

HR 310

Broadcast Decency Enforcement Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Science, Technology, Communications

Introduced: Jan 25, 2005

Current Status: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 17.

Latest Action: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 17.
(Feb 18, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/house-bill/310>

Sponsor

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

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

Cosponsors (67 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Barton, Joe [R-TX-6]	R · TX		Jan 25, 2005
Rep. Dingell, John D. [D-MI-15]	D · MI		Jan 25, 2005
Rep. Markey, Edward J. [D-MA-7]	D · MA		Jan 25, 2005
Rep. Akin, W. Todd [R-MO-2]	R · MO		Feb 2, 2005
Rep. Blunt, Roy [R-MO-7]	R · MO		Feb 2, 2005
Rep. Bonner, Jo [R-AL-1]	R · AL		Feb 2, 2005
Rep. Camp, Dave [R-MI-4]	R · MI		Feb 2, 2005
Rep. Davis, Jo Ann [R-VA-1]	R · VA		Feb 2, 2005
Rep. Ehlers, Vernon J. [R-MI-3]	R · MI		Feb 2, 2005
Rep. Ferguson, Mike [R-NJ-7]	R · NJ		Feb 2, 2005
Rep. Forbes, J. Randy [R-VA-4]	R · VA		Feb 2, 2005
Rep. Gillmor, Paul E. [R-OH-5]	R · OH		Feb 2, 2005
Rep. Hoekstra, Peter [R-MI-2]	R · MI		Feb 2, 2005
Rep. Knollenberg, Joe [R-MI-9]	R · MI		Feb 2, 2005
Rep. Miller, Gary G. [R-CA-42]	R · CA		Feb 2, 2005
Rep. Neugebauer, Randy [R-TX-19]	R · TX		Feb 2, 2005
Rep. Rogers, Mike J. [R-MI-8]	R · MI		Feb 2, 2005
Rep. Shimkus, John [R-IL-19]	R · IL		Feb 2, 2005
Rep. Smith, Lamar [R-TX-21]	R · TX		Feb 2, 2005
Rep. Whitfield, Ed [R-KY-1]	R · KY		Feb 2, 2005
Rep. Wilson, Heather [R-NM-1]	R · NM		Feb 2, 2005
Rep. Bachus, Spencer [R-AL-6]	R · AL		Feb 8, 2005
Rep. Boozman, John [R-AR-3]	R · AR		Feb 8, 2005
Rep. Brown-Waite, Ginny [R-FL-5]	R · FL		Feb 8, 2005
Rep. Buyer, Steve [R-IN-4]	R · IN		Feb 8, 2005
Rep. Chandler, Ben [D-KY-6]	D · KY		Feb 8, 2005
Rep. Costello, Jerry F. [D-IL-12]	D · IL		Feb 8, 2005
Rep. Davis, Jim [D-FL-11]	D · FL		Feb 8, 2005
Rep. Deal, Nathan [R-GA-10]	R · GA		Feb 8, 2005
Rep. Eshoo, Anna G. [D-CA-14]	D · CA		Feb 8, 2005
Rep. Etheridge, Bob [D-NC-2]	D · NC		Feb 8, 2005
Rep. Gordon, Bart [D-TN-6]	D · TN		Feb 8, 2005
Rep. Hayes, Robin [R-NC-8]	R · NC		Feb 8, 2005
Rep. Holden, Tim [D-PA-17]	D · PA		Feb 8, 2005
Rep. Matheson, Jim [D-UT-2]	D · UT		Feb 8, 2005
Rep. Miller, Jeff [R-FL-1]	R · FL		Feb 8, 2005
Rep. Osborne, Tom [R-NE-3]	R · NE		Feb 8, 2005
Rep. Pickering, Charles W. "Chip" [R-MS-3]	R · MS		Feb 8, 2005
Rep. Stearns, Cliff [R-FL-6]	R · FL		Feb 8, 2005
Rep. Walsh, James T. [R-NY-25]	R · NY		Feb 8, 2005
Rep. Wicker, Roger F. [R-MS-1]	R · MS		Feb 8, 2005

