AGENCY: Federal Communications Commission.

SUMMARY: In this document, the Commission seeks comment on issues relating to the presentation of violent programming on television and its impact on children.

DATES: Comments are due September 15, 2004; reply comments are due October 15, 2004.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. For further filing information, see SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT: Ben Golant, (202) 418-7111 or Ben.Golant@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Notice of Inquiry, FCC 04–175, adopted July 15, 2004 and released July 28, 2004. The full text of the Commission’s NOI is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY – A257) at its headquarters, 445 12th Street, SW., Washington, DC 20554, or may be purchased from the Commission’s copy contractor, Qualex International, (202) 863–2893, Portals II, Room CY–B402, 445 12th St., SW., Washington, DC 20554, or may be reviewed via Internet at http://www.fcc.gov/mb.

Synopsis of the Notice of Inquiry

I. Introduction

1. We initiate this Notice of Inquiry (“NOI”) to seek comment on issues relating to the presentation of violent programming on television and its impact on children. Violent television programming content has been a matter of private and governmental concern and discussion from at least the early 1950s. Congress’ response, in 1996, was adoption of section 551 of the Telecommunication Act 1996, which resulted in the Commission’s implementation of the companion elements of the voluntary television rating system and associated “V-chip” technology in 1998. More recently, the Commission has received continuing expressions of Congressional concern with respect to violent programming. On March 5, 2004, thirty-nine members of the U.S. House of Representatives, and during the second hour of prime time, the proportion rose from 53% to 67% on broadcast networks, and from 54% to 64% on basic (i.e., non-premium) cable channels. In addition, cartoons include an average of approximately one “high-risk” portrayal of violence per cartoon, as categorized by the researchers. There have been more recent reports on television violence. For example, the Parents Television Council (“PTC”) conducted a content study finding that on all the television networks combined, violence was 41% more frequent during the 8 p.m. Family Hour in 2002 than in 1998 and during the second hour of prime time (9–10 p.m.), violence was 134.4% more frequent in 2002 that in 1998.

II. Discussion and Request for Comment

A. Incidence of Violent Programming

3. We seek specific information concerning how much televised violence there is on broadcast and non-broadcast television and whether the amount of violent programming is increasing or decreasing. The National TV Violence Study, which appears to be the most extensive content analyses to date, involving the efforts of more than 300 people recording and watching more than 10,000 hours of television programming from 1994 to 1997, indicates that more than half of all television programming contains violence. More specifically, during the period of the study, the proportion of programming with violence consistently hovered around 60%. During prime time, the proportion rose from 53% to 67% on broadcast networks, and from 54% to 64% on basic (i.e., non-premium) cable channels. In addition, cartoons include an average of approximately one “high risk” portrayal of violence per cartoon, as categorized by the researchers. There have been more recent reports on television violence. For example, the Parents Television Council (“PTC”) conducted a content study finding that on all the television networks combined, violence was 41% more frequent during the 8 p.m. Family Hour in 2002 than in 1998 and during the second hour of prime time (9–10 p.m.), violence was 134.4% more frequent in 2002 that in 1998.

4. We seek additional information on the frequency of televised violence. The National TV Violence Study reports the results of study during the three-year period 1994–1997. What more recent information, aside from the PTC Study noted above, is available about the incidence of violence on television programming? What are the trends? Are there differences between broadcast and non-broadcast media (i.e., cable and satellite)? Are there differences between
premium and non-premium channels on
cable or satellite?

