

HR 3717

Broadcast Decency Enforcement Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Science, Technology, Communications

Introduced: Jan 21, 2004

Current Status: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 464.

Latest Action: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 464.
(Mar 26, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/3717>

Sponsor

Name: Rep. Upton, Fred [R-MI-6]

Party: Republican • **State:** MI • **Chamber:** House

Cosponsors (145 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Barton, Joe [R-TX-6]	R · TX		Jan 21, 2004
Rep. Bass, Charles F. [R-NH-2]	R · NH		Jan 21, 2004
Rep. Bilirakis, Michael [R-FL-9]	R · FL		Jan 21, 2004
Rep. Blunt, Roy [R-MO-7]	R · MO		Jan 21, 2004
Rep. Bono, Mary [R-CA-45]	R · CA		Jan 21, 2004
Rep. Burr, Richard [R-NC-5]	R · NC		Jan 21, 2004
Rep. Cubin, Barbara [R-WY-At Large]	R · WY		Jan 21, 2004
Rep. Dingell, John D. [D-MI-15]	D · MI		Jan 21, 2004
Rep. Gillmor, Paul E. [R-OH-5]	R · OH		Jan 21, 2004
Rep. Gordon, Bart [D-TN-6]	D · TN		Jan 21, 2004
Rep. Green, Gene [D-TX-29]	D · TX		Jan 21, 2004
Rep. Greenwood, James C. [R-PA-8]	R · PA		Jan 21, 2004
Rep. Markey, Edward J. [D-MA-7]	D · MA		Jan 21, 2004
Rep. McCarthy, Karen [D-MO-5]	D · MO		Jan 21, 2004
Rep. Pitts, Joseph R. [R-PA-16]	R · PA		Jan 21, 2004
Rep. Shimkus, John [R-IL-19]	R · IL		Jan 21, 2004
Rep. Smith, Lamar [R-TX-21]	R · TX		Jan 21, 2004
Rep. Stearns, Cliff [R-FL-6]	R · FL		Jan 21, 2004
Rep. Tauzin, W. J. (Billy) [R-LA-3]	R · LA		Jan 21, 2004
Rep. Terry, Lee [R-NE-2]	R · NE		Jan 21, 2004
Rep. Weldon, Curt [R-PA-7]	R · PA		Jan 21, 2004
Rep. Whitfield, Ed [R-KY-1]	R · KY		Jan 21, 2004
Rep. Wilson, Heather [R-NM-1]	R · NM		Jan 21, 2004
Rep. Wolf, Frank R. [R-VA-10]	R · VA		Jan 21, 2004
Rep. Wynn, Albert Russell [D-MD-4]	D · MD		Jan 21, 2004
Rep. Ehlers, Vernon J. [R-MI-3]	R · MI		Jan 27, 2004
Rep. Everett, Terry [R-AL-2]	R · AL		Jan 27, 2004
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		Jan 27, 2004
Rep. Lewis, Ron [R-KY-2]	R · KY		Jan 27, 2004
Rep. Matheson, Jim [D-UT-2]	D · UT		Jan 27, 2004
Rep. Northup, Anne M. [R-KY-3]	R · KY		Jan 27, 2004
Rep. Osborne, Tom [R-NE-3]	R · NE		Jan 27, 2004
Rep. Rogers, Mike J. [R-MI-8]	R · MI		Jan 27, 2004
Rep. Baker, Richard H. [R-LA-6]	R · LA		Jan 28, 2004
Rep. Barrett, J. Gresham [R-SC-3]	R · SC		Jan 28, 2004
Rep. Bereuter, Doug [R-NE-1]	R · NE		Jan 28, 2004
Rep. Hinchey, Maurice D. [D-NY-22]	D · NY		Jan 28, 2004
Rep. Ross, Mike [D-AR-4]	D · AR		Jan 28, 2004
Rep. Berry, Marion [D-AR-1]	D · AR		Feb 3, 2004
Rep. Calvert, Ken [R-CA-44]	R · CA		Feb 3, 2004
Rep. Carson, Julia [D-IN-7]	D · IN		Feb 3, 2004

