

108TH CONGRESS
2D SESSION

S. 2056

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2004

Mr. BROWNBACK (for himself and Mr. GRAHAM of South Carolina) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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”.

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

8 Section 503(b)(2) of the Communications Act of
9 1934 (47 U.S.C. 503(b)(2)) is amended—

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

3 (2) by inserting after subparagraph (B) the fol-
4 lowing new subparagraph:

5 “(C) Notwithstanding subparagraph (A), if the viola-
6 tor is—

7 “(i)(I) a broadcast station licensee or permittee;

8 or

9 “(II) an applicant for any broadcast license,
10 permit, certificate, or other instrument or authoriza-
11 tion issued by the Commission; and

12 “(ii) determined by the Commission under
13 paragraph (1) to have broadcast obscene, indecent,
14 or profane language,

15 the amount of any forfeiture penalty determined under
16 this subsection shall not exceed \$275,000 for each viola-
17 tion or each day of a continuing violation, except that the
18 amount assessed for any continuing violation shall not ex-
19 ceed a total of \$3,000,000 for any single act or failure
20 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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