B. Effects of Viewing Violent
Programming

5. At its core, concern about media
violence derives from concern about
deleterious effects, particularly on
children, that may result from exposure
to it. Over the course of several decades,
many research has been developed to
examine and study these effects. Much
of the research within the public health
and scientific communities suggests that
exposure to media violence can be
associated with certain negative effects.
Three types of studies have generally
been described in the literature: (1) field
experiments in which subjects are
shown video programming with their
short-term post-viewing behavior
monitored by researchers; (2) cross-
sectional studies involving a survey of
a sample of individuals at one point in
time and their conduct correlated with
the amount and type of their television
viewing; and (3) longitudinal studies
that survey the same group of
individuals at different times over many
years to determine the effects of
television viewing on subsequent
behavior. Through these studies efforts
have been made to establish a cause and
effect relationship between the viewing
of “violent” programming by “children”
and subsequent aggressive behavior on
the part of these individuals. Various
definitions of violence and various age
groups have been involved. Some of the
studies also involve the effects of
television viewing of all types rather
than just violent programming. Some
involve the behavior of college-age or
older viewers. The researchers have
tended to focus on three possible
harmful effects: (1) Increased antisocial
behavior, including both aggressive and
negative interaction; (2) desensitization
to violence; and (3) increased fear of
becoming a victim of violence.

6. A year 2000 review of the scientific
research on the effects of entertainment
media on children, which appears as part of the Federal Trade
Commission's report on Marketing
Violent Entertainment to Children,
summarized the research as follows:

A majority of the investigations into the
impact of media violence on children find that there is a high correlation between
exposure to violence and aggressive
and at times violent behavior. In addition, a
number of research efforts report that
exposure to media violence is correlated with
increased acceptance of violent behavior in
others, as well as an exaggerated perception
of the amount of violence in society.
Regarding causation, however, the studies
appear to be less conclusive. Most
researchers and investigators agree that
exposure to media violence alone does not
cause a child to commit a violent act, and
that it is not the sole, or even necessarily the
most important, factor contributing to youth
aggression, anxiety, delinquency, and
violence. Although a consensus among
researchers exists regarding the empirical
relationships, significant differences remain
over the interpretation of these associations
and their implications for public policy.

A 2001 report from the United States
Surgeon General's 2001 Youth Violence:
A Report of the Surgeon General
summarized the research thus:

In sum, a diverse body of research provides
strong evidence that exposure to violence in
the media can increase children's aggressive
behavior in the short term. Some studies
suggest that long-term effects exist, and there
are strong theoretical reasons why this is the
case. But many questions remain regarding
the short- and long-term effects of media
violence, especially on violent behavior.

Despite considerable advances in research, it
is not yet possible to describe accurately how
much exposure, of what types, for how long,
at what ages, for what types of children, or
in what types of settings will predict violent
behavior in adolescents and adults.

Research has continued since the
completion of these two Reports,
including new longitudinal studies
testifying the conclusion that
childhood exposure to media violence
lasts into adulthood and increases
aggressive behavior in adolescence.

In addition, researchers have developed new
methods of measuring the impact of
exposure to media violence on children,
including MRI brain mapping research
conducted at the Indiana University
School of Medicine and elsewhere.

According to testimony given in 2003
before the Senate Committee on
Commerce, Science & Transportation,
a comprehensive bibliography of research
and publications in this field includes
1,945 reports on children and television,
approximately 600 of which deal with the
issue of TV violence.

As indicated above, numerous studies have
demonstrated the harmful
effects of media violence on children.
We seek comment on any additional
recent research in the field. We seek
additional comment on the debate and
how the private sector, members of the
public, and academia are continuing to
address the net effects of media
violence. Is there a correlation between
exposure to violence and aggressive
behavior? If so, what are the
implications? Are there particular harms
children suffer as a result of exposure to
violent programming? What other
factors contribute to aggressive behavior?
Do depictions of violence in
video programming have an identifiable
different effect on children or adults
than do descriptions of violence in other
media, including print? How important
is exposure to electronic media violence
relative to other sources of exposure;

i.e., does watching Wile E. Coyote fall
off a cliff in a cartoon have more or less
an impact on a child’s psyche than
reading about Hansel and Gretel forcing
a witch into a hot oven in Grimm’s Fairy
tales? Are there countervailing benefits
that flow from televised violence? Does
the inclusion of violent events in
fictional accounts help individuals'
understand and process actual
incidences of violence they may
counteract, experience, or learn of? Does
violence serve any artistic function that
should be considered, or are all
depictions of violence necessarily
gratuitous?