Cosponsor	Party / State	Role	Date Joined
Rep. Barrett, J. Gresham [R-SC-3]	R · SC		Feb 9, 2005
Rep. Bilirakis, Michael [R-FL-9]	R · FL		Feb 9, 2005
Rep. Cubin, Barbara [R-WY-At Large]	R · WY		Feb 9, 2005
Rep. Culberson, John Abney [R-TX-7]	R · TX		Feb 9, 2005
Rep. Dent, Charles W. [R-PA-15]	R · PA		Feb 9, 2005
Rep. Green, Gene [D-TX-29]	D · TX		Feb 9, 2005
Rep. Green, Mark [R-WI-8]	R · WI		Feb 9, 2005
Rep. Hayworth, J. D. [R-AZ-5]	R · AZ		Feb 9, 2005
Rep. Johnson, Timothy V. [R-IL-15]	R · IL		Feb 9, 2005
Rep. Kennedy, Mark R. [R-MN-6]	R · MN		Feb 9, 2005
Rep. McIntyre, Mike [D-NC-7]	D · NC		Feb 9, 2005
Rep. Norwood, Charles W. [R-GA-9]	R · GA		Feb 9, 2005
Rep. Schwarz, John J.H. "Joe" [R-MI-7]	R · MI		Feb 9, 2005
Rep. Souder, Mark E. [R-IN-3]	R · IN		Feb 9, 2005
Rep. Wilson, Joe [R-SC-2]	R · SC		Feb 9, 2005
Rep. Baca, Joe [D-CA-43]	D · CA		Feb 14, 2005
Rep. Davis, Lincoln [D-TN-4]	D · TN		Feb 14, 2005
Rep. Everett, Terry [R-AL-2]	R · AL		Feb 14, 2005
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Feb 14, 2005
Rep. Johnson, Nancy L. [R-CT-5]	R · CT		Feb 14, 2005
Rep. Kline, John [R-MN-2]	R · MN		Feb 14, 2005
Rep. McCaul, Michael T. [R-TX-10]	R · TX		Feb 14, 2005
Rep. Pence, Mike [R-IN-6]	R · IN		Feb 14, 2005
Rep. Ryun, Jim [R-KS-2]	R · KS		Feb 14, 2005
Rep. Turner, Michael R. [R-OH-3]	R · OH		Feb 14, 2005
Rep. Weldon, Dave [R-FL-15]	R · FL		Feb 14, 2005

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Discharged from	Feb 2, 2005

Subjects & Policy Tags

Policy Area:

Science, Technology, Communications

Related Bills

Bill	Relationship	Last Action
109 S 193	Related bill	Jun 15, 2006: Became Public Law No: 109-235.
109 HRES 95	Procedurally related	Feb 16, 2005: Motion to reconsider laid on the table Agreed to without objection.

Broadcast Decency Enforcement Act of 2005 - (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 and the financial impact that a penalty would have on an individual. 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) Directs the FCC, within nine months after the enactment of this Act and at least every three years thereafter, to revise the FCC policy statement to provide industry guidance on FCC interpretation of, and enforcement policies regarding, the laws and regulations concerning broadcast indecency.

(Sec. 12) Requires the Government Accountability 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. 13) 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

- **Feb 18, 2005:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 17.
- **Feb 17, 2005:** Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Feb 16, 2005:** Rule H. Res. 95 passed House.
- **Feb 16, 2005:** Considered under the provisions of rule H. Res. 95. (consideration: CR H653-664)
- **Feb 16, 2005:** Rule provides for consideration of H.R. 310 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. A specified amendment is in order.
- **Feb 16, 2005:** DEBATE - The House proceeded with one hour of debate on H.R. 310.
- **Feb 16, 2005:** DEBATE - Pursuant to the provisions of H. Res. 95 the House proceeded with twenty minutes of debate on the Upton amendment.
- **Feb 16, 2005:** The previous question was ordered pursuant to the rule. (consideration: CR H664)
- **Feb 16, 2005:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 389 - 38 (Roll no. 35).
- **Feb 16, 2005:** On passage Passed by the Yeas and Nays: 389 - 38 (Roll no. 35).
- **Feb 16, 2005:** Motion to reconsider laid on the table Agreed to without objection.
- **Feb 16, 2005:** Received in the Senate.
- **Feb 15, 2005:** Rules Committee Resolution H. Res. 95 Reported to House. Rule provides for consideration of H.R. 310 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. A specified amendment is in order.
- **Feb 14, 2005:** Reported by the Committee on Energy and Commerce. H. Rept. 109-5.
- **Feb 14, 2005:** Reported by the Committee on Energy and Commerce. H. Rept. 109-5.
- **Feb 14, 2005:** Placed on the Union Calendar, Calendar No. 2.
- **Feb 9, 2005:** Committee Consideration and Mark-up Session Held.
- **Feb 9, 2005:** Ordered to be Reported by the Yeas and Nays: 46 - 2.
- **Feb 2, 2005:** Referred to the Subcommittee on Telecommunications and the Internet.
- **Feb 2, 2005:** Subcommittee on Telecommunications and the Internet Discharged.
- **Jan 25, 2005:** Introduced in House
- **Jan 25, 2005:** Introduced in House
- **Jan 25, 2005:** Referred to the House Committee on Energy and Commerce.