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| **Regulation of Obscenity, Indecency and Profanity** |

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| |  | | --- | | It is a violation of federal law to air obscene programming at any time. It is also a violation of federal law to broadcast indecent or profane programming during certain hours. Congress has given the Federal Communications Commission (FCC) the responsibility for administratively enforcing the law that governs these types of broadcasts. Among other things, the FCC has authority to issue civil monetary penalties, revoke a license, and deny a renewal application. In addition, a federal district court may impose fines and/or imprisonment for up to two years on those who are convicted of criminal violations of the law.   The FCC vigorously enforces this law where we find violations, consistent with constitutional and statutory protections of broadcasters' freedom of speech. Beginning in 2006, due to ongoing litigation raising questions about the Commission's indecency standard, the FCC temporarily deferred enforcement action on most indecency cases while awaiting further direction from the courts. More recently, the Commission resumed processing new cases and initiating new investigations, where appropriate. Subsequent court decisions, however, have again raised questions about the Commission's indecency authority.   During this period, we have continued to receive and process indecency complaints. In addition, the Enforcement Bureau ("Bureau") has taken steps to reduce the backlog of indecency complaints that resulted from past pauses in enforcement activity. In particular, the Bureau has resumed its review and processing of cases, including closing those cases based on complaints alleging that a cable or satellite operator aired indecent material, complaints concerning broadcast content that is outside of the scope of the Commission's indecency enforcement authority based on Commission precedent, as well as complaints alleging that a broadcaster aired indecent material during the "safe harbor" hours between 10:00 p.m. and 6:00 a.m., local time.   With respect to cable and satellite services, Congress has charged the Commission with enforcing the statutory prohibition against airing indecent programming "by means of radio communications." The Commission has historically interpreted this restriction to apply to radio and television broadcasters, and has never extended it to cover cable operators. In addition, because cable and satellite services are subscription-based, viewers of these services have greater control over the programming content that comes into their homes, whereas broadcast content traditionally has been available to any member of the public with a radio or television.   Regarding the safe harbor period, Congress and the courts have instructed the Commission only to enforce the indecency standard between the hours of 6 a.m. and 10 p.m., local time. - when children are more likely to be in the audience. As a consequence, the Commission does not take action on indecent material aired between 10 p.m. and 6:00 a.m. In this way, constitutionally-protected free speech rights of adults are balanced with the need to protect children from harmful content.   Similarly, under court and agency precedent, the Commission's indecency enforcement is limited to complaints alleging the broadcast of material that describes or depicts sexual or excretory material. Complaints about broadcast content involving smoking or drug use, for example, do not come within the Commission's statutory authority over indecency. The Bureau encourages consumers with complaints about offensive but non-indecent material to express their concerns directly to their local broadcasters.   The Bureau processes indecency complaints consistent with the law and precedent as outlined above, including the practice of closing cases involving cable or satellite content or the statutory safe harbor, as well as complaints about material that clearly falls outside the subject matter scope of the Commission's indecency enforcement authority. Both the Commission and the Bureau remain firmly committed to taking fair and appropriate enforcement action against broadcasters who air indecent material that is prohibited by the FCC's rules. | |