Cosponsor	Party / State	Role	Date Joined
Rep. Costello, Jerry F. [D-IL-12]	D · IL		Feb 3, 2004
Rep. Deal, Nathan [R-GA-10]	R · GA		Feb 3, 2004
Rep. DeLauro, Rosa L. [D-CT-3]	D · CT		Feb 3, 2004
Rep. Ferguson, Mike [R-NJ-7]	R · NJ		Feb 3, 2004
Rep. Forbes, J. Randy [R-VA-4]	R · VA		Feb 3, 2004
Rep. Green, Mark [R-WI-8]	R · WI		Feb 3, 2004
Rep. Hayes, Robin [R-NC-8]	R · NC		Feb 3, 2004
Rep. Johnson, Nancy L. [R-CT-5]	R · CT		Feb 3, 2004
Rep. Kaptur, Marcy [D-OH-9]	D · OH		Feb 3, 2004
Rep. Kennedy, Mark R. [R-MN-6]	R · MN		Feb 3, 2004
Rep. Linder, John [R-GA-7]	R · GA		Feb 3, 2004
Rep. Miller, Candice S. [R-MI-10]	R · MI		Feb 3, 2004
Rep. Myrick, Sue Wilkins [R-NC-9]	R · NC		Feb 3, 2004
Rep. Nethercutt, George R., Jr. [R-WA-5]	R · WA		Feb 3, 2004
Rep. Oxley, Michael G. [R-OH-4]	R · OH		Feb 3, 2004
Rep. Rogers, Mike D. [R-AL-3]	R · AL		Feb 3, 2004
Rep. Scott, David [D-GA-13]	D · GA		Feb 3, 2004
Rep. Shadegg, John B. [R-AZ-3]	R · AZ		Feb 3, 2004
Rep. Simmons, Rob [R-CT-2]	R · CT		Feb 3, 2004
Rep. Skelton, Ike [D-MO-4]	D · MO		Feb 3, 2004
Rep. Smith, Nick [R-MI-7]	R · MI		Feb 3, 2004
Rep. Spratt, John M., Jr. [D-SC-5]	D · SC		Feb 3, 2004
Rep. Tiahrt, Todd [R-KS-4]	R · KS		Feb 3, 2004
Rep. Tiberi, Patrick J. [R-OH-12]	R · OH		Feb 3, 2004
Rep. Turner, Jim [D-TX-2]	D · TX		Feb 3, 2004
Rep. Boehlert, Sherwood [R-NY-24]	R · NY		Feb 4, 2004
Rep. Burgess, Michael C. [R-TX-26]	R · TX		Feb 4, 2004
Rep. Camp, Dave [R-MI-4]	R · MI		Feb 4, 2004
Rep. Eshoo, Anna G. [D-CA-14]	D · CA		Feb 4, 2004
Rep. Hoekstra, Peter [R-MI-2]	R · MI		Feb 4, 2004
Rep. Knollenberg, Joe [R-MI-9]	R · MI		Feb 4, 2004
Rep. Latham, Tom [R-IA-4]	R · IA		Feb 4, 2004
Rep. McIntyre, Mike [D-NC-7]	D · NC		Feb 4, 2004
Rep. Miller, Gary G. [R-CA-42]	R · CA		Feb 4, 2004
Rep. Ney, Robert W. [R-OH-18]	R · OH		Feb 4, 2004
Rep. Olver, John W. [D-MA-1]	D · MA		Feb 4, 2004
Rep. Taylor, Charles H. [R-NC-11]	R · NC		Feb 4, 2004
Rep. Akin, W. Todd [R-MO-2]	R · MO		Feb 10, 2004
Rep. Bachus, Spencer [R-AL-6]	R · AL		Feb 10, 2004
Rep. Beauprez, Bob [R-CO-7]	R · CO		Feb 10, 2004
Rep. Buyer, Steve [R-IN-4]	R · IN		Feb 10, 2004
Rep. Carter, John R. [R-TX-31]	R · TX		Feb 10, 2004

