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Congressional Record dated Monday, July 31, 1995
Extensions of Remarks Section

Remarks by MARKEY (D-MA) on H.R. 1555

**INTRODUCING THE MARKEY-MORAN-BURTON-SPRATT AMENDMENT ON PARENTAL
BLOCKING OF TV SHOWS THAT HARM CHILDREN [CR page E-1565, 113 lines]**

Mr. MARKEY. Mr. Speaker, today I am introducing into the Record the Markey-Moran-Burton-Spratt amendment on parental blocking of TV shows that harm children as submitted to the House Rules Committee. We are introducing this amendment on behalf of a diverse coalition of parents, teachers, elementary school principals, school psychiatrists, churches, pediatricians, doctors, and civic organizations working to combat violence in our homes, our schools, and on the streets.

Our request is their request--that the rule for consideration of H.R. 1555 make in order the Markey-Moran-Burton-Spratt amendment to promote the health and welfare of children by including in TV sets technology that parents can use to manage and reduce the flood of violent, sexual and indecent material delivered to young children over the television set.

This request is bipartisan, as you will note from today's witnesses and from the signatures on the letter we have delivered to you, Mr. Chairman, in support of this amendment's consideration by the full House of Representatives.

The subject of this amendment has received extensive consideration by the House of Representatives during five hearings on television violence held in the House Telecommunications Subcommittee in the last Congress and a similar number in the Senate.

When I first began pressing this technological defense against TV violence in 1993, I introduced a bill with the support of 4 Republicans and 10 Democrats.

When Mr. Moran, Mr. Burton, and Mr. Spratt and I introduced a new bill in this Congress, 4 Republicans and 25 Democrats joined us.

When a similar proposal was offered by Senator Conrad in June as an amendment to the Senate counterpart to H.R. 1555, it received the support of 32 Republicans and 41 Democrats, passing 73-26.

On July 10, the President of the United States endorsed this approach, calling the V-chip "a little thing but a big deal".

And as you know, the letter we delivered today includes 19 Republicans and 23 Democrats.

So this is a subject of intense interest receiving broad support from both parties.

It is supported by huge majority of the American public, with some polls and reader surveys putting support as high as 90 percent.

Mr. Chairman, its time has come.

The average American child has seen 8,000 murders and 100,000 acts of violence by the time he or she leaves elementary school.

Parents know what's going on. I have held five hearings over the last 2 years on the subject of children and televised violence. In every hearing I have heard both compelling testimony about the harmful effects of negative television on young children, and about the efforts of industry to reduce gratuitous violence. But parents don't care whether the violence is gratuitous or not. When you have young children in your home, you want to reduce all violence to a minimum.

That's why parents are not impressed with the temporary promises of broadcast executives to do better. Parents know that the good deeds of one are quickly undermined by the bad deeds of another.

The pattern is familiar. Parents plea for help in coping with the sheer volume and escalating graphics of TV violence and sexual material. Congress expresses concern. The industry screams first amendment. The press says they're both right, calling on Congress to hold off and calling on industry to tone things down.

Meanwhile, parents get no help.

Until parents actually have the power to manage their own TV sets using blocking technology, parents will remain dependent on the values and programming choices of executives in Los Angeles and New York who, after all, are trying to maximize viewership, not meet the needs of parents.

Mr. Chairman, here is what the amendment would do:

First, we will give the industry a year to develop a ratings system and activate blocking technology on a voluntary basis. If they fail to act, then the legislation will require the FCC to:

First, form an advisory committee, including parents and industry, to develop a ratings system to give parents advance warning of material that might be harmful to children; Please note that the government does not do the ratings.

Second, require that any ratings implemented by a broadcaster be transmitted to TV receivers, and

Third, require TV set manufacturers to include blocking technology in new TV sets so that parents can block programs that are rated, or block programs by time or by program.

We want both the House and the Senate on record as favoring this simple, first amendment friendly, parent-friendly, child-friendly solution to this ongoing problem.

