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White Paper on FCC Enforcement Bureau Reform

January 29, 2024

Recent U.S. Supreme Court case law could change the way that federal agencies, including the Federal Communications Commission, conduct their enforcement activities and could make it easier for regulated parties to challenge the constitutionality of agency procedures in court. Wiley Issues and Appeals Practice co-chair Thomas M. Johnson, Jr. has written a new white paper that examines how these cases could bear on the FCC's current enforcement practices, which are often burdensome, lack transparency, and provide little room for review before the FCC makes public accusations that could harm a company's reputation. The paper identifies opportunities for the FCC and Congress to implement reforms that would enable the Commission to carry out its core mission of enforcing its rules and the Communications Act against legitimate wrongdoers, while affording fair notice and due process to communications and media companies.

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