C. Defining Violent or Excessively or
Gratuitously Violent Programming for
Public Policy Purposes

8. The above discussion assumes a
well established definition of violence
in terms of measuring both the amount
and effect of violent programming. This
is not necessarily the case. There are
definitional difficulties because “not all
violence is created equal.” From a
public policy standpoint, is there a need
to define all violence, or simply
gratuitous or excessive violence?

9. For the purpose of determining, as
a general matter, whether a program
contains violence, researchers have used
broad definitions. For example, one
researcher defined violence as “the
overt expression of force intended to
hurt or kill” in a content analysis
conducted in the 1960s as part of the
National Commission on the Causes
and Prevention of Violence. The National
TV Violence Study defined violence as
“any overt depiction of a credible threat
of physical force or the actual use of
such force intended to physically harm
an animate being on group of beings.
Violence also includes certain
depictions of physically harmful
consequences against an animate being
or group that occur as a result of unseen
violent means.” The UCLA Violence
Reports defined violence as “the act of,
attempt at, physical threat of or the
consequences of physical force.” As the
1997 TV Violence Report explains, such
broad definitions “include violence,
cartoon violence, slapstick violence—
anything that involves or immediately
threatens physical harms of any sort,
intentional or unintentional, self-
inflicted or inflicted by someone or
something else.” We seek comment on
whether these definitions are
appropriate.
10. At the same time, however, researchers have often attempted to identify the context, or qualitative nature, of a portrayal of violence. The 1997 TV Violence Report explains:

While parents, critics and others complain about the problem of violence on television, it is not the mere presence of violence that is the problem. If violence alone was the problem and V-chips or other methods did away with violent scenes or programs, viewers might never see a historical drama like Roots or such outstanding theatrical films as Beauty and the Beast, The Lion King, Forrest Gump and Schindler’s List. In many instances, the use of violence may be critical to a story that actually sends an anti-violence message. Some important stories, such as Shakespeare’s Hamlet, the history of World War II or the life of Abraham Lincoln, would be impossible to convey accurately without including portrayals of violence.

For centuries, violence has been an important element of storytelling, and violence themes have been found in the Bible, The Iliad and The Odyssey, fairy tales, theater, literature, film and, of course, television. Descriptions of violence in the Bible have been important for teaching lessons and establishing a moral code. Lessons of the evils of jealousy and revenge are learned from the story of Cain and Abel. Early fairy tales were filled with violence and gruesomeness designed to frighten children into behaving and to teach them right from wrong. It was only when fairy tales were portrayed on the big screen by Walt Disney and others that the violence contained in the stories was substantially sanitized.

In other words the study suggests, “[t]he issue is not the mere presence of violence but the nature of violence and the context in which it occurs. Context is key to the determination of whether or not violence is appropriate.” The National TV Violence Study similarly emphasizes that “the way in which violence is presented helps to determine whether a portrayal might be harmful to viewers.”

11. But distinguishing one form of violence from another based on context is a difficult exercise. Again, in explaining how the researchers involved in the UCLA violence studies determined which programs raised “concerns” about violence, the 1997 TV Violence Report illustrates the problem:

No matter how well the definitions were drawn, there would be those who felt that some aspect of violence should or should not have been included. Almost everyone has his or her own definition of violence. People have often attempted to validate or invalidate quantitatively based on how much the scholar’s definition resembles their own. Animation for children is a good example of this phenomenon. Consider a cartoon in which a character is hit over the head with a two-by-four, a funny sound effect is heard, the character shakes his head and merrily continues on his way. Some people might consider this the worst type of violence because it is unrealistic, there are no consequences and it might encourage children to imitate it precisely because it shows no consequences. Others feel they watched these cartoons growing up and did not imitate them because they knew these cartoons obviously are not “real.” Scholars have had to decide whether to count this type of violence and usually have included it. Anyone who feels this inclusion is silly would reject the entire definition and might ignore the conclusions of the research. The point is true with slapstick humor. Sports programming provides yet another example. Many feel that violent spectator sports such as football or hockey make violence acceptable or even desirable part of American life. Whether to count unrealistic cartoon violence, slapstick humor or sports within a definition of violence is itself a difficult decision.

