



THE SECRETARY OF COMMERCE
Washington, D.C. 20230

January 28, 2004

The Honorable Fred Upton
Chairman
Subcommittee on Telecommunications and the Internet
Committee on Energy and Commerce
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

On behalf of the Administration, I write to express strong support for passage of H.R. 3717, which will help make broadcast television more suitable for children by imposing meaningful penalties on broadcasters that air obscene or indecent programming. As stewards of the public airwaves, broadcasters have a statutory obligation to serve the public interest. As recent events demonstrate, however, some broadcasters have failed to meet this public trust by airing increasingly coarse and at times indecent broadcasts. While it is not the role of government to dictate the content of broadcast programming, existing laws are meant to protect families and children from being inundated with obscene and indecent broadcasts. Broadcasters should honor their obligations by effectively monitoring language used in programming. By increasing the applicable penalties tenfold, the bill you have proposed will empower the Federal Communications Commission to punish violations of our indecency laws with meaningful fines.

In addition to increasing the available penalties, we urge you to take the following steps directed at protecting children from inappropriate broadcasts. Specifically, we recommend that Congress amend the bill to require consideration of the maximum available penalty when obscene or indecent programming is aired (i) during a children's television program, as defined in the Commission's *Children's Programming Policy*; or (ii) during a television program rated appropriate for children under the TV Parental Guidelines as such ratings were approved by the Commission.

Thank you for your leadership on this issue of great importance to American families. If you should have any further questions or concerns, please feel free to contact me or Michael Gallagher, Acting Assistant Secretary for Communications and Information, Department of Commerce, at (202) 482-1840.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Evans", is written over the word "Sincerely,".

Donald L. Evans