You will hear arguments from some that this technological way of dealing with the problem of TV violence is akin to Big Brother. It's exactly the opposite. It's more like Big Mother and Big Father. Parents take control.

And we know this technology works. In this country, the Electronics Industries Association has already developed standards for it. In Canada, a test in homes in Edmonton proved that it works and works well.

This is not a panacea. It will take some time for enough new sets to be purchased to have an impact on the Nielsen ratings and, therefore, an impact on advertisers. But its introduction in the cable world through set-top boxes is likely to be much more rapid. The cable industry has said that it is prepared to move forward with a V-chip approach as long as broadcasters move forward as well.

And the Electronic Industries Association has already agreed to introduce the technology into sets that would allow up to four levels of violence or sexual material to be rated.

Only the broadcasters have remained adamant in their opposition. They are opposed because the V-chip will work so well, not because it won't work. It will take only a small number of parents in key demographic groups using the V-chip to test the willingness of advertisers to support violent programming.

Parents will have the capacity to customize their own sets--to create their own private safe harbor--to protect their own children as they see fit.

I urge my colleagues to support this important initiative.

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LEGI-SLATE Report for the 104th Congress Wed, August 2, 1995 1:51pm (EST)

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Congressional Record dated Monday, July 31, 1995
House Section

Amendment Submitted by MARKEY (D-MA) to H.R. 1555
[CR page H-8063, 40 lines]

Attributed to MARKEY (D-MA)
H.R. 1555

Offered By: Mr. Markey

Amendment No. 2: Page 126, after line 16, insert the following new subsection (and redesignate the succeeding subsections and accordingly):

(f) Standard for Unreasonable Rates for Cable Programming Services.-- Section 623(c)(2) of the Act (47 U.S.C. 543(C)) is amended to read as follows:

"(2) Standard for unreasonable rates.--The Commission may only consider a rate for cable programming services to be unreasonable if such rate has increased since June 1, 1995, determined on a per-channel basis, by a percentage that exceeds the percentage increase in the Consumer Price Index for All Urban Consumers (as determined by the Department of Labor) since such date."

Page 127, line 4, strike "or 5 percent" and all that follows through "greater," on line 6.

Page 129, strike lines 16 through 21 and insert the following:

"(d) Uniform Rate Structure.--A cable operator shall have a uniform rate structure throughout its franchise area for the provision of cable services."

Page 130, line 16, insert "and" after the semicolon, and strike line 20 and all that follows through line 2 on page 131 and insert the following:

directly to subscribers in the franchise area and such franchise area is also served by an unaffiliated cable system."

Page 131, strike line 6 and all that follows through line 21, and insert the following:

"(m) Small Cable Systems.--

"(1) Small cable system relief.--A small cable system shall not be subject to subsections (a), (b), (c), or (d) in any franchise area with respect to the provision of cable programming services, or a basic service tier where such tier was the only tier offered in such area on December 31, 1994.

"(2) Definition of small cable system.--For purposes of this subsection, 'small cable system' means a cable system that--

"(A) directly or through an affiliate, serves in the aggregate fewer than 250,000 cable subscribers in the United States; and

"(B) directly serves fewer than 10,000 cable subscribers in its franchise area."

Amendment Submitted by MARKEY (D-MA) to H.R. 1555
[CR page H-8063, 20 lines]

H.R. 1555

Offered By: Mr. Markey

Amendment No. 3: Page 150, beginning on line 24, strike paragraph (1) through line 17 on page 151 and insert the following:

"(1) National audience reach limitations.--The Commission shall prohibit a person or entity from obtaining any license if such license would result in such person or entity directly or indirectly owning, operating, or controlling, or having a cognizable interest in, television stations which have an aggregate national audience reach exceeding 35 percent. Within 3 years after such date of enactment, the Commission shall conduct a study on the operation of this paragraph and submit a report to the Congress on the development of competition in the television marketplace and the need for any revisions to or elimination of this paragraph.