Cosponsor	Party / State	Role	Date Joined
Rep. Collins, Mac [R-GA-8]	R · GA		Feb 10, 2004
Rep. Culberson, John Abney [R-TX-7]	R · TX		Feb 10, 2004
Rep. Davis, Jim [D-FL-11]	D · FL		Feb 10, 2004
Rep. Deutsch, Peter [D-FL-20]	D · FL		Feb 10, 2004
Rep. Doolittle, John T. [R-CA-4]	R · CA		Feb 10, 2004
Rep. Etheridge, Bob [D-NC-2]	D · NC		Feb 10, 2004
Rep. Frelinghuysen, Rodney P. [R-NJ-11]	R · NJ		Feb 10, 2004
Rep. Gonzalez, Charles A. [D-TX-20]	D · TX		Feb 10, 2004
Rep. Hart, Melissa A. [R-PA-4]	R · PA		Feb 10, 2004
Rep. Herger, Wally [R-CA-2]	R · CA		Feb 10, 2004
Rep. Hunter, Duncan [R-CA-52]	R · CA		Feb 10, 2004
Rep. Johnson, Sam [R-TX-3]	R · TX		Feb 10, 2004
Rep. Johnson, Timothy V. [R-IL-15]	R · IL		Feb 10, 2004
Rep. Neugebauer, Randy [R-TX-19]	R · TX		Feb 10, 2004
Rep. Petri, Thomas E. [R-WI-6]	R · WI		Feb 10, 2004
Rep. Quinn, Jack [R-NY-27]	R · NY		Feb 10, 2004
Rep. Ryun, Jim [R-KS-2]	R · KS		Feb 10, 2004
Rep. Sandlin, Max [D-TX-1]	D · TX		Feb 10, 2004
Rep. Shuster, Bill [R-PA-9]	R · PA		Feb 10, 2004
Rep. Souder, Mark E. [R-IN-3]	R · IN		Feb 10, 2004
Rep. Taylor, Gene [D-MS-4]	D · MS		Feb 10, 2004
Rep. Toomey, Patrick J. [R-PA-15]	R · PA		Feb 10, 2004
Rep. Turner, Michael R. [R-OH-3]	R · OH		Feb 10, 2004
Rep. Walden, Greg [R-OR-2]	R · OR		Feb 10, 2004
Rep. Davis, Jo Ann [R-VA-1]	R · VA		Feb 11, 2004
Rep. Goode, Virgil H., Jr. [R-VA-5]	R · VA		Feb 11, 2004
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Feb 11, 2004
Rep. Rush, Bobby L. [D-IL-1]	D · IL		Feb 11, 2004
Rep. Aderholt, Robert B. [R-AL-4]	R · AL		Feb 24, 2004
Rep. Bonner, Jo [R-AL-1]	R · AL		Feb 24, 2004
Rep. Boozman, John [R-AR-3]	R · AR		Feb 24, 2004
Rep. Bradley, Jeb [R-NH-1]	R · NH		Feb 24, 2004
Rep. Cole, Tom [R-OK-4]	R · OK		Feb 24, 2004
Rep. Cramer, Robert E. (Bud), Jr. [D-AL-5]	D · AL		Feb 24, 2004
Rep. Hall, Ralph M. [R-TX-4]	R · TX		Feb 24, 2004
Rep. Hastings, Doc [R-WA-4]	R · WA		Feb 24, 2004
Rep. Holden, Tim [D-PA-17]	D · PA		Feb 24, 2004
Rep. Kirk, Mark Steven [R-IL-10]	R · IL		Feb 24, 2004
Rep. LaTourette, Steven C. [R-OH-14]	R · OH		Feb 24, 2004
Rep. Majette, Denise L. [D-GA-4]	D · GA		Feb 24, 2004
Rep. Miller, Jeff [R-FL-1]	R · FL		Feb 24, 2004
Rep. Murphy, Tim [R-PA-18]	R · PA		Feb 24, 2004

