

SENATE RESOLUTION—290—RELATIVE TO MAJOR BROADCAST TELEVISION NETWORKS

Mr. LIEBERMAN (for himself, Mrs. HUTCHISON, Mr. NUNN, Mr. DEWINE, Mr. COATS, Mr. FAIRCLOTH, Mr. BYRD, Mrs. KASSEBAUM, Mr. DORGAN, Mr. CONRAD, and Mr. HATCH) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 290

Expressing the sense of the Senate that the major broadcast television networks should revive their traditional "Family Hour" and voluntarily reserve the first hour of prime time broadcasting for family-oriented programming.

Whereas the major broadcast television networks once adhered to a voluntary, self-enforced practice of setting aside the first hour of prime time for programming suitable for audiences of all ages, especially young children;

Whereas the major networks have recently abandoned this practice and chosen to fill this hour with programs laden with sexually suggestive language and behavior and mature themes;

Whereas according to the most recent Nielsen ratings, approximately 9,000,000 children between the ages of 2 and 11 watch television during an average minute between 8:00 p.m. and 9:00 p.m. e.s.t.;

Whereas the clear majority of American parents are concerned about the negative influence of television on younger viewers, who watch on average 21 hours of television a week;

Whereas that concern was recently demonstrated again in a poll conducted by U.S. News & World Report which found that 76 percent of Americans believe that television contributes to the problem of teenage pregnancy, 83 percent believe that television contributes to casual sex, 90 percent believe that television contributes to teenagers having sex too soon, and 92 percent believe that television contributes to violence on our streets;

Whereas the Senate is comprised of elected representatives who have a responsibility to give voice to the concerns of their constituents; and

Whereas the Senate expresses public sentiment in this resolution, and does not attempt to establish by law or otherwise mandate or dictate any requirements regarding the content of television programming: Now, therefore, be it

Resolved, That it is the sense of the Senate that the major broadcast television networks should renew their commitment to voluntarily reserving the first hour of prime time for programming suitable for members of American families of all ages.

Mr. LIEBERMAN. Mr. President, I rise today to continue a dialog on an issue that many Americans, especially millions of parents, care deeply about: the profound and often harmful influence that television is having on our children and our country.

As my colleagues know, the public's increasing anger about the pervasive presence of sex, violence, and vulgarity on the small screen has resulted in widespread criticism of the television industry. I believe that much of that criticism has been warranted. Just about a year ago this week I came to the floor to take the major networks to task for sponsoring what was widely

reviled as the most lewd, crude, and rude prime-time lineup in television history, and for helping to drag our societal standards down yet another notch.

So today, with the debut of the 1996 fall season upon us, I think it is only fair and right to focus on what I see as some truly positive developments on this front, and to give praise to the television industry where praise is due.

Over the last 18 months, we have seen industry leaders embrace the V-chip, which I was proud to cosponsor along with my colleague from North Dakota, Senator CONRAD, and accept our challenge to create a self-enforced ratings system that will give parents more information about the programs coming into their homes. We have seen the nation's broadcasters acknowledge their obligation to promote more educational shows for children, and commit to airing every week at least 3 hours of programming that will enrich young minds and promote positive values.

And perhaps most encouraging of all, we have seen—quite literally seen—some modest yet significant changes in the quality of the product flowing over the airwaves. The deluge of perversity and degradation coming out of the trash talk TV shows has receded, and Rosie O'Donnell has shown with her quick wit and engaging personality that clean talk can clean up in the ratings. Also, in response to the deep concern the American people have expressed about the damage done by televised violence, the major broadcast networks have made a real effort to reduce the number of graphic killings, assaults and rapes depicted during prime time, and it has made a noticeable difference.

And, in terms of the new fall season, the reviews I've read indicate that many of the shows premiering in the next few days turn away from the smuttiness that characterized so many of the sitcoms that debuted last year and offended and disgusted so many viewers. Even more promising, the networks seem more willing to take a chance on family-oriented shows that seek to uplift as they entertain and to reinforce rather than tear down our common values. Programs such as "Second Noah," which ABC chose to bring back this fall, and "Touched By an Angel," which CBS stuck by when it struggled to gain an audience and is now one of the networks prized assets.

I think it's worth noting to my colleagues that the producer of "Touched by An Angel," Martha Williamson, will be honored at reception in the Capitol tonight for her commitment to creating entertainment that elevates us and appeals to our better rather than our baser natures. I am proud to be co-hosting this reception, at which Ms. Williamson will premiere her new series, "Promised Land," also on CBS this fall, and I would encourage Members to attend.

