

AMENDMENT TO H.R. 1501
OFFERED BY MR. HYDE

Add at the end the following new title:

1 **TITLE _____—PROTECTING CHIL-**
2 **DREN FROM THE CULTURE**
3 **OF VIOLENCE**

4 **SEC. ____ . PROTECTING CHILDREN FROM EXPLICIT SEXUAL**
5 **OR VIOLENT MATERIAL.**

6 (a) IN GENERAL.—Chapter 71 of title 18, United
7 States Code, is amended by adding at the end the follow-
8 ing:

9 **“§ 1471. Protection of minors**

10 “(a) PROHIBITION.—Whoever in interstate or foreign
11 commerce knowingly and for monetary consideration,
12 sells, sends, loans, or exhibits, directly to a minor, any
13 picture, photograph, drawing, sculpture, video game, mo-
14 tion picture film, or similar visual representation or image,
15 book, pamphlet, magazine, printed matter, or sound re-
16 cording, or other matter of any kind containing explicit
17 sexual material or explicit violent material which—

18 “(1) the average person, applying contemporary
19 community standards, would find, taking the mate-
20 rial as a whole and with respect to minors, is de-

1 signed to appeal or pander to the prurient, shame-
2 ful, or morbid interest;

3 “(2) the average person, applying contemporary
4 community standards, would find the material pat-
5 ently offensive with respect to what is suitable for
6 minors; and

7 “(3) a reasonable person would find, taking the
8 material as a whole, lacks serious literary, artistic,
9 political, or scientific value for minors;

10 shall be punished as provided in subsection (c) of this sec-
11 tion.

12 “(b) DEFINITIONS.—As used in subsection (a)—

13 “(1) the term ‘knowingly’ means having general
14 knowledge of, or reason to know, or a belief or
15 ground for belief which warrants further inspection
16 or inquiry of—

17 “(A) the character and content of any ma-
18 terial described in subsection (a) which is rea-
19 sonably susceptible of examination by the de-
20 fendant; and

21 “(B) the age of the minor;

22 but an honest mistake is a defense against a pros-
23 ecution under this section if the defendant made a
24 reasonable bona fide attempt to ascertain the true
25 age of such minor;

1 “(2) the term ‘minor’ means any person under
2 the age of 17 years; and

3 “(3) the term ‘sexual material’ means a visual
4 depiction of an actual or simulated display of, or a
5 detailed verbal description or narrative account of—

6 “(A) human male or female genitals, pubic
7 area or buttocks with less than a full opaque
8 covering;

9 “(B) a female breast with less than a fully
10 opaque covering of any portion thereof below
11 the top of the nipple;

12 “(C) covered male genitals in a discernibly
13 turgid state;

14 “(D) acts of masturbation, sodomy, or sex-
15 ual intercourse;

16 “(E) physical contact with a person’s
17 clothed or unclothed genitals, pubic area, but-
18 tocks, or if such person be a female, breast;

19 “(4) the term ‘violent material’ means a visual
20 depiction of an actual or simulated display of, or a
21 detailed verbal description or narrative account of—

22 “(A) sadistic or masochistic flagellation by
23 or upon a person;

24 “(B) torture by or upon a person;

1 “(C) acts of mutilation of the human body;

2 or

3 “(D) rape.

4 “(c) PENALTIES.—The punishment for an offense
5 under this section is—

6 “(1) a fine under this title or imprisonment for
7 not more than 5 years, or both, in the case of an
8 offense which does not occur after a conviction for
9 another offense under this section; and

10 “(2) a fine under this title or imprisonment for
11 not more than 10 years, or both, in the case of an
12 offense which occurs after a conviction for another
13 offense under this section.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of chapter 71 of title 18, United States
16 Code, is amended by adding at the end the following new
17 item:

 “1471. Protection of minors.”.

18 **SEC. ____.** **PRE-PURCHASE DISCLOSURE OF LYRICS PACK-**
19 **AGED WITH SOUND RECORDINGS.**

20 (a) IN GENERAL.—It is the sense of Congress that
21 retail establishments engaged in the sale of sound
22 recordings—

23 (1) should make available for on-site review,
24 upon the request of a person over the age of 18

1 years, the lyrics packaged with any sound recording
2 they offer for sale; and

3 (2) should post a conspicuous notice of the
4 right to review described in paragraph (1).

