

104TH CONGRESS
1ST SESSION

S. 470

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.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23 (legislative day, FEBRUARY 22), 1995

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

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 1995”.

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 the proceeding not later than 9 months
7 after the date of enactment of the Children’s Protection
8 from Violent Programming Act of 1995. As part of that
9 proceeding, the Commission—

10 “(1) may exempt from the prohibition under
11 subsection (a) programming (including news pro-
12 grams, documentaries, educational programs, and
13 sporting events) whose distribution does not conflict
14 with the objective of protecting children from the
15 negative influences of violent video programming, as
16 that objective is reflected in the findings in section
17 2 of the Children’s Protection from Violent Pro-
18 gramming Act of 1995;

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

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

1 “(c) REPEAT VIOLATIONS.—If a person repeatedly
2 violates this section or any regulation promulgated under
3 this section, the Commission shall, after notice and oppor-
4 tunity for hearing, immediately repeal any license issued
5 to that person under this Act.

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

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

16 **SEC. 4. EFFECTIVE DATE.**

17 The prohibition contained in section 714 of the Com-
18 munications Act of 1934 (as added by section 3 of this
19 Act) and the regulations promulgated thereunder shall be
20 effective on the date that is 1 year after the date of enact-
21 ment of this Act.

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