Page 150, line 4, strike "(a) Amendment.--".

Page 150, line 9, after "section," insert "and consistent with section 613(a) of this Act,".

Page 154, strike lines 9 and 10.

Amendment Submitted by MARKEY (D-MA) to H.R. 1555
[CR page H-8063, 132 lines]

H.R. 1555

Offered By: Mr. Markey

Amendment No. 4: Page 157, after line 21, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 304. PARENTAL CHOICE IN TELEVISION PROGRAMMING.

(a) Findings.--The Congress makes the following findings:

- (1) Television influences children's perception of the values and behavior that are common and acceptable in society.
- (2) Television station operators, cable television system operators, and video programmers should follow practices in connection with video programming that take into consideration that television broadcast and cable programming has established a uniquely pervasive presence in the lives of American children.
- (3) The average American child is exposed to 25 hours of television each week and some children are exposed to as much as 11 hours of television a day.
- (4) Studies have shown that children exposed to violent video programming at a young age have a higher tendency for violent and aggressive behavior later in life than children not so exposed, and that children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior.

(5) Children in the United States are, on average, exposed to an estimated 8,000 murders and 100,000 acts of violence on television by the time the child completes elementary school.

(6) Studies indicate that children are affected by the pervasiveness and casual treatment of sexual material on television, eroding the ability of parents to develop responsible attitudes and behavior in their children.

(7) Parents express grave concern over violent and sexual video programming and strongly support technology that would give them greater control to block video programming in the home that they consider harmful to their children.

(8) There is a compelling governmental interest in empowering parents to limit the negative influences of video programming that is harmful to children.

(9) Providing parents with timely information about the nature of upcoming video programming and with the technological tools that allow them easily to block violent, sexual, or other programming that they believe harmful to their children is the least restrictive and most narrowly tailored means of achieving that compelling governmental interest.

(b) Establishment of Television Rating Code.--Section 303 of the Act (47 U.S.C. 303) is amended by adding at the end the following:

"(v) Prescribe--

"(1) on the basis of recommendations from an advisory committee established by the Commission that is composed of parents, television broadcasters, television programming producers, cable operators, appropriate public interest groups, and other interested individuals from the private sector and that is fairly balanced in terms of political affiliation, the points of view represented, and the functions to be performed by the committee, guidelines and recommended procedures for the identification and rating of video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, provided that nothing in this paragraph shall be construed to authorize any rating of video programming on the basis of its political or religious content; and

"(2) with respect to any video programming that has been rated (whether or not in accordance with the guidelines and recommendations prescribed under paragraph (1)), rules requiring distributors of such video programming to transmit such rating to permit parents to block the display of video programming that they have determined is inappropriate for their children."

(c) Requirement for Manufacture of Televisions that Block Programs.--
Section 303 of the Act, as amended by subsection (a), is further amended by adding at the end the following:

"(w) Require, in the case of apparatus designed to receive television signals that are manufactured in the United States or imported for use in the United States and that have a picture screen 13 inches or greater in size (measured diagonally), that such apparatus be equipped with circuitry designed to enable viewers to block display of all programs with a common rating, except as otherwise permitted by regulations pursuant to section 330(c)(4)."

(d) Shipping or Importing of Televisions That Block Programs.--

(1) Regulations.--Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended--

(A) by redesignating subsection (c) as subsection (d); and

(B) by adding after subsection (b) the following new subsection (c):

"(c)(1) Except as provided in paragraph (2), no person shall ship in interstate commerce, manufacture, assemble, or import from any foreign country into the United States any apparatus described in section 303(w) of this Act except in accordance with rules prescribed by the Commission pursuant to the authority granted by that section.

"(2) This subsection shall not apply to carriers transporting apparatus referred to in paragraph (1) without trading it.