5 “(b) DEFINITION.—The term ‘retail establishment’
6 means any physical place of business which sells directly
7 to a consumer, but does not include mail order, catalog,
8 or on-line sales of sound recordings.

9 **SEC. ____ . STUDY OF EFFECTS OF ENTERTAINMENT ON**
10 **CHILDREN.**

11 (a) REQUIREMENT.—The National Institutes of
12 Health shall conduct a study of the effects of video games
13 and music on child development and youth violence.

14 (b) ELEMENTS.—The study under subsection (a)
15 shall address—

16 (1) whether, and to what extent, video games
17 and music affect the emotional and psychological de-
18 velopment of juveniles; and

19 (2) whether violence in video games and music
20 contributes to juvenile delinquency and youth vio-
21 lence.

1 **SEC. ____ . TEMPORARY ANTITRUST IMMUNITY TO PERMIT**
2 **THE ENTERTAINMENT INDUSTRY TO SET**
3 **GUIDELINES TO HELP PROTECT CHILDREN**
4 **FROM HARMFUL MATERIAL.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) Television is seen and heard in nearly every
8 United States home and is a uniquely pervasive
9 presence in the daily lives of Americans. The average
10 American home has 2.5 televisions, and a television
11 is turned on in the average American home 7 hours
12 every day.

13 (2) Television plays a particularly significant
14 role in the lives of children. Figures provided by
15 Nielsen Research show that children between the
16 ages of 2 years and 11 years spend an average of
17 21 hours in front of a television each week.

18 (3) Television has an enormous capability to in-
19 fluence perceptions, especially those of children, of
20 the values and behaviors that are common and ac-
21 ceptable in society.

22 (4) The influence of television is so great that
23 its images and messages often can be harmful to the
24 development of children. Social science research
25 amply documents a strong correlation between the

1 exposure of children to televised violence and a num-
2 ber of behavioral and psychological problems.

3 (5) Hundreds of studies have proven conclu-
4 sively that children who are consistently exposed to
5 violence on television have a higher tendency to ex-
6 hibit violent and aggressive behavior, both as chil-
7 dren and later in life.

8 (6) Such studies also show that repeated expo-
9 sure to violent programming causes children to be-
10 come desensitized to and more accepting of real-life
11 violence and to grow more fearful and less trusting
12 of their surroundings.

13 (7) A growing body of social science research
14 indicates that sexual content on television can also
15 have a significant influence on the attitudes and be-
16 haviors of young viewers. This research suggests
17 that heavy exposure to programming with strong
18 sexual content contributes to the early commence-
19 ment of sexual activity among teenagers.

20 (8) Members of the National Association of
21 Broadcasters (NAB) adhered for many years to a
22 comprehensive code of conduct that was based on an
23 understanding of the influence exerted by television
24 and on a widely held sense of responsibility for using
25 that influence carefully.

1 (9) This code of conduct, the Television Code of
2 the National Association of Broadcasters, articulated
3 this sense of responsibility as follows:

4 (A) “In selecting program subjects and
5 themes, great care must be exercised to be sure
6 that the treatment and presentation are made
7 in good faith and not for the purpose of sensa-
8 tionalism or to shock or exploit the audience or
9 appeal to prurient interests or morbid curios-
10 ity.”.

11 (B) “Broadcasters have a special respon-
12 sibility toward children. Programs designed pri-
13 marily for children should take into account the
14 range of interests and needs of children, from
15 instructional and cultural material to a wide va-
16 riety of entertainment material. In their total-
17 ity, programs should contribute to the sound,
18 balanced development of children to help them
19 achieve a sense of the world at large and in-
20 formed adjustments to their society.”.

21 (C) “Violence, physical, or psychological,
22 may only be projected in responsibly handled
23 contexts, not used exploitatively. Programs in-
24 volving violence present the consequences of it
25 to its victims and perpetrators. Presentation of

1 the details of violence should avoid the exces-
2 sive, the gratuitous and the instructional.”.

3 (D) “The presentation of marriage, family,
4 and similarly important human relationships,
5 and material with sexual connotations, shall not
6 be treated exploitatively or irresponsibly, but
7 with sensitivity.”.

8 (E) “Above and beyond the requirements
9 of the law, broadcasters must consider the fam-
10 ily atmosphere in which many of their programs
11 are viewed. There shall be no graphic portrayal
12 of sexual acts by sight or sound. The portrayal
13 of implied sexual acts must be essential to the
14 plot and presented in a responsible and tasteful
15 manner.”.