We seek comment on these issues.

12. Against the backdrop of these definitional difficulties, what kinds of portrayals of violence are of greatest concern, particularly with respect to children? The National TV Violence Study states that “[i]f the consequences of violence are demonstrated, if violence is shown to be regretted or punished, if its perpetrators are not glamorized, if the act of violence is not seen as justifiable, if in general violence is shown in a negative light, then the portrayal of violence may not create undesirable consequences. But if violence is glamorized, sanitized or made to seem routine, then the message is that it is an acceptable, and perhaps even desirable, course of action.” More specifically, the National TV Violence Study indicates that the portrayals that pose the greatest risk for learning aggression contain attractive perpetrators, morally justified reasons for engaging in violence, repeated incidents of violence that appear realistic, violence that is rewarded or unpunished, and violence that does not show harm or pain to a victim or is presented in a humorous context. According to the study, portrayals that pose the greatest risk for desensitization contain repeated incidents of violence or violence presented in a humorous context. Portrayals that pose the greatest risk for audience fear contain attractive victims, violence that appears unjustified, repeated and realistic, and unpunished. In addition, the 1997 TV Violence Report provides as examples of “inappropriate or improper uses of violence” those “which glorify the act or teach that violence is always the way to resolve conflict.” That report further states that “the consequences of violence should be shown anew and those persons using violence inappropriately should be punished. We would also note that when violence is used realistically, it is more desirable to accurately portray the consequences than to sanitize the violence in a manner designed to make it acceptable.” On the other hand, some might argue that a television program such as “The Three Stooges” does not pose a great risk to children even if the violence is presented humorously and without obvious consequences. Similarly, some might argue that more graphic violence is potentially more harmful to children than violence in which, for example, a body falls from a gunshot wound but the wounds are not shown. We seek additional comment on the types of portrayals that are of greatest concern, particularly with respect to children.

13. How much televised violence is portrayed in a way that is most likely to harm children? For example, the National TV Violence Study states that 40% of the violent incidents studied were initiated by characters with qualities that make them good role models; 70% of violent scenes do not show penalty or remorse for violence at the time it occurs; roughly half of violent incidents do not show physical harm or pain; at least 40% of violent scenes include humor. The UCLA reports also identify particular shows that raised “concerns” about violence, according to a variety of contextual factors. We seek additional information on what type of programming is potentially the most damaging, and how frequently it occurs.

14. As we consider definitional issues, we also ask commenters to identify with precision the age groups that qualify as “children” when they discuss whether violent programming is harmful to them. Some scholarship suggests that children under the age of seven or eight are especially impressionable because they have difficulty distinguishing between fantasy and reality. We seek additional information on research that evidences and explains the particular age groups that are of concern.

15. Finally, in the context of possible regulation in this area, we note that members of the House Commerce Committee have asked the Commission to examine whether it would be in the public interest for the agency to define “excessively violent programming that is harmful to children,” and if so, how we might do so. We also seek comment on how such a standard could be implemented in a manner that is both clear to the industry and practical to administer. We seek comment on these issues to be responsive to the Committee’s concerns.
D. TV Parental Guidelines and V-Chip

16. A regulatory system already exists to help parents and viewers control the exposure of children to media violence. The television industry rates programming using the TV Parental Guidelines, and encodes programming accordingly; in addition, the Commission has required that, by January 1, 2000, all television sets manufactured in the United States or shipped in interstate commerce with a picture screen of thirteen inches or larger be equipped with a “V-chip” that can be programmed to block violent, sexual, or other programming that parents believe harmful to their children.

