

**AMENDMENT TO H.R. 3717**  
**OFFERED BY MR. WALDEN OF OREGON**

At the end of the bill, add the following new section:

1 **SEC. 3. ADDITIONAL FACTORS TO CONSIDER IN INDE-**  
2 **CENCY PENALTIES.**

3 Section 503(b)(2)(E) of the Communications Act of  
4 1934 (47 U.S.C. 503(b)(2)(E)), as redesignated by section  
5 2(1) of this Act, is amended by adding at the end the  
6 following new sentence: "In the case of a violation in which  
7 the violator is determined by the Commission under para-  
8 graph (1) to have broadcast obscene, indecent, or profane  
9 language, the Commission shall take into account, in addi-  
10 tion to the matters described in the preceding sentence,  
11 the violator's ability to pay, including such factors as the  
12 revenue and profits of the broadcast stations that aired  
13 the obscene, indecent, or profane language, and the size  
14 of the markets in which such stations are located. The  
15 Commission shall also consider whether the obscene, inde-  
16 cent, or profane language was within programming not  
17 produced by the station licensee or permittee".

