachment B sets forth the adjusted penalty or penalty range for each applicable Commission rule. Attachment C provides a sample adjustment calculation.

# PROCEDURAL MATTERS

1. The Enforcement Bureau is responsible for, among other things, rulemaking proceedings regarding general enforcement policies and procedures*.*[[17]](#footnote-18)Further, the Commission delegated to the Chief, Enforcement Bureau authority to perform such rulemaking functions that do not involve “[n]otices of proposed rulemaking and of inquiry and final orders in such proceedings.”[[18]](#footnote-19) Because Congress has mandated the periodic adjustment of the Commission’s civil monetary penalties to reflect inflation and specifies the formula for calculating such adjustment, the Commission has no discretion to set alternative levels of adjusted civil monetary penalties. Additionally, there will be no prior notice and solicitation of public comments.[[19]](#footnote-20) Accordingly, action on delegated authority is properly taken in this Order amending the Commission’s maximum civil monetary penalties, which are a part of the Commission’s general enforcement policies and procedures.
2. Because a notice of proposed rulemaking is not required for these rule changes, the Regulatory Flexibility Act does not apply.[[20]](#footnote-21)
3. We have analyzed the actions taken herein with respect to the Paperwork Reduction Act of 1995 (PRA),[[21]](#footnote-22) and we find them to impose no new or modified information collection(s) subject to the PRA. In addition, therefore, pursuant to the Small Business Paperwork Relief Act of 2002,[[22]](#footnote-23) our actions do not impose any new or modified “information collection burden for small business concerns with fewer than 25 employees.”[[23]](#footnote-24)

# ORDERING CLAUSES

1. Accordingly, pursuant to Section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and the Bipartisan Budget Act of 2015, 28 U.S.C. § 2461 note, **IT IS ORDERED** that Section 1.80(b) of the Commission’s rules, 47 CFR § 1.80(b), is **AMENDED** as set forth in the Appendix, **EFFECTIVE** July 1, 2016. This action is properly taken pursuant to the functions of the Enforcement Bureau and the authority delegated to the Chief of the Enforcement Bureau found in Sections 0.111(a)(22) and 0.311 of the Commission’s rules, respectively, 47 CFR §§ 0.11(a)(22), 0.311.
2. **IT IS FURTHER ORDERED THAT**, pursuant to the Congressional Review Act, Pub. L. No. 104-121, 110 Stat. 868 (codified at 5 U.S.C. §§ 801-808), the Commission **SHALL SEND** a copy of this Order in a report to Congress and the Government Accountability Office, *see* 5 U.S.C. § 801(a)(1)(A).

FEDERAL COMMUNICATIONS COMMISSION

Travis LeBlanc

Chief

Enforcement Bureau**APPENDIX**

**Part 1 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:**

**PART 1---PRACTICE AND PROCEDURE**

**Subpart A---General Rules of Practice and Procedure**

**Miscellaneous Proceedings**

1. The authority citation for part 1 continues to read as follows:

Authority: 15 U.S.C. 79 et seq., 47 U.S.C. 151, 154(i) and (j), 155, 157, 225, 227, 303(r), and 309.

2. Section 1.80 is amended by revising the table following paragraph (b)(8) “Section III. Non-Section 503 Forfeitures That Are Affected by the Downward Adjustment Factors” and revising paragraph (b)(9) to read as follows:

**§1.80 Forfeiture proceedings**.

**\* \* \* \* \***

Section III. Non-Section 503 Forfeitures That Are Affected by the Downward Adjustment Factors

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-------------------------------------------------------------

|  |  |
| --- | --- |
| Violation | StatutoryAmount($) |
| Sec. 202(c) Common Carrier Discrimination …… Sec. 203(e) Common Carrier Tariffs …………….Sec. 205(b) Common Carrier Prescriptions ……...Sec. 214(d) Common Carrier Line Extensions ….. Sec. 219(b) Common Carrier Reports …………Sec. 220(d) Common Carrier Records & Accounts Sec. 223(b) Dial-a-Porn ………………………….Sec. 227(e) Caller Identification ………………....Sec. 364(a) Forfeitures (Ships) ………………….. Sec. 364(b) Forfeitures (Ships) …………………. Sec. 386(a) Forfeitures (Ships) …………………. Sec. 386(b) Forfeitures (Ships) …………………. Sec. 634 Cable EEO ………………………….….  | $11,362, $568/day$11,362, $568/day$22,723$2,272/day$2,272/day$11,362/day$117,742$10,874/violation$32,622/day for each day of continuing violation,up to $1,087,450 for any single act or failure to act$9,468/day (owner)$1,894 (vessel master)$9,468/day (owner)$1,894 (vessel master)$839 |
|  |  |

(9)Inflation adjustments to the maximum forfeiture amount.