16 (10) The National Association of Broadcasters
17 abandoned the code of conduct in 1983 after three
18 provisions of the code restricting the sale of advertis-
19 ing were challenged by the Department of Justice on
20 antitrust grounds and a Federal district court issued
21 a summary judgment against the National Associa-
22 tion of Broadcasters regarding one of the provisions
23 on those grounds. However, none of the program-
24 ming standards of the code were challenged.

1 (11) While the code of conduct was in effect, its
2 programming standards were never found to have
3 violated any antitrust law.

4 (12) Since the National Association of Broad-
5 casters abandoned the code of conduct, program-
6 ming standards on broadcast and cable television
7 have deteriorated dramatically.

8 (13) In the absence of effective programming
9 standards, public concern about the impact of tele-
10 vision on children, and on society as a whole, has
11 risen substantially. Polls routinely show that more
12 than 80 percent of Americans are worried by the in-
13 creasingly graphic nature of sex, violence, and vul-
14 garity on television and by the amount of program-
15 ming that openly sanctions or glorifies criminal,
16 antisocial, and degrading behavior.

17 (14) At the urging of Congress, the television
18 industry has taken some steps to respond to public
19 concerns about programming standards and content.
20 The broadcast television industry agreed in 1992 to
21 adopt a set of voluntary guidelines designed to “pro-
22 scribe gratuitous or excessive portrayals of violence”.
23 Shortly thereafter, both the broadcast and cable tele-
24 vision industries agreed to conduct independent

1 studies of the violent content in their programming
2 and make those reports public.

3 (15) In 1996, the television industry as a whole
4 made a commitment to develop a comprehensive rat-
5 ing system to label programming that may be harm-
6 ful or inappropriate for children. That system was
7 implemented at the beginning of 1999.

8 (16) Despite these efforts to respond to public
9 concern about the impact of television on children,
10 millions of Americans, especially parents with young
11 children, remain angry and frustrated at the sinking
12 standards of television programming, the reluctance
13 of the industry to police itself, and the harmful in-
14 fluence of television on the well-being of the children
15 and the values of the United States.

16 (17) The Department of Justice issued a ruling
17 in 1993 indicating that additional efforts by the tele-
18 vision industry to develop and implement voluntary
19 programming guidelines would not violate the anti-
20 trust laws. The ruling states that “such activities
21 may be likened to traditional standard setting efforts
22 that do not necessarily restrain competition and may
23 have significant procompetitive benefits . . . Such
24 guidelines could serve to disseminate valuable infor-
25 mation on program content to both advertisers and

1 television viewers. Accurate information can enhance
2 the demand for, and increase the output of, an in-
3 dustry's products or services.”.

4 (18) The Children's Television Act of 1990
5 (Public Law 101-437) states that television broad-
6 casters in the United States have a clear obligation
7 to meet the educational and informational needs of
8 children.

9 (19) Several independent analyses have dem-
10 onstrated that the television broadcasters in the
11 United States have not fulfilled their obligations
12 under the Children's Television Act of 1990 and
13 have not noticeably expanded the amount of edu-
14 cational and informational programming directed at
15 young viewers since the enactment of that Act.

16 (20) The popularity of video and personal com-
17 puter (PC) games is growing steadily among chil-
18 dren. Although most popular video and personal
19 computer games are educational or harmless in na-
20 ture, some are extremely violent. One recent study
21 by Strategic Record Research found that 64 percent
22 of teenagers played video or personal computer
23 games on a regular basis.

24 (21) Game players of violent games may be cast
25 in the role of shooter, with points scored for each

1 “kill”. Similarly, advertising for such games often
2 touts violent content as a selling point—the more
3 graphic and extreme, the better.

4 (22) Due to their increasing popularity and
5 graphic quality, video games may increasingly influ-
6 ence impressionable children.

7 (23) Music is another extremely pervasive and
8 popular form of entertainment. American children
9 and teenagers listen to music more than any other
10 demographic group. The Journal of American Medi-
11 cine reported that between the 7th and 12th grades
12 the average teenager listens to 10,500 hours of rock
13 or rap music, just slightly less than the entire num-
14 ber of hours spent in the classroom from kinder-
15 garten through high school.

16 (24) Teens are among the heaviest purchasers
17 of music, and are most likely to favor music genres
18 that depict, and often appear to glamorize violence.

19 (25) Music has a powerful ability to influence
20 perceptions, attitudes, and emotional state. The use
21 of music as therapy indicates its potential to in-
22 crease emotional, psychological, and physical health.
23 That influence can be used for ill as well.