"(3) The rules prescribed by the Commission under this subsection shall provide for the oversight by the Commission of the adoption of standards by industry for blocking technology. Such rules shall require that all such apparatus be able to receive the rating signals which have been transmitted by way of line 21 of the vertical blanking interval and which conform to the signal and blocking specifications established by industry under the supervision of the Commission.

"(4) As new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that blocking service continues to be available to consumers. If the Commission determines that an alternative blocking technology exists that--

"(A) enables parents to block programming based on identifying programs without ratings,

"(B) is available to consumers at a cost which is comparable to the cost of technology that allows parents to block programming based on common ratings, and

"(C) will allow parents to block a broad range of programs on a multichannel system as effectively and as easily as technology that allows parents to block programming based on common ratings,

the Commission shall amend the rules prescribed pursuant to section 303(w) to require that the apparatus described in such section be equipped with either the blocking technology described in such section or the alternative blocking technology described in this paragraph."

(2) Conforming amendment.--Section 330(d) of such Act, as redesignated by subsection (a)(1), is amended by striking "section 303(s), and section 303(u)" and inserting in lieu thereof "and sections 303(s), 303(u), and 303(w)".

(e) Applicability and Effective Dates.--

(1) Applicability of rating provision.--The amendment made by subsection (b) of this section shall take effect 1 year after the date of enactment of this Act, but only if the Commission determines, in consultation with appropriate public interest groups and interested individuals from the private sector, that distributors of video programming have not, by such date--

(A) established voluntary rules for rating video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, and such rules are acceptable to the Commission; and

(B) agreed voluntarily to broadcast signals that contain ratings of such programming.

(2) Effective date of manufacturing provision.--In prescribing regulations to implement the amendment made by subsection (c), the Federal Communications Commission shall, after consultation with the television manufacturing industry, specify the effective date for the applicability of the requirement to the apparatus covered by such amendment, which date shall not be less than one year after the date of the enactment of this Act.

Amendment Submitted by MORAN (D-VA) to H.R. 1555
[CR page H-8064, 44 lines]

Attributed to MORAN (D-VA)
H.R. 1555

Offered By: Mr. Moran

Amendment No. 5: Page 90, beginning on line 11, strike paragraph (7) through page 93, line 6, and insert the following:

"(7) Facilities siting.--(A) Except as provided in subparagraph (B), the Commission shall be prohibited from engaging in any rulemaking that preempts or has the effect of preempting State or local regulation of the placement, construction, modification, or operation of facilities for the provision of commercial mobile services.

"(B) No State or local government or any instrumentality thereof may regulate the placement construction, modification, or operation of such facilities on the basis of the environmental effects of radio frequency emissions, to the extent that such facilities comply with the Commission's regulations concerning such emissions.

"(C) A State or local government or any instrumentality thereof may regulate the placement, construction, modification, or operation of such facilities if--

"(i) the regulation of the placement, construction, and modification of facilities for the provision of commercial mobile services by any State or local government or instrumentality thereof--

"(I) is reasonable, does not discriminate among commercial mobile service providers, and is limited to the minimum necessary to accomplish the State or local government's legitimate purposes; and

"(II) does not prohibit or have the effect of precluding any commercial mobile service; and

"(ii) a State or local government or instrumentality thereof acts on any request for authorization to locate, construct, modify, or operate facilities for the provision of commercial mobile services within a reasonable period of time after the request is fully filed with such government or instrumentality; and

"(iii) any decision by a State or local government or instrumentality thereof to deny a request for authorization to locate, construct, modify, or operate facilities for the provision of commercial mobile services is in writing and is supported by substantial evidence contained in a written record.

"(D) Any person adversely affected by any final determination made by a State or local government or any instrumentality thereof under this paragraph shall commence an action within 120 days after receiving such determination in (1) the district court of the United States for any judicial district in which the instrumentality is located; or (2) in any State court of general jurisdiction having jurisdiction over the parties."