(i) Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Inflation Adjustment Act), Public Law 114-74 (129 Stat. 599-600), which amends the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990, Public Law 101-410 (104 Stat. 890; 28 U.S.C. 2461 note), the statutory maximum amount of a forfeiture penalty assessed under this section shall be adjusted for inflation with an initial “catch-up” adjustment through an interim final rulemaking and interim final rules published by July 1, 2016, to take effect by August 1, 2016. Subsequent annual adjustments shall be published by January 15 each year. Catch-up adjustments will be based on the ‘cost-of-living adjustment’ (CPI), which is the percentage (if any) by which the CPI for October in the year of the previous adjustment exceeds the CPI for October 2015. Annual inflation adjustments will be based on the percentage (if any) by which the CPI for October preceding the date of the adjustment exceeds the prior year’s CPI for October. The Office of Management and Budget has provided “Table A: 2016 Civil Monetary Penalty Catch-Up Adjustment Multiplier by Calendar Year” (Table A) to determine the civil monetary penalty catch-up adjustment multiplier by calendar year. The Catch-up adjustment is determined by

(A) Identifying from Table A, column A the latest year the penalty level or penalty range was established or last adjusted by statute or regulation (other than pursuant to the Inflation Adjustment Act), and from column B, identifying the corresponding multiplier to adjust the penalty level or range for inflation;

(B) Multiplying the corresponding amount from column B by the amount of the maximum penalty level or the range of minimum and maximum penalties as most recently established or adjusted by statute or regulation (other than pursuant to the Inflation Adjustment Act before November 2, 2015);

 (C) Rounding to the nearest dollar; and

 (D) Comparing the new amount or range of the penalty with the amount or range in the prior year to ensure the maximum increase is not more than 150 percent of the most recent levels.

(ii) The application of the inflation adjustments required by the 2015 Inflation Adjustment Act, 28 U.S.C. 2461 note, results in the following adjusted statutory maximum forfeitures authorized by the Communications Act:

|  |  |
| --- | --- |
| U.S. Code citation | Maximum Penalty after2015 Inflation Adjustment Act adjustment($) |
| 47 U.S.C. 202(c) …………………………………47 U.S.C. 203(e) …………………………………47 U.S.C. 205(b) ……............................................47 U.S.C. 214(d) ….. …………………………….47 U.S.C. 219(b) …………………………………47 U.S.C. 220(d) ………………………………… 47 U.S.C. 223(b) …………………………………47 U.S.C. 227(e) …………………………………47 U.S.C. 362(a) …………………………………47 U.S.C. 362(b) ………………………………… 47 U.S.C. 386(a) …………………. ……………..47 U.S.C. 386(b) …………………. ……………..47 U.S.C. 503(b)(2)(A) …………………………..47 U.S.C. 503(b)(2)(B) ………………...………... | $11,362$568$11,362$568$22,723$2,272$2,272$11,362$117,742$10,874$32,622$1,087,450$9,468$1,894$9,468$1,894$47,340$473,402$189,361$1,893,610 |
| 47 U.S.C. 503(b)(2)(C) ………………………….. | $383,038 |
| 47 U.S.C. 503(b)(2)(D) ………………………….. | $3,535,740$18,936 |
| 47 U.S.C. 503(b)(2)(F)47 U.S.C. 507(a) ………………...………………. | 142,021$108,745$1,087,450$1,875 |
| 47 U.S.C. 507(b) ……………………………….... | $275 |
| 47 U.S.C. 554 ……………………………………. | $839 |