17. We seek comment on the status of the existing rating and V-chip system as tools to help parents and viewers screen out violence. To what extent is programming in fact rated, using both the age-based ratings, and the additional content labels for violence? Are the ratings consistent and accurate? A 1998 Kaiser Family Foundation study indicates that, during the first year the ratings system was in use, only 20% of programs that contained violence, sexual material, or adult language actually used the appropriate content label. This study found that 79% of violent programming is not specifically rated for violence. Moreover, a 2001 Kaiser Family Foundation study indicates that 40% of parents who use the rating system do not believe programs are rated accurately. According to that study, more than half of all parents use the ratings system to decide what programming that their children may watch. In light of these findings, we seek comment on whether the lack of a content rating for violence renders ineffective any technology-based blocking mechanism, built into television sets, designed to limit violent programming.

18. We seek comment on these findings of the Kaiser Family Foundation. Is more recent information available on these issues? To what extent is use being made of the rating system? Do the TV Parental Guidelines now in use give parents sufficient information to make educated programming decisions for their children?

19. We also seek comment on the usefulness of the V-chip. Although as many as 40% of parents have television sets equipped with a V-chip, more than half of them are not aware of it, and two thirds of those who do not use it. The Kaiser Foundation, in a recent study, has found that parents have not used the V-chip even after a concerted effort to inform them about it. We seek comment on recent initiatives to educate parents about the V-chip’s availability. What can be done to enhance the usefulness of the V-chip? Are there ways to improve the ratings system?

E. Possible New Regulatory Solution: “Safe Harbor”

20. If the TV Parental Guidelines and V-chip are not adequate to protect children from any identifiable dangers of exposure to media violence, what other mechanisms are available? In their recent letter, members of the House Commerce Committee specifically asked how the Commission “might restrict broadcast of ‘excessively violent programming that is harmful to children’ during the hours when children are likely to be a substantial part of the viewing audience, so that it might supplement the TV ratings system, such as by creating time of day restrictions and measures that facilitate a consumer’s use of the television ratings system.” The legislation pending in Congress also involves a “safe harbor” provision and the Senate has adopted language to that effect.

21. A starting point for considering a “safe harbor” solution is our indecency rules. Indecent speech is entitled to constitutional protection, and so cannot be prohibited entirely. However, to protect children, the Commission’s rules prohibit the broadcast of indecent speech from 6 a.m. to 10 p.m., when children are likely to be a substantial part of the viewing audience. The Commission may fine television and radio stations for broadcasting indecent content during this time period. At other times of the day, during the “safe harbor” of the late night and early morning hours, the Commission permits the broadcast of such speech. Obscene speech on cable and other subscription television services, as well as on broadcast services, is a criminal offense at all hours. Indecency regulation is only applied to broadcast services. Would it be in the public interest to have “safe harbor” restrictions on violent programming content? Should it apply to the broadcast medium only?

22. Alternatively, the Congress or the Commission could tie the application of any “safe harbor” to the television ratings system, as the bill pending before the Senate Commerce Committee does. That bill would declare it “unlawful for any person to distribute to the public at video and other electronic means to transmit or remotely access programming to children on the basis of its violent content when children are reasonably likely to comprise a substantial portion of the audience.” The Senate bill would also require the Commission, upon finding in ongoing review that the television ratings system and the V-chip were not accomplishing their intended purposes, to “prohibit the distribution of violent video programming during the hours when children are reasonably likely to comprise a substantial portion of the audience.” In other words, the bill would restrict violent programming to a “safe harbor” only if the programming has not been rated violent, or if the Commission finds that the ratings system and V-chip are not accomplishing their intended purpose. The bill does not distinguish between broadcast and non-broadcast media, and specifically notes that “[b]roadcast television, cable television, and video programming are (A) uniquely pervasive in the lives of American children; and (B) readily accessible to all American children.” We seek comment on whether the V-chip is accomplishing its intended purpose, and if not, whether the safe harbor approach represents the least restrictive means to protect children.

