

108TH CONGRESS
2D SESSION

H. R. 3717

To increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2004

Mr. UPTON (for himself, Mr. MARKEY, Mr. TAUZIN, Mr. DINGELL, Mr. BILIRAKIS, Mr. BARTON of Texas, Mr. STEARNS, Mr. GILLMOR, Mr. BASS, Mr. GREENWOOD, Mr. BURR, Mr. BLUNT, Mr. SHIMKUS, Mr. TERRY, Mr. WELDON of Pennsylvania, Mr. WOLF, Mr. SMITH of Texas, Mr. GREEN of Texas, Mrs. WILSON of New Mexico, Mr. GORDON, Mr. WHITFIELD, Mrs. BONO, Ms. MCCARTHY of Missouri, Mr. WYNN, Mrs. CUBIN, and Mr. PITTS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

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 “Broadcast Decency
5 Enforcement Act of 2004”.

1 **SEC. 2. INCREASE IN PENALTIES FOR OBSCENE, INDECENT,**
2 **AND PROFANE BROADCASTS.**

3 Section 503(b)(2) of the Communications Act of
4 1934 (47 U.S.C. 503(b)(2)) is amended—

5 (1) by redesignating subparagraphs (C) and
6 (D) as subparagraphs (D) and (E), respectively;

7 (2) by inserting after subparagraph (B) the fol-
8 lowing new subparagraph:

9 “(C) Notwithstanding subparagraph (A), if the viola-
10 tor is (i) a broadcast station licensee or permittee, or (ii)
11 an applicant for any broadcast license, permit, certificate,
12 or other instrument or authorization issued by the Com-
13 mission, and the violator is determined by the Commission
14 under paragraph (1) to have broadcast obscene, indecent,
15 or profane language, the amount of any forfeiture penalty
16 determined under this section shall not exceed \$275,000
17 for each violation or each day of a continuing violation,
18 except that the amount assessed for any continuing viola-
19 tion shall not exceed a total of \$3,000,000 for any single
20 act or failure to act.”; and

21 (3) in subparagraph (D), as redesignated by
22 paragraph (1), by striking “subparagraph (A) or
23 (B)” and inserting “subparagraph (A), (B), or (C)”.

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