Cosponsor	Party / State	Role	Date Joined
Rep. Price, David E. [D-NC-4]	D · NC		Feb 24, 2004
Rep. Putnam, Adam H. [R-FL-12]	R · FL		Feb 24, 2004
Rep. Roybal-Allard, Lucille [D-CA-34]	D · CA		Feb 24, 2004
Rep. Sessions, Pete [R-TX-32]	R · TX		Feb 24, 2004
Rep. Smith, Christopher H. [R-NJ-4]	R · NJ		Feb 24, 2004
Rep. Wamp, Zach [R-TN-3]	R · TN		Feb 24, 2004
Rep. Weldon, Dave [R-FL-15]	R · FL		Feb 24, 2004
Rep. Wicker, Roger F. [R-MS-1]	R · MS		Feb 24, 2004
Rep. Wilson, Joe [R-SC-2]	R · SC		Feb 24, 2004
Rep. Granger, Kay [R-TX-12]	R · TX		Feb 26, 2004
Rep. Boyd, Allen [D-FL-2]	D · FL		Mar 2, 2004
Rep. Manzullo, Donald A. [R-IL-16]	R · IL		Mar 2, 2004
Rep. Norwood, Charles W. [R-GA-9]	R · GA		Mar 2, 2004
Rep. Otter, C. L. (Butch) [R-ID-1]	R · ID		Mar 2, 2004
Rep. Pickering, Charles W. "Chip" [R-MS-3]	R · MS		Mar 2, 2004
Rep. Shays, Christopher [R-CT-4]	R · CT		Mar 2, 2004
Rep. Simpson, Michael K. [R-ID-2]	R · ID		Mar 2, 2004
Rep. King, Steve [R-IA-5]	R · IA		Mar 4, 2004
Rep. Kline, John [R-MN-2]	R · MN		Mar 4, 2004
Rep. Stenholm, Charles W. [D-TX-17]	D · TX		Mar 4, 2004

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Hearings By (subcommittee)	Feb 26, 2004

Subjects & Policy Tags

Policy Area:

Science, Technology, Communications

Related Bills

Bill	Relationship	Last Action
108 S 2056	Related bill	Apr 5, 2004: Placed on Senate Legislative Calendar under General Orders. Calendar No. 471.
108 HRES 554	Procedurally related	Mar 11, 2004: Motion to reconsider laid on the table Agreed to without objection.

Broadcast Decency Enforcement Act of 2004 - (Sec. 2) 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 material, the amount of forfeiture penalty shall not exceed \$500,000 for each violation.

(Sec. 3) Directs the FCC, in enforcing penalties for violators, to take into account specified factors with respect to the violator's: (1) degree of culpability, including whether the offending material was live or recorded and scripted or unscripted; and (2) ability to pay, including whether the violator is a company or individual and the company's size. Provides an enforcement exception, under certain circumstances, for a licensee or permittee not owned or controlled by the network organization providing the offending material to the licensee or permittee for broadcast.

(Sec. 4) Makes the prohibition on penalties against nonlicensees inapplicable in the case of a person who utters obscene, indecent, or profane material broadcast by a licensee or permittee if such person willfully or intentionally makes the utterance.

(Sec. 5) Provides deadlines for actions on complaints of violations of this Act.

(Sec. 6) Authorizes the FCC, in addition to such penalties, to require the offending licensee or permittee to broadcast public service announcements that serve the educational and informational needs of children and reaches an audience of up to five times the audience estimated to have been reached by the obscene, indecent, or profane material.

