

103^D CONGRESS
2^D SESSION

H. R. 3785

To provide for the establishment of the Interactive Entertainment Rating Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1994

Mr. LANTOS introduced the following bill; which was referred jointly to the Committees on Energy and Commerce and the Judiciary

A BILL

To provide for the establishment of the Interactive Entertainment Rating Commission, 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 AND PURPOSE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Video Game Rating Act of 1994”.

6 (b) PURPOSE.—The purpose of this Act is to provide
7 parents with information about the nature of video games
8 which are used in homes or public areas, including arcades
9 or family entertainment centers.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act—

3 (1) the terms “video games” and “video de-
4 vices” mean any interactive computer game, includ-
5 ing all software, framework and hardware necessary
6 to operate a game, placed in interstate commerce;
7 and

8 (2) the term “video game industry” means all
9 manufacturers of video games and related products.

10 **SEC. 3. THE INTERACTIVE ENTERTAINMENT RATING COM-
11 MISSION.**

12 (a) ESTABLISHMENT.—There is established the
13 Interactive Entertainment Rating Commission (hereafter
14 in this Act referred to as the “Commission”) which shall
15 be an independent establishment in the executive branch
16 as defined under section 104 of title 5, United States
17 Code.

18 (b) MEMBERS OF THE COMMISSION.—(1)(A) The
19 Commission shall be composed of 5 members. No more
20 than 3 members shall be affiliated with any 1 political
21 party.

22 (B) The members shall be appointed by the Presi-
23 dent, by and with the advice and consent of the Senate.
24 The President shall designate 1 member as the Chairman
25 of the Commission.

1 (2) All members shall be appointed within 60 days
2 after the date of the enactment of this Act.

3 (c) TERMS.—Each member shall serve until the ter-
4 mination of the Commission.

5 (d) VACANCIES.—A vacancy on the Commission shall
6 be filled in the same manner as the original appointment.

7 (e) COMPENSATION OF MEMBERS.—(1) Section 5314
8 of title 5, United States Code, is amended by adding at
9 the end thereof the following new item:

10 “Chairman, Interactive Entertainment Rating Com-
11 mission.”.

12 (2) Section 5315 of title 5, United States Code, is
13 amended by adding at the end thereof the following new
14 item:

15 “Members, Interactive Entertainment Rating Com-
16 mission.”.

17 (3) The amendments made by this subsection are re-
18 pealed effective on the date of termination of the Commis-
19 sion.

20 (f) STAFF.—(1) The Chairman of the Commission
21 may, without regard to the civil service laws and regula-
22 tions, appoint and terminate an executive director and
23 such other additional personnel as may be necessary to
24 enable the Commission to perform its duties. The employ-

1 ment of an executive director shall be subject to confirma-
2 tion by the Commission.

3 (2) The Chairman of the Commission may fix the
4 compensation of the executive director and other personnel
5 without regard to the provisions of chapter 51 and sub-
6 chapter III of chapter 53 of title 5, United States Code,
7 relating to classification of positions and General Schedule
8 pay rates, except that the rate of pay for the executive
9 director and other personnel may not exceed the rate pay-
10 able for level V of the Executive Schedule under section
11 5316 of such title.

12 (g) CONSULTANTS.—The Commission may procure
13 by contract, to the extent funds are available, the tem-
14 porary or intermittent services of experts or consultants
15 under section 3109 of title 5, United States Code. The
16 Commission shall give public notice of any such contract
17 before entering into such contract.

18 (h) FUNDING.—There are authorized to be appro-
19 priated to the Commission such sums as are necessary to
20 enable the Commission to carry out its duties under this
21 Act, such sums to remain available until December 31,
22 1996.

23 (i) TERMINATION.—The Commission shall terminate
24 on the earlier of—

25 (1) December 31, 1996; or

1 (2) 90 days after the Commission submits a
2 written determination to the President that vol-
3 untary standards are established that are adequate
4 to warn purchasers of the violent or sexually explicit
5 content of video games.

6 **SEC. 4. AUTHORITY AND FUNCTIONS OF THE COMMISSION.**

7 (a) VOLUNTARY STANDARDS.—(1) The Commission
8 shall—

9 (A) during the 1-year period beginning on the
10 date of the enactment of this Act, and to the great-
11 est extent practicable, coordinate with the video
12 game industry in the development of a voluntary
13 system for providing information concerning the con-
14 tents of video games to purchasers and users; and

15 (B) 1 year after the date of enactment of this
16 Act—

17 (i) evaluate whether any voluntary stand-
18 ards proposed by the video game industry are
19 adequate to warn purchasers and users about
20 the violence or sexually explicit content of video
21 games; and

22 (ii) determine whether the voluntary indus-
23 try response is sufficient to adequately warn
24 parents and users of the violence or sex content
25 of video games.

1 (2) If before the end of the 1-year period beginning
2 on the date of the enactment of this Act, the Commission
3 makes a determination of adequate industry response
4 under paragraph (1)(B)(ii) and a determination that suffi-
5 cient voluntary standards are established, the Commission
6 shall—

7 (A) submit a report of such determinations and
8 the reasons therefor to the President and the Con-
9 gress; and

10 (B) terminate in accordance with section
11 3(i)(2).

12 (b) REGULATORY AUTHORITY.—Effective on and
13 after the date occurring 1 year after the date of the enact-
14 ment of this Act the Commission may promulgate regula-
15 tions requiring manufacturers and sellers of video games
16 to provide adequate information relating to violence or
17 sexually explicit content of such video games to purchasers
18 and users.

19 **SEC. 5. ANTITRUST EXEMPTION.**

20 The antitrust laws as defined in subsection (a) of the
21 first section of the Clayton Act (15 U.S.C. 45) and the
22 law of unfair competition under section 5 of the Federal
23 Trade Commission Act (15 U.S.C. 45) shall not apply to
24 any joint discussion, consideration, review, action, or
25 agreement by or among persons in the video game indus-

1 try for the purpose of, and limited to, developing and dis-
2 seminating voluntary guidelines designed to provide appro-
3 priate information regarding the sex or violence content
4 of video games to purchasers of video games at the point
5 of sale or initial use or other users of such video games.
6 The exemption provided for in this subsection shall not
7 apply to any joint discussion, consideration, review, action,
8 or agreement which results in a boycott of any person.

○