



FROM: Kimberly Fletcher, President, Moms for America Action  
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TO: State Legislators

SUBJECT: Adopting [FCC Standard](#) to protect children from obscene material in schools

Dear State Legislators,

We have become increasingly concerned with the blatant disregard for parents' rights and authority in the education and protection of their children. Of grave concern to us, and many moms across the country, is the deliberate attempt to groom our children through sexual content being promoted in the classroom under the guise of education. As a solution-based organization, we have developed a powerful solution—introducing an FCC Standard Bill in State Legislatures across the country. The concept is very simple—if **you cannot show it on TV or air it on the radio, you cannot use it in the classroom.**

Teachers Unions, Curriculum Developers, and Educators use the guise of “education” to protect themselves from criminal charges for child endangerment, sexual abuse, and grooming. When you take that protection away, those using it are subject to the same criminal statutes and charges anyone else would be charged with for exposing children to sexual material and grooming practices.

Section 2422 of the United States Criminal Code (Federal Enticement Statute) addresses this. The Statute targets the sexual grooming of minors and focuses on the INTENDED effect on the minor rather than the defendant's intent to engage in sexual activity. In the case of *United States v. Chambers*, defendant Chambers was convicted of violating the federal enticement statute. The 7<sup>th</sup> Circuit Court of Appeals noted “that child sexual abuse can be accomplished by several means and is often carried out through a period of grooming. The court recognized that grooming refers to deliberate actions taken by a defendant to expose a child to sexual material, and that the ultimate goal of the grooming is to reduce the child's inhibitions to prepare the child for sexual activity.

That is exactly what is happening in America's schools. Adopting Bills and creating laws using the current FCC Standard protects our children from this sexual grooming and closes the door on curriculum developers who promote such material.

The original bill reflecting FCC Standards was [introduced in Tennessee](#) but has not yet passed. According to the Bill, FCC rules will be applied to classroom standards. The second bill reflective of the FCC Standard was introduced in Texas as HB900 (the READER Act). It passed both houses and was signed by Governor Abbott June 12, 2023. A similar bill has also gone through both Houses in Louisiana and is pending the

governor's signature. While every state may name and number the bill differently, the concept and protections are the same.

Copies and links to the Texas and Tennessee Bills, as well as the FCC Standards are attached. For additional information visit [www.FCCstandard.com](http://www.FCCstandard.com)

Thousands of moms across the country have reached out to us asking for help and support in protecting their children against these blatant attempts to expose their children to sexual material in the classroom. Introducing a bill like those in Tennessee, Texas, and Louisiana would give parents in every state the peace of mind to know they can once again entrust their children to schools for a safe learning environment.

Moms for America Action urges Legislatures in every state to draft a bill reflecting the FCC Standard to protect the innocence of our children and ensure the classroom remains a place of learning and not a venue for sexual grooming.

In Truth & Liberty,



Kimberly Fletcher  
Founder & President,  
Moms for America & Moms for America Action

## Tennessee Amendment

BILL OVERVIEW [TN HB1944](#) | [2021-2022](#) | [112th General Assembly](#) | [LegiScan](#)

AMENDMENT #1 adds that each local board of education and public charter school must adopt a policy that allows the parent or legal guardian of a student enrolled in the LEA or public charter school to report to the director of schools or to the director of the public charter school, as applicable, if the parent or legal guardian is aware of material that is obscene or harmful to minors, being made available to students through the parent's or legal guardian's student's school library. The policy must require the director of schools or the director of the public charter school, as applicable, to remove the questionable material from each school library under the respective director's control for a period of no less than 30 days to allow the local board of education or the governing body of the public charter school, as applicable, to review the material to determine whether the material is obscene, harmful to minors, or appropriate for students.

This amendment requires the local board of education or the governing body of the public charter school to determine if the material is obscene or harmful to minors no later than the next regularly scheduled meeting of the board or the governing body after the 30-day period. If the local board of education or the governing body of the public charter school determines that the material is obscene or harmful to minors, then the material must be permanently removed from the school library of each school governed by the local board of education or the governing body of the public charter school. If the local board of education or the governing body of the public charter school determines that the material is appropriate for students, then the material must be returned to each school library from which it was removed by the respective director upon the local board of education's or the governing body of the public charter school's determination that the material is appropriate for students, or at the end of the 30-day period identified in, whichever is earlier.

