

S 2056

Broadcast Decency Enforcement Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Science, Technology, Communications

Introduced: Feb 9, 2004

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 471.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 471. (Apr 5, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/2056>

Sponsor

Name: Sen. Brownback, Sam [R-KS]

Party: Republican • **State:** KS • **Chamber:** Senate

Cosponsors (20 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Graham, Lindsey [R-SC]	R · SC		Feb 9, 2004
Sen. Allen, George [R-VA]	R · VA		Feb 10, 2004
Sen. Santorum, Rick [R-PA]	R · PA		Feb 10, 2004
Sen. Fitzgerald, Peter [R-IL]	R · IL		Feb 11, 2004
Sen. Inhofe, James M. [R-OK]	R · OK		Feb 11, 2004
Sen. Lott, Trent [R-MS]	R · MS		Feb 11, 2004
Sen. Stevens, Ted [R-AK]	R · AK		Feb 11, 2004
Sen. Ensign, John [R-NV]	R · NV		Feb 24, 2004
Sen. Hagel, Chuck [R-NE]	R · NE		Feb 24, 2004
Sen. Kyl, Jon [R-AZ]	R · AZ		Feb 24, 2004
Sen. Miller, Zell [D-GA]	D · GA		Feb 24, 2004
Sen. Roberts, Pat [R-KS]	R · KS		Feb 24, 2004
Sen. Sessions, Jeff [R-AL]	R · AL		Feb 24, 2004
Sen. Murkowski, Lisa [R-AK]	R · AK		Feb 25, 2004
Sen. Dole, Elizabeth [R-NC]	R · NC		Mar 1, 2004
Sen. Enzi, Michael B. [R-WY]	R · WY		Mar 1, 2004
Sen. Chambliss, Saxby [R-GA]	R · GA		Mar 3, 2004
Sen. Carper, Thomas R. [D-DE]	D · DE		Mar 26, 2004
Sen. Grassley, Chuck [R-IA]	R · IA		Mar 31, 2004
Sen. Burns, Conrad R. [R-MT]	R · MT		Jun 8, 2004

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Apr 5, 2004

Subjects & Policy Tags

Policy Area:

Science, Technology, Communications

Related Bills

Bill	Relationship	Last Action
108 HR 3717	Related bill	Mar 26, 2004: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 464.

Title I: Broadcast Decency - Broadcast Decency Enforcement Act of 2004 - (Sec. 102) Amends the Communications Act of 1934 to provide that, if the violator of the terms and conditions of any Federal Communications Commission (FCC) license, permit, or certificate is either a broadcast station licensee or permittee or an applicant for a broadcast license, permit, or certificate, and such violator is determined by the FCC to have broadcast obscene, indecent, or profane language or images, the amount of forfeiture penalty shall not exceed \$275,000 for the first violation, \$375,000 for the second, and \$500,000 for the third and any subsequent violation, with a 24-hour period limit of \$3 million. Requires the FCC, when determining a penalty, to consider the violator's ability to pay.

Directs the FCC to commence a proceeding for revocation of a station license or construction permit of a broadcast station if, in each of three or more proceedings during the term of a broadcast license, such licensee is ordered to pay forfeitures for the above violations by either: (1) the FCC and such forfeitures have been paid; or (2) a court and such orders have become final.

(Sec. 103) Directs the FCC, in the case of such a violation, to take into account various factors with respect to the degree of culpability, including whether: (1) the material was live or recorded, scripted or unscripted; (2) the violator had a reasonable opportunity to review the programming; (3) a time delay blocking mechanism was implemented; and (4) the violation occurred during a children's program or during children's viewing hours. Allows the FCC, when aggravating factors are present, to double the fine amounts for such violations.

(Sec. 104) Revises provisions concerning non-licensed violators and authorizes the FCC to fine such violators if the person should have known that the material would be broadcast. Increases to \$500,000 for each violation the fine authorized for such violators.

(Sec. 105) Authorizes any State, regional, or national association of broadcasters or networks, or any group of network affiliates, to enter into a voluntary code of conduct providing a family viewing policy for early evening television viewing hours (the first hour of prime time and the hour immediately preceding such hour).

(Sec. 106) Sets a deadline of 270 days for FCC response to complaints received for violations of this Act.

(Sec. 107) Requires an annual FCC report to specified congressional committees on complaints received and action thereon.

(Sec. 108) Directs the Comptroller General to conduct a study of, and report to specified committees on, an examination of the relationship between the increasing consolidation of broadcast media ownership and violations of this Act.

(Sec. 109) Requires the FCC to implement the requirements of this Act within 180 days after enactment.

Title II: Children's Protection From Violent Programming - Children's Protection from Violent Programming Act - (Sec. 203) Directs the FCC to assess the effectiveness of measures to require television broadcasters and multichannel video programming distributors to rate and encode programming that could be blocked by parents by use of a V-chip. Authorizes the FCC, if it finds such measures ineffective, to prohibit the distribution of violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience.

(Sec. 204) Makes it unlawful for any person to distribute to the public any violent video programming not blockable by electronic means specifically on the basis of its violent content. Provides for exemptions for: (1) programming (including

news programs and sporting events) the distribution of which does not conflict with the objective of protecting children from the negative influences of violent video programming; and (2) premium and pay-per-view direct-to-home satellite programming. Applies to such distribution violations the same penalties provided under Title I.

(Sec. 205) Requires the FCC to continue to study and report to specified committees on the marketing to children of violent content by the motion picture, music recording, and computer and video game industries, including improvements to marketing practices developed and implemented by those industries.

Actions Timeline

- **Apr 5, 2004:** Committee on Commerce, Science, and Transportation. Reported by Senator McCain with amendments and an amendment to the title. With written report No. 108-253.
- **Apr 5, 2004:** Committee on Commerce, Science, and Transportation. Reported by Senator McCain with amendments and an amendment to the title. With written report No. 108-253.
- **Apr 5, 2004:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 471.
- **Mar 9, 2004:** Committee on Commerce, Science, and Transportation. Ordered to be reported with amendments favorably.
- **Feb 9, 2004:** Introduced in Senate
- **Feb 9, 2004:** Read twice and referred to the Committee on Commerce, Science, and Transportation.