

Calendar No. 229

104TH CONGRESS  
1ST SESSION

**S. 470**

[Report No. 104-171]

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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.

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NOVEMBER 9, 1995

Reported without amendment

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 23 (legislative day, FEBRUARY 22), 1995

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

NOVEMBER 9, 1995

Reported by Mr. PRESSLER, without amendment

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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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Children’s Protection  
3 from Violent Programming Act of 1995”.

4 **SEC. 2. FINDINGS.**

5 The Congress makes the following findings:

6 (1) Television influences children’s perception  
7 of the values and behavior that are common and ac-  
8 ceptable in society.

9 (2) Television station operators, cable television  
10 system operators, and video programmers should fol-  
11 low practices in connection with video programming  
12 that take into consideration that television broadcast  
13 and cable programming—

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

16 (B) is readily accessible to children.

17 (3) Violent video programming influences chil-  
18 dren, as does indecent programming.

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

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

4           (6) 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           (7) Restricting the hours when violent video  
10          programming is shown is the least restrictive and  
11          most narrowly tailored means to achieve that com-  
12          pelling governmental interest.

13          (8) Warning labels about the violent content of  
14          video programming will not in themselves prevent  
15          children from watching violent video programming.

16 **SEC. 3. UNLAWFUL DISTRIBUTION OF VIOLENT PROGRAM-**  
17 **MING.**

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

21 **“SEC. 714. UNLAWFUL DISTRIBUTION OF VIOLENT PRO-**  
22 **GRAMMING.**

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

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

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

7           “(b) RULEMAKING PROCEEDING.—The Commission  
8 shall conduct a rulemaking proceeding to implement the  
9 provisions of this section and shall promulgate final regu-  
10 lations pursuant to that proceeding not later than 9  
11 months after the date of enactment of the Children’s Pro-  
12 tection from Violent Programming Act of 1995. As part  
13 of that proceeding, the Commission—

14           “(1) may exempt from the prohibition under  
15 subsection (a) programming (including news pro-  
16 grams, documentaries, educational programs, and  
17 sporting events) whose distribution does not conflict  
18 with the objective of protecting children from the  
19 negative influences of violent video programming, as  
20 that objective is reflected in the findings in section  
21 2 of the Children’s Protection from Violent Pro-  
22 gramming Act of 1995;

23           “(2) shall exempt premium and pay-per-view  
24 cable programming; and

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

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

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

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

20          **SEC. 4. EFFECTIVE DATE.**

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