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Frist Pushes Senate to Pass Bill on Indecency

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Senate Majority Leader Bill Frist (R-Tenn.) is trying to push through a bill that would increase indecency fines on broadcasters and threaten to take away their licenses after three violations.

Frist is championing the bill after conservative groups, a key voting bloc if he runs for president, expressed frustration at the lack of congressional action to curb broadcast indecency.

His stand also puts opponents of the Broadcast Decency Enforcement Act of 2005 in the position of appearing to cast a vote in an election year against decency.

The House passed the bill in February 2005, but it has languished in the Senate, where Commerce Committee Chairman Ted Stevens (R-Alaska), rather than drafting his own legislation, has encouraged media companies to regulate themselves.

The House bill would increase the fine for broadcasting "obscene, indecent, or profane material" to a maximum of \$500,000 from \$32,500. It would also require that the FCC consider whether to revoke the station license of any broadcaster fined three times or more -- a provision particularly troubling to the broadcast industry.

Congressional aides said Frist on Monday night tried to "hotline" the House bill.

Under this practice, Frist told senators that he wanted to pass the legislation by unanimous consent -- which does not require a roll-call vote -- and asked if they objected. "Senator Frist is a supporter of the bill. He did try and hotline it last night. There were problems on both sides of the aisle, so we will work to resolve those problems to see if we can't get the bill to move forward," said Amy Call, a spokeswoman for Frist.

Lawyers who track media regulation said it was unclear whether a bill would pass before November, noting that a single senator could hold it up but saying they could not dismiss the possibility of passage in an election year.

Paul Gallant, who tracks media legislation and regulation for the Stanford Washington Research Group, said the bill may not move quickly because senators on both sides of the aisle do not believe the House version is the right approach, especially with the provision allowing for license revocation.

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But, he added, "because it's a very attractive election year issue, this definitely could see the light of day. . . . The bill clearly appeals to cultural conservatives. If Senator Frist has presidential aspirations, this bill may help his standing with likely primary voters."

Andrew Jay Schwartzman, the president of the Media Access Project public interest law firm, said he opposed expanding the Federal Communications Commission's authority over broadcast indecency but thought that a bill could pass.

"My guess is that something will pass this year. In the end, no one wants to be against decency in an election year," Schwartzman said.

The bill, which is opposed by the broadcast industry, was approved by the House after the controversy over the brief exposure of one of singer Janet Jackson's breasts during the halftime show of the 2004 Super Bowl.

In March of this year, the FCC refused to back down on \$550,000 in fines it imposed in the Jackson incident, and it proposed nearly \$4 million in additional indecency fines for other TV programming.

In April, the four major television networks and more than 800 affiliated station shot back by suing to overturn the recent FCC rulings.

Conservative groups including the Parents Television Council and the American Family Association criticized Stevens this week for his committee's failure to pass a bill, and they demanded that the Senate act.

"Any senator who blocks passage of the indecency legislation is siding with those who want to pollute the airwaves with raunch," L. Brent Bozell, president of the Parents Television Council, said in a written statement yesterday.

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