 \* \* \* \* \*

THE FOLLOWING ATTACHMENTS WILL NOT APPEAR IN THE CFR

**ATTACHMENT A**

**Table A:**

**2016 Civil Monetary Penalty Catch-Up Adjustment Multiplier by Calendar Year\***

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **A**  | **B**  | **A**  | **B**  | **A**  | **B**  |
| **Year**  | **Multiplier**  | **Year**  | **Multiplier**  | **Year**  | **Multiplier**  |
| **1914\***  | 23.54832  | **1948**  | 9.74746  | **1982**  | 2.42422  |
| **1915**  | 23.31745  | **1949**  | 10.03536  | **1983**  | 2.35483  |
| **1916**  | 21.04761  | **1950**  | 9.66821  | **1984**  | 2.25867  |
| **1917**  | 17.61763  | **1951**  | 9.07779  | **1985**  | 2.18802  |
| **1918**  | 14.86488  | **1952**  | 8.90779  | **1986**  | 2.15628  |
| **1919**  | 13.14022  | **1953**  | 8.80881  | **1987**  | 2.06278  |
| **1920**  | 11.95166  | **1954**  | 8.87455  | **1988**  | 1.97869  |
| **1921**  | 13.59074  | **1955**  | 8.84156  | **1989**  | 1.89361  |
| **1922**  | 14.24180  | **1956**  | 8.64865  | **1990**  | 1.78156  |
| **1923**  | 13.74786  | **1957**  | 8.40417  | **1991**  | 1.73099  |
| **1924**  | 13.82779  | **1958**  | 8.22969  | **1992**  | 1.67728  |
| **1925**  | 13.43718  | **1959**  | 8.08973  | **1993**  | 1.63238  |
| **1926**  | 13.51352  | **1960**  | 7.98114  | **1994**  | 1.59089  |
| **1927**  | 13.66885  | **1961**  | 7.92793  | **1995**  | 1.54742  |
| **1928**  | 13.82779  | **1962**  | 7.82362  | **1996**  | 1.50245  |
| **1929**  | 13.74786  | **1963**  | 7.72201  | **1997**  | 1.47177  |
| **1930**  | 14.41442  | **1964**  | 7.64752  | **1998**  | 1.45023  |
| **1931**  | 15.96228  | **1965**  | 7.50278  | **1999**  | 1.41402  |
| **1932**  | 17.88256  | **1966**  | 7.22912  | **2000**  | 1.36689  |
| **1933**  | 18.01803  | **1967**  | 7.05751  | **2001**  | 1.33842  |
| **1934**  | 17.61763  | **1968**  | 6.73762  | **2002**  | 1.31185  |
| **1935**  | 17.36044  | **1969**  | 6.37635  | **2003**  | 1.28561  |
| **1936**  | 16.98843  | **1970**  | 6.03650  | **2004**  | 1.24588  |
| **1937**  | 16.29027  | **1971**  | 5.81511  | **2005**  | 1.19397  |
| **1938**  | 16.98843  | **1972**  | 5.62265  | **2006**  | 1.17858  |
| **1939**  | 16.98843  | **1973**  | 5.21575  | **2007**  | 1.13833  |
| **1940**  | 16.98843  | **1974**  | 4.65436  | **2008**  | 1.09819  |
| **1941**  | 15.54497  | **1975**  | 4.33220  | **2009**  | 1.10020  |
| **1942**  | 14.24180  | **1976**  | 4.10774  | **2010**  | 1.08745  |
| **1943**  | 13.66885  | **1977**  | 3.86101  | **2011**  | 1.05042  |
| **1944**  | 13.43718  | **1978**  | 3.54453  | **2012**  | 1.02819  |
| **1945**  | 13.14022  | **1979**  | 3.16274  | **2013**  | 1.01838  |
| **1946**  | 11.43452  | **1980**  | 2.80469  | **2014**  | 1.00171  |
| **1947**  | 10.34078  | **1981**  | 2.54645  | **2015**  | 1.00000  |

\*Multipliers are based on the latest year when the penalty level was established (originally enacted by Congress) or last adjusted by statute or regulation (other than pursuant to the Inflation Adjustment Act before November 2, 2015).

\*\* For penalties established or last adjusted prior to 1914, the multiplier for 1914 is used.