24 (b) PURPOSES; CONSTRUCTION.—

1 (1) PURPOSES.—The purposes of this section
2 are to permit the entertainment industry—

3 (A) to work collaboratively to respond to
4 growing public concern about television pro-
5 gramming, movies, video games, Internet con-
6 tent, and music lyrics, and the harmful influ-
7 ence of such programming, movies, games, con-
8 tent, and lyrics on children;

9 (B) to develop a set of voluntary program-
10 ming guidelines similar to those contained in
11 the Television Code of the National Association
12 of Broadcasters; and

13 (C) to implement the guidelines in a man-
14 ner that alleviates the negative impact of tele-
15 vision programming, movies, video games,
16 Internet content, and music lyrics on the devel-
17 opment of children in the United States and
18 stimulates the development and broadcast of
19 educational and informational programming for
20 such children.

21 (2) CONSTRUCTION.—This section may not be
22 construed as—

23 (A) providing the Federal Government
24 with any authority to restrict television pro-
25 gramming, movies, video games, Internet con-

1 tent, or music lyrics that is in addition to the
2 authority to restrict such programming, movies,
3 games, content, or lyrics under law as of the
4 date of the enactment of this Act; or

5 (B) approving any action of the Federal
6 Government to restrict such programming,
7 movies, games, content, or lyrics that is in addi-
8 tion to any actions undertaken for that purpose
9 by the Federal Government under law as of
10 such date.

11 (c) EXEMPTION OF VOLUNTARY AGREEMENTS ON
12 GUIDELINES FOR CERTAIN ENTERTAINMENT MATERIAL
13 FROM APPLICABILITY OF ANTITRUST LAWS.—

14 (1) EXEMPTION.—Subject to paragraph (2),
15 the antitrust laws shall not apply to any joint dis-
16 cussion, consideration, review, action, or agreement
17 by or among persons in the entertainment industry
18 for the purpose of developing and disseminating vol-
19 untary guidelines designed—

20 (A) to alleviate the negative impact of tele-
21 cast material, movies, video games, Internet
22 content, and music lyrics containing—

23 (i) violence, sexual content, criminal
24 behavior; or

1 (ii) other subjects that are not appro-
2 priate for children; or

3 (B) to promote telecast material, movies,
4 video games, Internet content, or music lyrics
5 that are educational, informational, or other-
6 wise beneficial to the development of children.

7 (2) LIMITATION.—The exemption provided in
8 paragraph (1) shall not apply to any joint discus-
9 sion, consideration, review, action, or agreement
10 that—

11 (A) results in a boycott of any person; or

12 (B) concerns the purchase or sale of adver-
13 tising, including restrictions on the number of
14 products that may be advertised in a commer-
15 cial, the number of times a program may be in-
16 terrupted for commercials, and the number of
17 consecutive commercials permitted within each
18 interruption.

19 (3) DEFINITIONS.—In this subsection:

20 (A) ANTITRUST LAWS.—The term “anti-
21 trust laws”—

22 (i) has the meaning given it in sub-
23 section (a) of the first section of the Clay-
24 ton Act (15 U.S.C. 12(a)), except that
25 such term includes section 5 of the Federal

1 Trade Commission Act (15 U.S.C. 45) to
2 the extent such section 5 applies to unfair
3 methods of competition; and

4 (ii) includes any State law similar to
5 the laws referred to in subparagraph (A).

6 (B) INTERNET.—The term “Internet”
7 means the combination of computer facilities
8 and electromagnetic transmission media, and
9 related equipment and software, comprising the
10 interconnected worldwide network of computer
11 networks that employ the Transmission Control
12 Protocol/Internet Protocol or any successor pro-
13 tocol to transmit information.

14 (C) MOVIES.—The term “movies” means
15 theatrical motion pictures.