F. Statutory and Constitutional Issues

23. We seek to explore here the bounds of permissible action, both regulatory and statutory, in light of the relevant statutory and constitutional constraints. In their recent letter, members of the House Commerce Committee have asked whether the Commission currently has the authority to adopt a “safe harbor” for the broadcast of violent programming, “or whether Congress would need to provide the Commission with statutory authority to do so, and whether Congress could provide the FCC with that authority in a constitutional fashion.” Members of the House Commerce Committee have also asked about constitutional limitations on our ability to define the phrase “excessively violent programming that is harmful to children,” or to create a “safe harbor” for such programming. If such a mechanism were adopted, should there be an exception for news or other types of unrated programs? Should there be an exception for cultural, historical, or artistic merit?

24. The Communications Act gives the Commission broad authority to regulate the broadcast medium as the public interest requires. In order to grant a radio license, Title III of the Act requires the Commission to determine “whether the public interest, convenience, and necessity will be served by the granting of such
application,” and to issue a license only upon making an affirmative finding. Title III likewise directs the Commission, “as the public interest, convenience, and necessity requires,” to “[m]ake such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act.” However, Section 326 in Title III also states: “Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication.” Is the Commission’s general public interest authority sufficiently broad to regulate any form of violent programming, in light of Section 326? Does the DC Circuit’s recent decision in Motion Picture Association of America v. FCC (“MPAA”) suggest that the Commission’s public interest authority does not extend to regulation of violent program content?

25. The statutory prohibition against “obscene, indecent, or profane language,” upon which our ban on obscene speech and safe harbor for indecent and profane speech are based, does not implicate Section 326. Given the interest of members of the House Commerce Committee in creating a “safe harbor,” and its question whether we currently have the authority to adopt such a mechanism to regulate violence, could the Commission expand its definition of indecency to include violent programming? The Commission has traditionally defined indecency in terms of sexual or excretory organs and activities, but the Supreme Court has concluded that the term indecent “merely refers to nonconformance with accepted standards of morality” and that “neither our prior decisions nor the language or history of § 1464 supports the conclusion that prurient appeal is an essential component of indecent language.” Certain commentators go even further and argue that violent programming qualifies as obscene speech, which is not entitled to any First Amendment protection. In this regard, we note an opinion of the U.S. Court of Appeals for the Seventh Circuit declining to conflate obscenity and violence in the context of a particular ordinance regulating violent video games, yet suggesting that a demonstrated link between exposure to such games and deleterious effects could possibly provide a basis for regulation of violent “pictures.” We recognize that an interpretation of indecency or obscenity as encompassing violence would be novel, but we seek to determine the scope of existing standards to regulate violent programming, as members of the House Commerce Committee request.

26. How does Title V of the 1996 Act, entitled “Obscenity and Violence,” affect the Commission’s general authority in this area? Section 551 directed the Commission to prescribe “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,” if the television industry itself did not establish “voluntary rules” for rating such programming that were “acceptable to the Commission.” Does the reference to “violent or other indecent material” indicate that indecency encompasses violence, or does it suggest that Congress intended to empower the agency to regulate violent programming? Was the Commission’s authority under this provision at an end once it found the industry guidelines acceptable? In other words, does the statutory scheme suggest that Congress has occupied the field of media violence, such that the Commission cannot act without new legislation?

27. What is the extent of the Commission’s current authority over cable television in this area? Title VI of the Act states that “[a]ny Federal agency, State, or franchising authority may not impose requirements regarding the provision or content of cable services, except as provided in this title.” As indicated above, transmission of obscene and other speech is “unprotected by the Constitution of the United States” and is a criminal offense. Title VI also states that, “[i]n order to restrict the viewing of programming which is obscene or indecent, upon the request of a subscriber, a cable operator shall provide (by sale or lease) a device by which the subscriber may prohibit the viewing of a particular cable service during periods selected by that subscriber.” Title VI further states that “[u]pon request by a cable service subscriber, a cable operator shall, without charge, fully scramble or otherwise fully block the audio and video programming of each channel carrying such programming so that one not a subscriber does not receive it.” The Supreme Court has found this latter provision could be a less restrictive means than a “safe harbor” or “time channeling” requirement to protect children from sexually explicit programming. We seek comment on whether the Commission has authority to regulate violent programming on cable television other than as specifically provided in Title VI. Does the Commission have broader statutory authority to regulate violent programming on DBS and other non-broadcast subscription services, which are not covered by Section 544(f), than on cable services?