Mr. President, by calling attention to these positive signs I do not mean to

suggest that television's problems have disappeared practically overnight, or that the viewing public is suddenly satisfied. The reality is that there is still too much gratuitous and gruesome violence not only available to but targeted at our children; there are still too many shows that seek to shock and titillate, that add to the degradation of our culture and fuel the "anything-goes" mentality that I believe is at the root of the moral decline America is experiencing today.

A survey released by the American Medical Association this week left little doubt that the public remains highly concerned, showing that 75 percent of parents are "disgusted with media violence." In response, the AMA took the significant step of sending out guidelines to 60,000 doctors nationwide to help educate them and the parents they serve about the negative effects of media violence on children.

But I firmly believe that television is making progress. I also believe that many of the people who run the television industry want us to know that they're not walking away from the responsibility that goes along with their enormous power and influence. So as we continue to give voice to the public's discontent, it is also important to encourage the responsiveness industry leaders have already shown, albeit sometimes grudgingly, and to encourage them to keep moving forward.

That is why I am joining with 10 of my colleagues today to submit what we see as a very positive sense-of-the-Senate resolution, one that expresses our support for the direction the television industry seems to be moving in. Quite simply, this resolution asks the major broadcast networks to help parents do their jobs by bringing back what was once known as the "Family Hour". It urges the networks to once again set aside the first hour of prime-time for programs that I can watch together with my wife and our 8-year-old daughter without fearing that I will be embarrassed or my values will be assaulted.

In recent years, that is something that most parents have been legitimately fearful of. One of the most common complaints we hear about television concerns the proliferation of lewd jokes and gratuitous sex scenes in the early hours of prime-time, when many young children are watching. Many parents feel that this kind of content goes far beyond being inappropriate and offensive. They believe, as do we, that these messages are harmful to their children's development and undercut the fundamental values that parents are trying to instill in their families.

Our resolution asks the networks to recognize the difficulties parents face in shielding their children from this kind of content, and to help meet them halfway. In effect, it asks them to do no more than to return to a practice they once adhered to willingly. This is a case where the networks for long

time acted quite responsibly and did a public service by creating a safe haven for parents with young children. That is one rerun that most American families want desperately to see again.

We do not want to pass any law or dictate what programs can or can't be shown during the 8 o'clock hour. We just want to reiterate to the people who run the networks that this an issue of grave concern to American families, and that the family hour is a reasonable, commonsense concept that has overwhelming support. A companion resolution in the House has attracted 97 cosponsors, and 20 Senators have already endorsed the family hour movement, having signed a petition we sent to the network presidents in April.

Mr. President, the resonance of this issue was confirmed to me by a conversation I had with a leading network executive last year. He confided in me that he regrets not being able to sit down with his children and watch television together as a family, much as he did with his parents years ago, much as I did with my parents when I was young. This is one of the great joys of the medium, and it is disappointing to many parents today that they cannot share in it with their children.

It doesn't have to be that way, as CBS Entertainment has made clear this fall, when its president pledged publicly that CBS would only air programs at 8 o'clock that the whole family could watch together. Congress can help by adopting this resolution and encouraging—encouraging, not forcing—the television industry to follow CBS's lead and help restore the peace of mind that so many families are seeking. Along with my original cosponsors, Senators HUTCHISON, NUNN, and DEWINE, I strongly urge my colleagues on both sides of the aisle to support it, to make a strong statement on behalf of America's families, and I look forward to its adoption.

AMENDMENTS SUBMITTED

THE TREASURY DEPARTMENT APPROPRIATIONS ACT, 1997

BYRD AMENDMENT NO. 5258

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill (H.R. 3756) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1997, and for other purposes; as follows:

On page 49, line 18, insert before the colon “: Provided, That of such amount provided for non-prospectus construction projects \$250,000 shall be available until expended for the acquisition, lease, construction, and equipping of flexiplace work telecommuting centers in the State of West Virginia”.

KENNEDY AMENDMENT NO. 5259

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At the appropriate place, add the following new section:

SEC. . (a) None of the funds appropriated under Federal law for fiscal year 1997 to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to, any of the provisions of section 504 of Public Law 104-134 (110 Stat. 1321-53), and all funds appropriated under Federal law for fiscal year 1997 to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such section, except as provided in subsection (b) or as otherwise provided in Federal law.