16 (D) PERSON IN THE ENTERTAINMENT IN-
17 DUSTRY.—The term “person in the entertain-
18 ment industry” means a television network, any
19 person that produces or distributes television
20 programming (including theatrical motion pic-
21 tures), the National Cable Television Associa-
22 tion, the Association of Independent Television
23 Stations, Incorporated, the National Association
24 of Broadcasters, the Motion Picture Association
25 of America, each of the affiliate organizations

1 of the television networks, the Interactive Digital
2 Software Association, any person that produces or distributes video games, the Recording
3 Industry Association of America, and any person that produces or distributes music, and includes
4 any individual acting on behalf of any of the above.
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7

8 (E) TELECAST.—The term “telecast material” means any program broadcast by a television
9 broadcast station or transmitted by a cable television system.
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11

12 (d) SUNSET.—Subsection (d) shall apply only with respect to conduct that occurs in the period beginning on
13 the date of the enactment of this Act and ending 3 years after such date.
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16 (e) REPORT.—The Attorney General shall report to the Congress, not later than 90 days after the period
17 described in subsection (d), on the effect of the exemption made by this section.
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20 **SEC. ____ . PROMOTING GRASSROOTS SOLUTIONS TO YOUTH**
21 **VIOLENCE.**

22 (a) ESTABLISHMENT OF NATIONAL YOUTH CRIME PREVENTION DEMONSTRATION PROJECT.—The Attorney
23 General shall, subject to appropriations, award a grant to the National Center for Neighborhood Enterprise (re-
24
25

1 ferred to in this section as the “National Center”) to en-
2 able the National Center to award subgrants to grassroots
3 entities in the following 8 cities:

- 4 (1) Washington, District of Columbia.
- 5 (2) Detroit, Michigan.
- 6 (3) Hartford, Connecticut.
- 7 (4) Indianapolis, Indiana.
- 8 (5) Chicago (and surrounding metropolitan
9 area), Illinois.
- 10 (6) Dallas, Texas.
- 11 (7) Los Angeles, California.
- 12 (8) Norfolk, Virginia.
- 13 (9) Houston, Texas.

14 (b) ELIGIBILITY.—

15 (1) IN GENERAL.—To be eligible to receive a
16 subgrant under this section, a grassroots entity re-
17 ferred to in subsection (a) shall submit an applica-
18 tion to the National Center to fund intervention
19 models that establish violence-free zones.

20 (2) SELECTION CRITERIA.—In awarding sub-
21 grants under this section, the National Center shall
22 consider—

- 23 (A) the track record of a grassroots entity
24 and key participating individuals in youth group
25 mediation and crime prevention;

1 (B) the engagement and participation of a
2 grassroots entity with other local organizations;
3 and

4 (C) the ability of a grassroots entity to
5 enter into partnerships with local housing au-
6 thorities, law enforcement agencies, and other
7 public entities.

8 (c) USES OF FUNDS.—

9 (1) IN GENERAL.—Funds received under this
10 section shall be used for youth mediation, youth
11 mentoring, life skills training, job creation and en-
12 trepreneurship, organizational development and
13 training, development of long-term intervention
14 plans, collaboration with law enforcement, com-
15 prehensive support services and local agency part-
16 nerships, or other activities to further community
17 objectives in reducing youth crime and violence.

18 (2) TECHNICAL ASSISTANCE.—The National
19 Center, in cooperation with the Attorney General,
20 shall also provide technical assistance for startup
21 projects in other cities.

22 (3) FISCAL CONTROLS.—The Attorney General
23 is authorized to establish and maintain all appro-
24 priate fiscal controls of sub-grantees under sub-
25 section (a).

1 (d) REPORTS.—The National Center shall submit a
2 report to the Attorney General evaluating the effectiveness
3 of grassroots agencies and other public entities involved
4 in the demonstration project.

5 (e) DEFINITIONS.—

6 For purposes of this section—

7 (1) the term “grassroots entity” means a not-
8 for-profit community organization with dem-
9 onstrated effectiveness in mediating and addressing
10 youth violence by empowering at-risk youth to be-
11 come agents of peace and community restoration;
12 and

13 (2) the term “National Center for Neighbor-
14 hood Enterprise” is a not-for-profit organization in-
15 corporated in the District of Columbia.

16 (f) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—There are authorized to be
18 appropriated to carry out this section—

19 (A) \$5,000,000 for fiscal year 2000;

20 (B) \$5,000,000 for fiscal year 2001;

21 (C) \$5,000,000 for fiscal year 2002;

22 (D) \$5,000,000 for fiscal year 2003; and

23 (E) \$5,000,000 for fiscal year 2004.

24 (2) RESERVATION.—The National Center for
25 Neighborhood Enterprise may use not more than 20

1 percent of the amounts appropriated pursuant to
2 paragraph (1) in any fiscal year for administrative
3 costs, technical assistance and training, comprehen-
4 sive support services, and evaluation of participating
5 grassroots entities.