28. Assuming the Commission has or is granted statutory authority to regulate violent programming, what constitutional limitations apply? For example, given the definitional issues discussed above, how could Congress or the Commission define some form of violent programming in a way that is not unconstitutionally vague or overbroad? In addition, what standard of constitutional review should apply to broadcast regulation in this area? To non-broadcast? Even if protecting children from some form of violent programming is deemed a sufficiently important government interest, is a “safe harbor” the appropriate and most tailored means to accomplish that public policy? Given the mechanisms available to cable subscribers to block programming under Title VI, could a “safe harbor” constitutionally be applied to cable services? We seek comment on how Congress might legislate and the Commission might regulate in this area, consistent with applicable constitutional principles.

III. Positive Impact of Certain Television Programming

29. We recognize that television programming may have a positive influence on individual behavior, especially educational and informational material directed at children. The literature suggests that consumption of educational television programming correlates positively to children’s school preparedness and may also encourage beneficial social skills and behavioral development. Are there recent studies analyzing the socio-economic effects of television programming that we should be aware of? What broadcast or non-broadcast services carry such material? How are parents made aware that such programming is available? We seek comment on what actions Congress or the Commission may take to encourage more programming choices that have a positive effect on children’s development.

IV. Administrative Matters

30. Ex Parte Rules. Pursuant to section 1.1204(b)(1) of the Commission’s
31. Comments and Reply Comments. Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR 1.415, 1.419, interested parties must file comments on or before September 15, 2004, and reply comments on or before October 15, 2004. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998). Accessible formats (computer diskettes, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin, of the Consumer & Governmental Affairs Bureau, at (202) 418–7426, TTY (202) 418–7365, or at brian.millin@fcc.gov.

32. Comments filed through the ECFS can be sent as an electronic file via the Internet to http://www.fcc.gov/e-file/ecfs.html. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, “get form <your e-mail address>.” A sample form and directions will be sent in reply.

33. Parties who choose to file by paper must file and original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission’s contractor, Best Copy and Printing Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at Suite CY–B402, 445 12th Street, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail, should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

34. Additional Information. For additional information on this proceeding, contact Ben Golant at 418–7111.

V. Ordering Clause

35. Accordingly, it is ordered that, pursuant to the authority contained in sections 4(i), 303(g), 303(r), and 403 of the Communications Act, 47 U.S.C. 154(i), 303, and 403, this Notice of Inquiry is adopted.

Federal Communications Commission.
William F. Caton,
Deputy Secretary.
[FR Doc. 04–18467 Filed 8–11–04; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act; Meeting

DATE AND TIME: Tuesday, August 17, 2004 at 10 a.m.
PLACE: 999 E Street, NW., Washington, DC.
STATUS: This meeting will be closed to the public.
ITEMS TO BE DISCUSSED:
Compliance matters pursuant to 2 U.S.C. 437g.
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, August 19, 2004 at 10 a.m.
PLACE: 999 E Street, NW., Washington, DC (ninth floor).
STATUS: This meeting will be open to the public.
ITEMS TO BE DISCUSSED:
Correction and Approval of Minutes.
Final Rules on Political Committee Status.
Notice of Availability for a Petition for Rulemaking filed by Robert F. Bauer.
Routine Administrative Matters.

PERSON TO CONTACT FOR INFORMATION:
Mr. Robert Biersack, Acting Press Officer, Telephone: (202) 694–1220.
Mary W. Dove, Secretary of the Commission.
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FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 7, 2004.

A. Federal Reserve Bank of Atlanta
(Sue Costello, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309–4470:

1. YBHC Corp., Ponchatoula, Louisiana, to become a bank holding company by acquiring 100 percent of the voting shares of Your Bank, Ponchatoula, Louisiana.