



# The Daily Whip

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**THURSDAY, MARCH 11, 2004**

House Meets At...	Last Vote Predicted At...
<b>10:00 a.m.: Legislative Business</b>  <b>Ten "One Minutes" Per Side</b>	<b>2:00 – 3:00 p.m.</b>

**\*\* DEMOCRATS ARE URGED TO SIGN THE HILL DISCHARGE PETITION TO ALLOW CONSIDERATION OF THE BIPARTISAN MANUFACTURING TAX BILL. 130 MEMBERS HAVE SIGNED ON.**

## FLOOR SCHEDULE AND BILL SUMMARY

**H.R. 3717 - Broadcast Decency Enforcement Act of 2004** (*Rep. Upton - Energy & Commerce*) (*Subject to a Rule*). This bill would increase the fines the Federal Communications Commission (FCC) may levy for the broadcast of obscene, indecent, or profane material against licensees and nonlicensees. The maximum fines to licensees would be increased from \$27,000 to \$500,000 per violation and to nonlicensees from \$11,000 to \$500,000 per violation. The fines would apply to radio and television operators that hold a broadcast license (or other FCC authorization) but not to cable and satellite television or radio. This bill also requires the FCC to consider mitigating factors in the imposition of penalties including: whether the material uttered by the violator was live or recorded, scripted or unscripted; whether the violator had a reasonable opportunity to review recorded or scripted programming; in the case of live or unscripted programming, whether a time delay blocking mechanism was implemented for the programming; and the size of the viewing or listening audience. This bill also amends the Communications Act of 1934 to require the FCC to commence a hearing to consider license revocation if, during the term of the license, a licensee accrues three or more obscenity, indecency, or profanity violations.

The Rules Committee has recommended a structured rule that provides ninety minutes of general debate; waives all points of order against consideration of the bill; and provides one motion to recommit with or without instructions. The Rule also makes in order three amendments:

- **Manager's Amendment (20 minutes).** This amendment ensures that the bill preserves the right of a licensee to appeal a forfeiture order issued by the FCC for the broadcast of obscene, indecent, or profane material before the existence of such an order can be used in a license application or assignment proceeding to determine a licensee's character or qualifications, in a license renewal proceeding to determine whether a serious violation has occurred, or in a license revocation proceeding initiated after a licensee has accumulated three or more such forfeiture orders during the term of a license. Additionally, the amendment requires the FCC to provide Congress with information related to the number of times that violators refuse to pay a forfeiture order and that the FCC refers such orders for collection.
- **Sessions Amendment (10 minutes).** This amendment directs the GAO to study and report back within one year: the number of complaints concerning the broadcasting of obscene, indecent, and profane material to the FCC; the number of such complaints that result in final agency actions by the Commission; the length of time taken by the Commission in responding to such complaints; what mechanisms the Commission has

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established to receive, investigate, and respond to such complaints; and whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints.

- **Schakowsky Amendment (20 minutes).** This amendment provides that the provision in the bill that would increase the fines from \$11,000 to \$500,000 shall not apply to individuals.

#### Postponed Suspension Votes (2 bills):

- 1) H.Con.Res. 15** - Commending India on its celebration of Republic Day (*Rep. Wilson {SC} - International Relations*)
- 2) H.Res. 540** - Expressing the condolences and deepest sympathies of the House of Representatives for the untimely death of Macedonian President Boris Trajkovski (*Rep. Souder - International Relations*)

## TOMORROW'S OUTLOOK

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The GOP Leadership has announced the following schedule: On Friday, no votes are expected in the House.

### Daily Quote...

"The Wall Street Journal/NBC poll shows the steep hurdles the incumbent faces in making economic arguments. By 55% to 39%, Americans agree with Mr. Kerry that Mr. Bush's tax cuts were too large and should be rolled back for those earning more than \$200,000 a year. Nor is the public inclined to accept Mr. Bush's contention that he inherited a recession from the Clinton administration. Eight in 10 Americans say Mr. Bush's policies are "mainly" or "partially" responsible for the current state of the economy. According to the National Bureau of Economic Research, the arbiter of business cycles, the recession began in March 2001, shortly after Mr. Bush took office, and lasted until November 2001."

-The Wall Street Journal today