

108TH CONGRESS
2D SESSION

S. 2147

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

MARCH 1, 2004

Mr. MILLER 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 Re-
5 sponsibility and 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)(i) Notwithstanding subparagraph (A), if the vio-
6 lator is—

7 “(I)(aa) a broadcast station licensee or per-
8 mittee;

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

12 “(cc) any other company or individual that has
13 participated in a broadcast described in subclause
14 (II), including producers, general managers, per-
15 formers, and networks; and

16 “(II) determined by the Commission under
17 paragraph (1) to have participated in broadcasting
18 obscene, indecent, or profane language;

19 the amount of any forfeiture penalty determined under
20 this subsection shall be 25 cents times the number of indi-
21 viduals who witnessed or heard the broadcast as deter-
22 mined by a viewership rating service selected by the Com-
23 mission.

24 “(ii) Amounts collected pursuant to this subpara-
25 graph shall be used—

1 “(I) first to fund the enforcement costs of this
2 subparagraph; and

3 “(II) after funding subelause (I), to make
4 grants to faith based programs selected by the Faith
5 Based Initiative Office of the White House.”; and

6 (3) in subparagraph (D), as redesignated by
7 paragraph (1), by striking “subparagraph (A) or
8 (B)” and inserting “subparagraph (A), (B), or (C)”.

9 **SEC. 3. COUNCIL OF DECENCY.**

10 (a) COUNCIL.—The Federal Communications Com-
11 mission shall establish a Council of Decency which shall
12 consist of—

13 (1) 3 individuals from the ministry;

14 (2) 3 television and broadcast industry rep-
15 representatives; and

16 (3) 3 teachers from primary or secondary edu-
17 cational institutions.

18 (b) DUTIES.—The Council of Decency shall advise
19 the Federal Communications Commission on standards of
20 decency as applied to broadcasts over which the Commis-
21 sion has jurisdiction.

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