**ATTACHMENT B**

**Section 1.80 Maximum Forfeiture Penalties and “Catchup” Penalties**

|  |  |  |
| --- | --- | --- |
| U.S. Code Citation | Maximum Forfeiture Penalty on November 2, 2015 | Maximum Forfeiture “Catchup” Penalty |
| 47 U.S.C. 202(c) | $9,600$530/day | $11,362$568/day |
| 47 U.S.C. 203(e) | $9,600$530/day | $11,362$568/day |
| 47 U.S.C. 205(b) | $23,200 | $22,723 |
| 47 U.S.C. 214(d) | $1,320 | $2,272 |
| 47 U.S.C. 219(b) | $1,320 | $2,272 |
| 47 U.S.C. 220(d) | $9,600/day | $11,362 |
| 47 U.S.C. 223(b) | $80,000 | $117,742 |
| 47 U.S.C. 227(e) | $10,000/violation$30,000/day for each day of continuing violation up to$1,025,000for any single act or failure to act | $10,874/violation$32,622/day for each day of continuing violation up to$1,087,450for any single act or failure to act |
| 47 U.S.C. 364(a) | $7,500 | $9,468 |
| 47 U.S.C. 364(b) | $1,100 | $1,894 |
| 47 U.S.C. 386(a) | $7,500 | $9,468 |
| 47 U.S.C. 386(b) | $1,100 | $1,894 |
| 47 U.S.C. 503(b)(2)(A) | $37,500/violation or each day of a continuing violationup to$400,000for any single act or failure to act | $47,340/violation or each day of a continuing violationup to$473,402for any single act or failure to act |
| 47 U.S.C. 503(b)(2)(B) | $160,000/violation or each day of a continuing violation up to $1,575,000for any single act or failure to act | $189,361/violation or each day of a continuing violation up to $1,893,610for any single act or failure to act |
| 47 U.S.C. 503(b)(2)(C) | $350,000/violation or each day of a continuing violation up to$3,300,000for any single act or failure to act | $383,038/violation or each day of a continuing violation up to $3,535,740for any single act or failure to act |
| 47 U.S.C. 503(b)(2)(D) | $16,000/violation or each day of a continuing violationup to $122,500for any single act or failure to act | $18,936/violation or each day of a continuing violationup to $142,021for any single act or failure to act |
| 47 U.S.C. 503(b)(2)(F) | $105,000/violation or each day of a continuing violation up to$1,050,000for any single act or failure to act | $108,745/violation or each day of a continuing violation up to$1,087,450for any single act or failure to act |
| 47 U.S.C. 507(a) | $750 | $1,875 |
| 47 U.S.C. 507(b) | $110 | $275 |
| 47 U.S.C. 554 | $650/day | $839 |

**ATTACHMENT C**

The following illustrates the inflation adjustment calculation and maximum forfeiture penalty for violations of Section 205 of the Act.[[24]](#footnote-25) As the calculation below shows, the maximum penalty for these violations will increase from $12,000 to $22,723 when adjusted for inflation.

**Step 1**: **Determine the year and amount that the maximum penalty level or the range of minimum and maximum penalties was established or last adjusted by statute or regulation (excluding any previous adjustments made under the Inflation Adjustment Act). Then, identify the corresponding multiplier from Table A, Colum B.**

Because the penalty for Section 205 was last established or adjusted in 1989, the applicable multiplier from Table A is 1.89361.

**a.** Year: 1989 **b.** Multiplier: 1.89361 **c.** Penalty Level or Range: $12,000

**Step 2**: **Use the applicable multiplier (b.) to multiply the penalty level or range (c.) and achieve the penalty level or range adjusted for inflation (d.). Round to the nearest dollar.**

**d.** 1.89361 x $12,000 = $22,723 (rounded to the nearest dollar)

**Step 3**: **Identify the penalty level(s) in effect on November 2, 2015, including Inflation Adjustment Act increases.**

**e.** November 2, 2015, Penalty Level Range: $23,200

**Step 4**: **Multiply the November 2, 2015 level(s) (e.) by 2.5 to achieve a 150 percent increase (f.). Round to the nearest dollar.**

**f.** $23,200 x 2.5 = $58,000 (rounded to the nearest dollar)

**Step 5**: **Compare the amounts of (d.) and (f.). If the maximum penalty level or range in (d.) is larger than the maximum penalty level or range in (f.), the 150 percent limit applies, and the penalty level or range in (f.) should be selected.**

The new “Catchup” Penalty is $22,723 (the lesser of $22,723 or $58,000)

