

106TH CONGRESS
1ST SESSION

S. 876

To amend the Communications Act of 1934 to require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 1999

Mr. HOLLINGS introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Communications Act of 1934 to require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience.

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.**

4 This Act be cited as the “Children’s Protection from
5 Violent Programming Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress make the following findings:

1 (1) Television influences the perception children
2 have of the values and behavior that are common
3 and acceptable in society.

4 (2) Broadcast television, cable television, and
5 video programming are—

6 (A) pervasive presences in the lives of all
7 American children; and

8 (B) readily accessible to all American chil-
9 dren.

10 (3) Violent video programming influences chil-
11 dren, as does indecent programming.

12 (4) There is empirical evidence that children ex-
13 posed to violent video programming at a young age
14 have a higher tendency to engage in violent and ag-
15 gressive behavior later in life than those children not
16 so exposed.

17 (5) Children exposed to violent video program-
18 ming are prone to assume that acts of violence are
19 acceptable behavior and therefore to imitate such be-
20 havior.

21 (6) Children exposed to violent video program-
22 ming have an increased fear of becoming a victim of
23 violence, resulting in increased self-protective behav-
24 iors and increased mistrust of others.

1 (7) There is a compelling governmental interest
2 in limiting the negative influences of violent video
3 programming on children.

4 (8) There is a compelling governmental interest
5 in channeling programming with violent content to
6 periods of the day when children are not likely to
7 comprise a substantial portion of the television audi-
8 ence.

9 (9) Because some programming that is readily
10 accessible to minors remains unrated and therefore
11 cannot be blocked solely on the basis of its violent
12 content, restricting the hours when violent video pro-
13 gramming is shown is the least restrictive and most
14 narrowly tailored means to achieve a compelling gov-
15 ernmental interest.

16 (10) Warning labels about the violent content of
17 video programming will not in themselves prevent
18 children from watching violent video programming.

19 (11) Although many programs are now subject
20 to both age-based and content-based ratings, some
21 broadcast and non-premium cable programs remain
22 unrated with respect to the content of their pro-
23 gramming.

24 (12) Technology-based solutions may be helpful
25 in protecting some children, but may not be effective

1 in achieving the compelling governmental interest in
2 protecting all children from violent programming
3 when parents are only able to block programming
4 that has in fact been rated for violence.

5 (13) Technology-based solutions will not be in-
6 stalled in all newly manufactured televisions until
7 January 1, 2000.

8 (14) Even though technology-based solutions
9 will be readily available, many consumers of video
10 programming will not actually own such technology
11 for several years and therefore will be unable to take
12 advantage of content based ratings to prevent their
13 children from watching violent programming.

14 (15) In light of the fact that some program-
15 ming remains unrated for content, and given that
16 many consumers will not have blocking technology in
17 the near future, the channeling of violent program-
18 ming is the least restrictive means to limit the expo-
19 sure of children to the harmful influences of violent
20 programming.

21 (16) Restricting the hours when violent pro-
22 gramming can be shown protects the interests of
23 children whose parents are unavailable, and unable
24 to supervise their children's viewing behavior, do not
25 have the benefit of technology-based solutions, are

1 unable to afford the costs of technology-based solu-
 2 tion, or are unable to determine the content of those
 3 shows that are only subject to age-based ratings.

4 **SEC. 3. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PRO-**
 5 **GRAMMING.**

6 Title VII of the Communications Act of 1934 (47
 7 U.S.C. 701 et seq.) is amended by adding at the end the
 8 following:

9 **“SEC. 715. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO**
 10 **PROGRAMMING NOT SPECIFICALLY**
 11 **BLOCKABLE BY ELECTRONIC MEANS.**

12 “(a) UNLAWFUL DISTRIBUTION.—It shall be unlaw-
 13 ful for any person to distribute to the public any violent
 14 video programming during hours when children are rea-
 15 sonable likely to comprise a substantial portion of the au-
 16 dience.

17 “(b) RULEMAKING PROCEEDING.—The Commission
 18 shall conduct a rulemaking proceeding to implement the
 19 provisions of this section and shall promulgate final regu-
 20 lations pursuant to that proceeding not later than 9
 21 months after the date of enactment of the Children’s Pro-
 22 tection from Violent Programming Act. As part of that
 23 proceeding, the Commission—

24 “(1) may exempt from the prohibition under
 25 subsection (a) programming (including news pro-

1 grams and sporting events) whose distribution does
2 not conflict with the objective of protecting children
3 from the negative influences of violent video pro-
4 gramming, as that objective is reflected in the find-
5 ings in section 551(a) of the Telecommunications
6 Act of 1996;

7 “(2) shall exempt premium and pay-per-view
8 cable programming; and

9 “(3) shall define the term ‘hours when children
10 are reasonably likely to comprise a substantial por-
11 tion of the audience’ and the term ‘violent video pro-
12 gramming’.

13 “(c) REPEAT VIOLATIONS.—If a person repeatedly
14 violates this section or any regulation promulgated under
15 this section, the Commission shall, after notice and oppor-
16 tunity for hearing, revoke any license issued to that person
17 under this Act.

18 “(d) CONSIDERATION OF VIOLATIONS IN LICENSE
19 RENEWALS.—The Commission shall consider, among the
20 elements in its review of an application for renewal of a
21 license under this Act, whether the licensee has complied
22 with this section and the regulations promulgated under
23 this section.

24 “(e) DISTRIBUTE DEFINED.—In this section, the
25 term ‘distribute’ means to send, transmit, retransmit, tele-

1 cast, broadcast, or cablecast, including by wire, micro-
2 wave, or satellite.”.

3 **SEC. 4. SEPARABILITY.**

4 If any provision of this Act, or any provision of an
5 amendment made by this Act, or the application thereof
6 to particular persons or circumstances, is found to be un-
7 constitutional, the remainder of this Act or that amend-
8 ment, or the application thereof to other persons or cir-
9 cumstances shall not be affected.

10 **SEC. 5. EFFECTIVE DATE.**

11 The prohibition contained in section 715 of the Com-
12 munications Act of 1934 (as added by section 3 of this
13 Act) and the regulations promulgated thereunder shall
14 take effect 1 year after the regulations are adopted by the
15 Commission.

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