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VIOLENT CONTENT RESEARCH ACT OF 2013

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 134



DECEMBER 17, 2013.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED THIRTEENTH CONGRESS

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Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, submitted the following

R E P O R T

[To accompany S. 134]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 134) to arrange for the National Academy of Sciences to study the impact of violent video games and violent video programming on children, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purpose of S. 134, the Violent Content Research Act of 2013, as reported, is to direct the Federal Communications Commission (FCC), the Federal Trade Commission (FTC), and the Department of Health and Human Services (HHS) to commission a comprehensive study and investigation by the National Academy of Sciences (NAS) on the possible connection between exposure to violent video games and violent video programming and harmful effects on children. An NAS report on its findings would be due to the FCC, FTC, HHS, and Congress no later than 15 months after the study is commissioned by the sponsoring agencies and department.

BACKGROUND AND NEEDS

There is a broad field of research examining the impact of violent media content on aggression in children and adolescents. The American Academy of Pediatrics (AAP) has stated that media violence is a public health issue. The AAP's policy statement on the issue begins as follows: "Exposure to violence in media, including television, movies, music, and video games, represents a significant

risk to the health of children and adolescents."[1] In reaching this conclusion, the AAP cites American and cross-cultural studies, field experiments, cross-sectional studies, and longitudinal studies involving children, teens, and young adults.

Federal agencies also have reached a similar conclusion. In a 2007 report on violent television programming and its impact on children, the FCC agreed with the views of the then Surgeon General that there was "strong evidence that exposure to violence in the media can increase aggressive behavior in children, at least in the short term." The FCC went on to detail the state of the research at that time on the effects of violent video programming, noting that "a significant number of health professionals, parents, and members of the general public are concerned about television violence and its effect on children."[2]

In 2012, a special commission appointed by the International Society for Research on Aggression released its findings about the state of the research into the impacts of media violence. The report found that "exposure to violent media can increase not only aggressive behavior in a variety of forms, but also aggressive thoughts, aggressive feelings, psychological arousal, and decrease prosocial behavior" and further found that the "effects are remarkably consistent regardless of the type of medium, age, gender, or where the person lives in the world."[3]

Despite the findings in these reports, there is not universal agreement on the impacts of such media violence on children. In 2011, the Supreme Court overturned a California law banning the sales of certain violent video games to minors.[4] A key element of that decision was the finding by the majority of the Court that scientific literature demonstrating the ill-effects of video game and media violence on children was not persuasive. While studies may suggest a correlation between violent video games and aggressive behavior, the majority of the Court argued that causation had not been demonstrated. In addition, the Court's majority contended that the effects on children from video violence are small and indistinguishable from the effects of other media that enjoy full First Amendment protection (e.g., aggression resulting from reading Lord of the Flies, The Odyssey, or even comic books.) Some research has backed up these arguments with findings that either the impact of violent media is dwarfed by other factors—such as family violence—or that any impacts media violence may have on short-term aggression do not translate into real-world violence.

For instance, in 2008, researchers conducted two studies examining the relationship between exposure to violent video games and aggression and found "no link, either causal or correlational . . . between violent-video-game playing and aggressive or violent acts."[5] The lead researcher on that 2008 study, Christopher Ferguson of Texas A&M University, has also raised questions con-

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[1] American Academy of Pediatrics, *Media Violence*, Council of Communications and Media, Pediatrics (Nov. 1, 2009).

[2] Federal Communications Commission, *Violent Television Programming And Its Impact On Children* (April 25, 2007).

[3] International Society for Research on Aggression, *Report of the Media Violence Commission* (May 2012).

[4] *Brown v. Entertainment Merchants Association* (2011).