(b) Notwithstanding subsection (a), subsection (a)(11) of such section 504 shall not be construed to prohibit a recipient from using funds derived from a source other than the Corporation to provide related legal assistance to—

(1) an alien who has been battered or subjected to extreme cruelty in the United States by—

(A) (i) a spouse or parent of the alien; or
(ii) a member of the spouse's or parent's family residing in the same household as the alien (in a case in which the spouse or parent, respectively, consented or acquiesced to such battery or cruelty); or

(B) any other person with whom the alien has a relationship covered by the domestic violence laws of the State in which the alien resides or in which an incident of the battery or cruelty took place; or

(2)(A) an alien whose child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (in a case in which the alien did not actively participate in the battery or cruelty); or

(B) a member of the spouse's or parent's family residing in the same household as the alien (in a case in which the spouse or parent, respectively, consented or acquiesced to such battery or cruelty and the alien did not actively participate in the battery or cruelty).

(c) Subsection (b) shall apply, notwithstanding the enactment of Federal law after the date of enactment of this Act, unless such law explicitly excludes such application by reference to this section.

(d) As used in this section:

(1) The term “battered or subjected to extreme cruelty” has the meaning given the term “was battered by or was the subject of extreme cruelty” under regulations issued pursuant to section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) (as amended by subtitle G of the Violence Against Women Act of 1994 (Pub. L. 103-322; 108 Stat. 1953)).

(2) The terms “legal assistance” and “recipient” have the meanings given the terms in section 1002 of the Legal Services Corporation Act (42 U.S.C. 2996a).

(3) The term “related legal assistance” means legal assistance directly related to the prevention of, or obtaining of relief from, the battery or cruelty described in subsection (a).

WYDEN (AND KENNEDY) AMENDMENT NO. 5260

(Ordered to lie on the table.)

Mr. WYDEN (for himself, Mr. KENNEDY, and Mr. KYL) submitted an amendment intended to be proposed by them to the bill, H.R. 3756, supra; as follows:

At the appropriate place, insert the following new title:

TITLE —PROTECTION OF PATIENT COMMUNICATIONS

SEC. 01. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the “Patient Communications Protection Act of 1996”.

(b) FINDINGS.—Congress finds the following:

(1) Patients need access to all relevant information to make appropriate decisions, with their physicians, about their health care.

(2) Restrictions on the ability of physicians to provide full disclosure of all relevant information to patients making health care decisions violate the principles of informed consent and practitioner ethical standards.

(3) The offering and operation of health plans affect commerce among the States. Health care providers located in one State serve patients who reside in other States as well as that State. In order to provide for uniform treatment of health care providers and patients among the States, it is necessary to cover health plans operating in one State as well as those operating among the several States.

SEC. 02. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.

(a) IN GENERAL.—

(1) PROHIBITION OF CERTAIN PROVISIONS.—Subject to paragraph (2), an entity offering a health plan (as defined in subsection (d)(2)) may not include any provision that prohibits or restricts any medical communication (as defined in subsection (b)) as part of—

(A) a written contract or agreement with a health care provider.

(B) a written statement to such a provider, or

(C) an oral communication to such a provider.

“(2) CONSTRUCTION.—Nothing in this section shall be construed as preventing an entity from exercising mutually agreed upon terms and conditions not inconsistent with paragraph (1), including terms or conditions requiring a physician to participate in, and cooperate with, all programs, policies, and procedures developed or operated by the person, corporation, partnership, association, or other organization to ensure, review, or improve the quality of health care.

(3) NULLIFICATION.—Any provision described in paragraph (1) is null and void.

(b) MEDICAL COMMUNICATION DEFINED.—In this section, the term “medical communication” means a communication made by a health care provider with a patient of the provider (or the guardian or legal representative of such patient) with respect to the patient's physical or mental condition or treatment options.

(c) ENFORCEMENT THROUGH IMPOSITION OF CIVIL MONEY PENALTY.—

(1) IN GENERAL.—Any entity that violates paragraph (1) of subsection (a) shall be subject to a civil money penalty of up to \$25,000 for each violation. No such penalty shall be imposed solely on the basis of an oral communication unless the communication is part of a pattern or practice of such communications and the violation is demonstrated by a preponderance of the evidence.

(2) PROCEDURES.—The provisions of subsections (c) through (1) of section 112SA of the Social Security Act (42 U.S.C. 1320a-7a) shall apply to civil money penalties under paragraph (1) in the same manner as they apply to a penalty or proceeding under section 1128A(a) of such Act.

(d) DEFINITIONS.—For purposes of this section:

(1) HEALTH CARE PROVIDER.—The term “health care provider” means anyone licensed or certified under State law to provide health care services.