

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1383

To amend the Communications Act of 1934 to prohibit the distribution to the public of violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 5 (legislative day, JUNE 30), 1993

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

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## A BILL

To amend the Communications Act of 1934 to prohibit the distribution to the public of violent video programming during hours when children are 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 may be cited as the “Children’s Protection  
5       from Violent Programming Act of 1993”.

6       **SEC. 2. FINDINGS.**

7       The Congress makes the following findings:

1           (1) Television influences children's perception  
2 of the values and behavior that are common and ac-  
3 ceptable in society.

4           (2) Television station operators, cable television  
5 system operators, and video programmers should fol-  
6 low practices in connection with video programming  
7 that take into consideration that television broadcast  
8 and cable programming—

9                   (A) has established a uniquely pervasive  
10 presence in the lives of all Americans; and

11                   (B) is readily accessible to children.

12           (3) Violent video programming influences chil-  
13 dren, as does indecent programming.

14           (4) There is empirical evidence that children ex-  
15 posed to violent video programming at a young age  
16 have a higher tendency for violent and aggressive be-  
17 havior later in life than those children not so ex-  
18 posed. Children exposed to violent video program-  
19 ming are prone to assume that acts of violence are  
20 acceptable behavior and therefore to imitate such be-  
21 havior.

22           (5) There is a compelling governmental interest  
23 in limiting the negative influences of violent video  
24 programming on children.

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

6           (7) Restricting the hours when violent video  
7           programming is shown is the least restrictive and  
8           most narrowly tailored means to achieve that com-  
9           pelling governmental interest.

10          (8) Warning labels about the violent content of  
11          video programming will not in themselves prevent  
12          children from watching violent video programming.

13 **SEC. 3. UNLAWFUL DISTRIBUTION OF VIOLENT PROGRAM-**  
14 **MING.**

15          Title VII of the Communications Act of 1934 (47  
16 U.S.C. 601 et seq.) is amended by adding at the end the  
17 following new section:

18 **“SEC. 714. UNLAWFUL DISTRIBUTION OF VIOLENT PRO-**  
19 **GRAMMING.**

20          “(a) UNLAWFUL DISTRIBUTION.—It shall be unlaw-  
21 ful for any person to—

22               “(1) distribute to the public any violent video  
23               programming during hours when children are rea-  
24               sonably likely to comprise a substantial portion of  
25               the audience; or

1           “(2) knowingly produce or provide material for  
2 such distribution.

3           “(b) RULEMAKING PROCEEDING.—The Commission  
4 shall conduct a rulemaking proceeding to implement the  
5 provisions of this section and shall promulgate final regu-  
6 lations pursuant to that proceeding not later than nine  
7 months after the date of enactment of this section. As part  
8 of that proceeding, the Commission—

9           “(1) may exempt from the prohibition under  
10 subsection (a) programming (including news pro-  
11 grams, documentaries, educational programs, and  
12 sporting events) whose distribution does not conflict  
13 with the objective of protecting children from the  
14 negative influences of violent video programming, as  
15 that objective is reflected in the findings in section  
16 2 of the Children’s Protection from Violent Pro-  
17 gramming Act of 1993;

18           “(2) shall exempt premium and pay-per-view  
19 cable programming; and

20           “(3) shall define the term ‘hours when children  
21 are reasonably likely to comprise a substantial por-  
22 tion of the audience’ and the term ‘violent video pro-  
23 gramming’.

24           “(c) REPEAT VIOLATIONS.—If a person repeatedly  
25 violates this section or any regulation promulgated under

1 this section, the Commission shall, after notice and oppor-  
2 tunity for hearing, immediately repeal any license issued  
3 to that person under this Act.

4 “(d) CONSIDERATION OF VIOLATIONS IN LICENSE  
5 RENEWALS.—The Commission shall consider, among the  
6 elements in its review of an application for renewal of a  
7 license under this Act, whether the licensee has complied  
8 with this section and the regulations promulgated under  
9 this section.

10 “(e) DEFINITION.—As used in this section, the term  
11 ‘distribute’ means to send, transmit, retransmit, telecast,  
12 broadcast, or cablecast, including by wire, microwave, or  
13 satellite.”.

14 **SEC. 4. EFFECTIVE DATE.**

15 The prohibition contained in section 714 of the Com-  
16 munications Act of 1934 (as added by section 3 of this  
17 Act) and the regulations promulgated thereunder shall be  
18 effective on the date that is one year after the date of  
19 enactment of this Act.

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