

108TH CONGRESS  
1ST SESSION

# S. RES. 283

Affirming the need to protect children in the United States from indecent programming.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2003

Mr. SESSIONS (for himself, Mr. SHELBY, Mr. INHOFE, Mr. BROWNBACK, Mr. NICKLES, Mr. BUNNING, Mr. TALENT, Mr. CHAMBLISS, Mr. CRAIG, Mr. DOMENICI, Mr. KYL, and Mr. HOLLINGS) submitted the following resolution; which was considered and agreed to

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## RESOLUTION

Affirming the need to protect children in the United States from indecent programming.

Whereas millions of people in the United States are increasingly concerned with the patently offensive television and radio programming being sent into their homes;

Whereas millions of families in the United States are particularly concerned with the adverse impact of this programming on children;

Whereas indecent and offensive programming is contributing to a dramatic coarsening of civil society of the United States;

Whereas the Federal Communications Commission is charged with enforcing standards of decency in broadcast media;

Whereas the Federal Communications Commission established a standard defining what constitutes indecency in the declaratory order In the Matter of a Citizen’s Complaint Against Pacifica Foundation Station WBAI(FM), 56 F.C.C.2d 94 (1975) (referred to in this Resolution as the “Pacifica order”);

Whereas the Federal Communications Commission has not used all of its available authority to impose penalties on broadcasters that air indecent material even when egregious and repeated violations have been found in the cases of WKRK–FM, Detroit, MI, File No. EB–02–IH–0109 (April 3, 2003) and WNEW–FM, New York, New York, EB–02–IH–0685 (September 30, 2003).

Whereas the standard established in the Pacifica order focuses on protecting children from exposure to indecent language;

Whereas the standard established in the Pacifica order was upheld as constitutional by the United States Supreme Court in Federal Communications Commission v. Pacifica Foundation, 438 U.S. 726 (1978);

Whereas the Enforcement Bureau of the Federal Communications Commission has refused to sanction the airing of indecent language during the broadcast of the Golden Globe Awards, at a time when millions of children were in the potential audience; and

Whereas as of December 2003, an application for review is pending before the Federal Communications Commission, requesting that the full Commission review that decision of the Enforcement Bureau: Now, therefore, be it

1        *Resolved*, That it is the sense of the Senate that—

1           (1) the Federal Communications Commission  
2           should reconsider the Enforcement Bureau’s decision  
3           in the Matter of Complaints Against Various Broad-  
4           cast Licensees Regarding Their Airing of the “Gold-  
5           en Globe Awards” Program, File No. EB-03-IH-  
6           0110, 2003 FCC LEXIS 5382, (October 3, 2003),  
7           in light of the public policy considerations in pro-  
8           tecting children from indecent material.

9           (2) the Federal Communications Commission  
10          should return to vigorously and expeditiously enforce-  
11          ing its own United States Supreme Court-approved  
12          standard for indecency in broadcast media, as estab-  
13          lished in the declaratory order In the Matter of a  
14          Citizen’s Complaint Against Pacifica Foundation  
15          Station WBAI(FM), 56 F.C.C.2d 94 (1975);

16          (3) the Federal Communications Commission  
17          should reassert its responsibility as defender of the  
18          public interest by undertaking new and serious ef-  
19          forts to sanction broadcast licensees that refuse to  
20          adhere to the standard established in that order; and

21          (4) the Federal Communications Commission  
22          should make every reasonable and lawful effort to  
23          protect children from the degrading influences of in-  
24          decent programming.

1           (5) The Federal Communications Commission  
2           should use all of its available authority to protect  
3           the public from indecent broadcasts including:

4                   (A) the discretion to impose fines up to a  
5                   statutory maximum for each separate “utter-  
6                   ance” or “material” found to be indecent; and

7                   (B) the initiation of license revocation pro-  
8                   ceedings for repeated violations of its indecency  
9                   rules;

10           (6) The Federal Communications Commission  
11           should resolve all indecency complaints expeditiously  
12           and should consider reviewing such complaints at  
13           the full Commission level; and

14           (7) The Federal Communications Commission  
15           should aggressively investigate and enforce all inde-  
16           cency allegations.

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