[5] Christopher J. Ferguson et al., *Violent Video Games and Aggression: Causal Relationship or Byproduct of Family Violence and Intrinsic Violence Motivation?*, Criminal Justice and Behavior (March 2008).

cerning the validity of other research exploring possible links between exposure to media violence and aggression. His 2009 meta-analytic review of existing studies on the impact of violent media on aggressive behavior found publication bias in this field, and concluded that "the perception of the strength, consistency, and generalizability of existing media violence research may be greatly overstated."[6]

With video game interactivity increasing, and the sources for video programming expanding to online, mobile, and on-demand platforms, it is important to have a respected, neutral, expert third party to take a comprehensive look at the state of the research on violent content and its impact on the well-being of children. As proposed in S. 134, the NAS's independent view on the current state of research and a research plan for future research in this area could inform research by other organizations, including the Centers for Disease Control and Prevention, and provide guidance to lawmakers.

LEGISLATIVE HISTORY

On January 24, 2013, Senator Rockefeller introduced S. 134, the Violent Content Research Act of 2013. The bill is co-sponsored by Senators Blumenthal, Coburn, Heller, Johanns, Klobuchar, and Pryor. The bill is nearly identical to legislation introduced by Senator Rockefeller in December 2012, with Senators Blumenthal, Coburn, Hutchison, Johanns, and Lieberman as cosponsors.

The Committee held an executive session on July 30, 2013, during which S. 134 was considered. Senator Rockefeller submitted a substitute amendment to S. 134, which was adopted by voice vote. The Committee ordered that S. 134 be reported as amended (in the nature of a substitute).

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 134—Violent Content Research Act of 2013

S. 134 would direct the Federal Trade Commission, the Federal Communications Commission (FCC), and the Department of Health and Human Services to request the National Academy of Sciences (NAS) to conduct a study to determine whether exposure to violent video games and programming has a harmful effect on children's behavior that can be distinguished from other factors. S. 134 also would direct the agencies to request the NAS to make a report on the results of the study available to each agency as well as the Congress.

Based on information from the NAS, CBO estimates that implementing the provisions of S. 134 would cost $850,000 over the 2014–2018 period, assuming appropriation of the necessary amounts. The bill does not establish a process for determining how this cost would be split among the three agencies; the net discre-

[6] Christopher J. Ferguson and John Kilburn, *The Public Health Risks of Media Violence: A Meta-Analytic Review*, Journal of Pediatrics (May 2009).

tionary cost of implementing S. 134 would depend on that allocation because one agency, the FCC, is authorized to collect fees sufficient to offset the cost of its regulatory activities each year. The portion of the report's cost that is allocated to the FCC would be offset by those fees, assuming appropriation actions consistent with the agency's authority, which would reduce the bill's net cost. Enacting S. 134 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 134 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CB0 staff contact for this estimate is Susan Willie. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

Because S. 134, as amended, does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

The short title is the "Violent Content Research Act of 2013."

Section 2. Study; National Academy of Sciences

This section would direct the FCC, FTC, and HHS to enter into an agreement with the NAS to conduct a comprehensive study and investigation of whether there is a connection between exposure to: (1) violent video games and harmful effects on children that are distinguishable from the effects caused by other factors; and (2) violent video programming and harmful effects on children that are distinguishable from the effects caused by other factors.

With respect to both violent video games and violent video programming, the NAS would be asked to examine whether exposure causes children to act aggressively or causes other measurable harm to children, if there is a disproportionately harmful effect on the behavior of certain identifiable groups of children (including children already prone to aggressive behavior), whether there is a harmful effect that is distinguishable from the effect produced by other types of media, and whether any measurable harm identified

in the study has a direct and long-lasting impact on a child's well-being. With respect to violent video games, the NAS also would be asked to consider whether current and emerging characteristics of such games have a unique harmful effect on children given their concretely interactive nature.

The NAS would further identify any gaps in the current state of research on violent video games and violent video programming which, if closed, could provide information regarding any causal connection between exposure to violent video games or violent video programming and harmful effects on children's behavior. The NAS report on its results in the study and investigation would be due to Congress, the FCC, FTC, and HHS within 15 months of when arrangements are completed by the sponsoring agencies and department.

Given the 15-month timeframe in the bill, the Committee expects that the NAS would convene a panel of experts to evaluate the state of existing research and take other steps, as appropriate, to consider the required contents of the study set forth in the Act.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

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