

AMENDMENT TO H.R. 3717**OFFERED BY MR. MARKEY****Basing penalties on revenues**

Page 2, beginning on line 9, strike subparagraph (C)
and insert the following:

1 “(C) Notwithstanding subparagraph (A), if
2 the violator is (i) a broadcast station licensee or
3 permittee, or (ii) an applicant for any broadcast
4 license, permit, certificate, or other instrument
5 or authorization issued by the Commission, and
6 the violator is determined by the Commission
7 under paragraph (1) to have broadcast obscene,
8 indecent, or profane material, the amount of
9 any forfeiture penalty determined under this
10 section shall not 5 percent of the gross revenue
11 of such licensee, permittee, or applicant for
12 each violation or each day of a continuing viola-
13 tion, except that the amount assessed for any
14 continuing violation shall not exceed a total of
15 10 percent of such gross revenues for any single
16 act or failure to act. For purposes of this sub-
17 paragraph, the gross revenues of a licensee,
18 permittee, or applicant shall be determined on



1 the basis of the gross revenues of the most re-
2 cent fiscal year of the licensee, permittee, or ap-
3 plicant ending before the date of the first such
4 violation.”.

