

117TH CONGRESS
2D SESSION

S. 5260

To define “obscenity” for purposes of the Communications Act of 1934,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 2022

Mr. LEE introduced the following bill; which was read twice and referred to
the Committee on Commerce, Science, and Transportation

A BILL

To define “obscenity” for purposes of the Communications
Act of 1934, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Interstate Obscenity
5 Definition Act”.

6 **SEC. 2. DEFINING OBSCENITY.**

7 (a) DEFINITION.—

8 (1) IN GENERAL.—Section 3 of the Commu-
9 nications Act of 1934 (47 U.S.C. 153) is amended—

1 (A) by redesignating paragraphs (38)
2 through (59) as paragraphs (39) through (60),
3 respectively; and

4 (B) by inserting after paragraph (37) the
5 following:

6 “(38) OBSCENE; OBSCENITY.—

7 “(A) IN GENERAL.—The term ‘obscene’ or
8 ‘obscenity’, when used in a manner or context
9 that explicitly refers to, or could apply to, a pic-
10 ture, image, graphic image file, film, videotape,
11 or other visual depiction, includes a picture,
12 image, graphic image file, film, videotape, or
13 other visual depiction that—

14 “(i) taken as a whole, appeals to the
15 prurient interest in nudity, sex, or excre-
16 tion;

17 “(ii) depicts, describes, or represents,
18 an actual or simulated sexual act or sexual
19 contact, actual or simulated normal or per-
20 verted sexual acts, or lewd exhibition of the
21 genitals, with the objective intent to
22 arouse, titillate, or gratify the sexual de-
23 sires of a person; and

1 “(iii) taken as a whole, lacks serious
2 literary, artistic, political, or scientific
3 value.

4 “(B) SEXUAL ACT; SEXUAL CONTACT.—
5 For purposes of subparagraph (A), the terms
6 ‘sexual act’ and ‘sexual contact’ have the mean-
7 ings given those terms in section 2246 of title
8 18, United States Code.”.

9 (2) TECHNICAL AND CONFORMING AMEND-
10 MENT.—Section 271(c)(1)(A) of the Communica-
11 tions Act of 1934 (47 U.S.C. 271(c)(1)(A)) is
12 amended by striking “section 3(47)(A)” and insert-
13 ing “section 3(55)(A)”.

14 (b) OBSCENE OR HARASSING TELEPHONE CALLS IN
15 THE DISTRICT OF COLUMBIA OR IN INTERSTATE OR FOR-
16 EIGN COMMUNICATIONS.—Section 223(a)(1)(A) of the
17 Communications Act of 1934 (47 U.S.C. 223(a)(1)(A)) is
18 amended, in the undesignated matter following clause (ii),
19 by striking “, with intent to abuse, threaten, or harass
20 another person”.

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