(Sec. 7) Directs the FCC, in any subsequent proceeding against a broadcast licensee or permittee who has already paid a fine for violating the provisions of this Act or when a court has ordered payment of a penalty and such order has become final, to: (1) consider whether the broadcast of such material demonstrates a lack of character or other qualifications required to operate a station; and (2) treat such violation as a serious violation with respect to the determination of license or permit renewal.

(Sec. 9) Requires that if the FCC has issued a notice of violation in each of three or more proceedings during the term of the broadcast license and in each proceeding the fine was paid or a court has ordered payment of a penalty and such order has become final, then the FCC shall commence a proceeding to consider revocation of that station's license or permit.

(Sec. 10) Requires annual FCC reports to Congress to include information with respect to violations of this Act and related proceedings.

(Sec. 11) Requires the General Accounting Office to study and report to specified congressional committees on the complaints made to the FCC concerning the broadcasting of obscene, indecent, and profane material.

(Sec. 12) Expresses the sense of Congress that the broadcast television station licensees should reinstitute a family viewing policy for broadcasters that is similar to the policy that existed in the United States from 1975 to 1983.

Actions Timeline

- **Mar 26, 2004:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 464.
- **Mar 25, 2004:** Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Mar 11, 2004:** Rule H. Res. 554 passed House.
- **Mar 11, 2004:** Considered under the provisions of rule H. Res. 554. (consideration: CR H1019-1035)
- **Mar 11, 2004:** Rule provides for consideration of H.R. 3717 with 1 hour and 30 minutes of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. Measure will be considered read. Specified amendments are in order.
- **Mar 11, 2004:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 554 and Rule XVIII.
- **Mar 11, 2004:** The Speaker designated the Honorable Bob Goodlatte to act as Chairman of the Committee.
- **Mar 11, 2004:** GENERAL DEBATE - The Committee of the Whole proceeded with ninety minutes of general debate on H.R. 3717.
- **Mar 11, 2004:** DEBATE - Pursuant to the provisions in H. Res. 554 the Committee of the Whole proceeded with twenty minutes of debate on the Upton amendment.
- **Mar 11, 2004:** DEBATE - Pursuant to the provisions of H. Res. 554 the Committee of the Whole proceeded with ten minutes of debate on the Sessions amendment.
- **Mar 11, 2004:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 3717.
- **Mar 11, 2004:** The previous question was ordered pursuant to the rule.
- **Mar 11, 2004:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (consideration: CR H1034; text: CR H1031-1033)
- **Mar 11, 2004:** Passed/agreed to in House: On passage Passed by recorded vote: 391 - 22, 1 Present (Roll no. 55).
- **Mar 11, 2004:** On passage Passed by recorded vote: 391 - 22, 1 Present (Roll no. 55).
- **Mar 11, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **Mar 11, 2004:** The title of the measure was amended. Agreed to without objection.
- **Mar 11, 2004:** Received in the Senate.
- **Mar 10, 2004:** Rules Committee Resolution H. Res. 554 Reported to House. Rule provides for consideration of H.R. 3717 with 1 hour and 30 minutes of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. Measure will be considered read. Specified amendments are in order.
- **Mar 9, 2004:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 108-434.
- **Mar 9, 2004:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 108-434.
- **Mar 9, 2004:** Placed on the Union Calendar, Calendar No. 251.
- **Mar 3, 2004:** Committee Consideration and Mark-up Session Held.
- **Mar 3, 2004:** Ordered to be Reported (Amended) by Voice Vote.
- **Feb 26, 2004:** Subcommittee Hearings Held.
- **Feb 12, 2004:** Subcommittee Consideration and Mark-up Session Held.
- **Feb 12, 2004:** Forwarded by Subcommittee to Full Committee by Voice Vote.
- **Feb 11, 2004:** Subcommittee Hearings Held.
- **Feb 3, 2004:** Referred to the Subcommittee on Telecommunications and the Internet.
- **Jan 21, 2004:** Introduced in House
- **Jan 21, 2004:** Introduced in House
- **Jan 21, 2004:** Referred to the House Committee on Energy and Commerce.