This amendment specifies that the procedures adopted pursuant to it will not be the exclusive means to remove material from a school library, and will not preclude an LEA, a school operated by an LEA, a public charter school, or the governing body of a public charter school from developing or implementing additional policies, practices, or procedures for the removal of materials from a school library.

If an LEA or public charter school fails to comply with the policy adopted pursuant to this amendment, then the commissioner may withhold state funds, in an amount determined by the commissioner, from the respective LEA or public charter school until the LEA or public charter school is in compliance. This amendment requires each LEA to annually report to the department of education the material that is permanently removed from a school library of the LEA pursuant to the above-described provisions.

HOUSE BILL 1944  
By Cepicky  
HB1944  
011666

- 1 -

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 9 and Title 49, relative to obscenity.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-902(e), is amended by adding the following language at the end of the subsection:

The exception in this subsection (e) does not apply to the possession of obscene material by a local education agency; a public school, including a public charter school; or an employee or private contractor of a local education agency or public school if the obscene material is harmful to minors and possessed on public school premises.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

An LEA or public school, including a public charter school, must not allow obscene materials or materials harmful to minors, as defined in § 39-17-901, to be available to students in the school libraries controlled by the LEA or public school.

SECTION 3. This act takes effect July 1, 2022, the public welfare requiring it.

## TEXAS HB 900

Bill History [Texas Legislature Online - 88\(R\) Text for HB 900](#)

Bill Text [Bill Text: TX HB900 | 2023-2024 | 88th Legislature | Introduced | LegiScan](#)



## Obscene, Indecent and Profane Broadcasts

### **Date Last Updated/Reviewed:**

Wednesday, January 13, 2021

[Obscene, Indecent and Profane Broadcasts | Federal Communications Commission \(fcc.gov\)](#)

Federal law prohibits obscene, indecent and profane content from being broadcast on the radio or TV. That may seem clear enough, but determining what obscene, indecent and profane mean can be difficult, depending on who you talk to.

In the Supreme Court's 1964 landmark case on obscenity and pornography, Justice Potter Stewart famously wrote: "I know it when I see it." That case still influences FCC rules today, and complaints from the public about broadcasting objectionable content drive the enforcement of those rules.

In other words, if you "know it when you see it" and find it objectionable, you can tell the FCC and ask us to check into it.

### *Deciding what's obscene, indecent or profane*

Each type of content has a distinct definition:

**Obscene content** does not have protection by the First Amendment. For content to be ruled obscene, it must meet a three-pronged test established by the Supreme Court: It must appeal to an average person's prurient interest; depict or describe sexual conduct in a "patently offensive" way; and, taken as a whole, lack serious literary, artistic, political or scientific value.

**Indecent content** portrays sexual or excretory organs or activities in a way that is patently offensive but does not meet the three-prong test for obscenity.

**Profane content** includes "grossly offensive" language that is considered a public nuisance.

Factors in determining how FCC rules apply include the specific nature of the content, the time of day it was broadcast and the context in which the broadcast took place. Broadcasting obscene content is prohibited by law at all times of the day. Indecent and profane content are prohibited on broadcast TV and radio between 6 a.m. and 10 p.m., when there is a reasonable risk that children may be in the audience.

### *What about cable, satellite TV and satellite radio?*

Because obscenity is not protected by the First Amendment, it is prohibited on cable, satellite and broadcast TV and radio. However, the same rules for indecency and profanity do not apply to cable, satellite TV and satellite radio because they are subscription services.

### *Enforcing the rules*

Enforcement of the obscenity, indecency and profanity rules usually begins with complaints from the public that FCC staff review for possible violations. If an investigation is warranted and the FCC finds a station in violation of its rules, it has the authority to revoke a station license, impose a fine or issue an admonishment or warning.

### *What if I have comments or concerns about a specific broadcast?*

All comments and/or concerns about a specific broadcast should be directed to the stations and networks involved.

### *What information should I include in an obscenity, indecency or profanity complaint with the FCC?*

When filing a complaint, please include the following information:

- Date and time of the broadcast.
- The call sign, channel and/or frequency of the station.
- Details of what was actually said or depicted during the broadcast.

Detailed complaints are helpful for analyzing the context of offensive language, images or scenes and determining possible rule violations. It is also helpful (but not a requirement) to include a recording or transcript of a broadcast when possible, though any documentation you provide becomes part of the FCC's records and may not be returned.