1. 47 CFR 1.80(b). [↑](#footnote-ref-2)
2. Sec. 701, Pub. L. No. 114-74, 129 Stat. 599 (codified as amended 28 U.S.C. § 2461 note). [↑](#footnote-ref-3)
3. See 28 U.S.C. § 2461 note (6). All references to 28 U.S.C. 2461 note herein are to the note, as amended by Section 701(b) of the Bipartisan Budget Act of 2015 (the 2015 Inflation Adjustment Act). [↑](#footnote-ref-4)
4. The Commission last released an order adjusting its forfeiture amounts for inflation in August 2013. *See Amendment of Section 1.80(b) of the Commission’s Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, 28 FCC Rcd 10785 (2013) (2013 Forfeiture Adjustment Order). The adjustments adopted in that Order took effect on September 13, 2013. *See* Inflation Adjustment of Maximum Forfeiture Penalties, 78 Fed. Reg. 49,370 – 49,372 (August 14, 2013). [↑](#footnote-ref-5)
5. 28 U.S.C. § 2461 note (4). [↑](#footnote-ref-6)
6. 28 U.S.C. § 2461 note (5). [↑](#footnote-ref-7)
7. 28 U.S.C. § 2461 note (7). [↑](#footnote-ref-8)
8. Implementation of the Federal Penalties Inflation Adjustment Improvements Act of 2015, OMB M-16-06 (February 24, 2016). [↑](#footnote-ref-9)
9. 47 U.S.C. § 151 *et seq.* [↑](#footnote-ref-10)
10. 28 U.S.C. § 2461 note (5). [↑](#footnote-ref-11)
11. *Id*. [↑](#footnote-ref-12)
12. *Id.; see also id*. § 2461 note (3) (“`Consumer Price Index’” means the Consumer Price Index for all-urban consumers published by the Department of Labor.”). [↑](#footnote-ref-13)
13. 28 U.S.C. § 2461 note (5). [↑](#footnote-ref-14)
14. Prior inflationary adjustments under the Inflation Adjustment Act will be excluded to address implementation challenges and to remedy the decline in the real value of penalty levels created by the 10 percent cap employed in previous adjustments. 28 U.S.C. § 2461 note (6). [↑](#footnote-ref-15)
15. *See* Attachment A, Table A. [↑](#footnote-ref-16)
16. In accordance with the 2015 Inflation Adjustment Act, penalty levels shall not be increased by more than 150 percent of the corresponding levels in effect on November 2, 2015. The 150 percent limitation is on the amount of the increase; therefore, adjusted penalty levels will be up to 250 percent of the levels in effect on November 2, 2015. 28 U.S.C. § 2461 note (5). [↑](#footnote-ref-17)
17. *See* 47 CFR § 0.111(a)(22). [↑](#footnote-ref-18)
18. 47 CFR § 0.311. Pursuant to Section 0.311, the Chief, Enforcement Bureau is delegated authority to perform all functions of the Bureau, described in Section 0.111 of the Commission’s rules, 47 CFR § 0.111, including performing rulemakings except for notices of proposed rulemakings and of inquiry and final orders in such proceedings. *See id.* at § 0.311(a)(1). [↑](#footnote-ref-19)
19. The 2015 Inflation Adjustment Act provides that the statutory maximum forfeiture penalties shall be adjusted with an initial “catch-up” adjustment through interim final rulemaking. *See* 28 U.S.C. § 2461 note (4). [↑](#footnote-ref-20)
20. Pub. L. No. 96-354, 94 Stat. 1164 (codified at 5 U.S.C. §§ 601-612); *see* 5 U.S.C. §§ 603-604. [↑](#footnote-ref-21)
21. Pub. L. No. 104-13, 109 Stat. 163 (codified at 13 U.S.C. § 91, 44 U.S.C. §§ 101 note, and 44 U.S.C. §§ 3501-3520. [↑](#footnote-ref-22)
22. Pub. L. No. 107-198, 116 Stat. 729 (codified at 5 U.S.C. § 601 note, 44 U.S.C. §§ 101 note, 3504, 3506, 3520, 3521). [↑](#footnote-ref-23)
23. *See* 44 U.S.C. § 3506(c)(4). [↑](#footnote-ref-24)
24. Section 205(b) establishes the civil monetary penalty that common carriers – or their officers, representatives, agents, receivers (or agents of receivers), trustees (or agents of trustees), lessees (or agents of lessees) – must pay for violations of orders the Commission issues under Section 205(a) with respect to just and reasonable charges, classifications, regulations, and practices. *See* 47 U.S.C. § 205. [↑](#footnote-ref-25)