

109TH CONGRESS
1ST SESSION

S. 946

To amend the Communications Act of 1934 to require multichannel video programming distributors to provide a kid-friendly tier of programming.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2005

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Communications Act of 1934 to require multichannel video programming distributors to provide a kid-friendly tier of programming.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kid Friendly TV Pro-
5 gramming Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) More than a decade ago, the American Psy-
9 chological Society concluded that “There is abso-
10 lutely no doubt that higher levels of viewing violence

1 on television are correlated with increased accept-
2 ance of aggressive attitudes and increased aggressive
3 behavior.”.

4 (2) A study in 2003 found that adults who were
5 “high TV-violence viewers” as children are more
6 than three-to-four times as likely as other adults to
7 be convicted of a crime and to use violence against
8 their spouses and other adults.

9 (3) Adults who watched more violent program-
10 ming as children were more likely to be arrested and
11 convicted for spousal and child abuse, murder and
12 aggravated assault.

13 (4) Ten percent of violent acts committed by
14 youths are attributable to their exposure to violence
15 on television.

16 (5) Forty percent of parents surveyed in 1999
17 in Rhode Island reported that at least one symptom
18 of post-traumatic stress disorder occurred after their
19 child viewed a scary event on television, and that
20 this symptom lasted at least 1 month.

21 (6) The average child who watches 2 hours of
22 cartoons a day will view almost 10,000 violent acts
23 a year.

24 (7) Teenagers who watched television with the
25 greatest amount of sexual content were twice as like-

1 ly to initiate sexual intercourse the following year as
2 those who watched television with the least amount
3 of sexual content.

4 (8) The Kaiser Family Foundation reported in
5 2002 that 72 percent of teenagers think sex on tele-
6 vision influences “somewhat” or “a lot” the sexual
7 behavior of their peers.

8 (9) The Kaiser Family Foundation reported in
9 2003 that 64 percent of all television shows have
10 some sexual content, and that in prime time, 71 per-
11 cent of the top 4 broadcast network shows have
12 some sexual content.

13 (10) The continued exposure of children to ob-
14 scene, indecent, sexual, or gratuitous or excessively
15 violent content on television is harmful to the public
16 health and welfare of communities across the coun-
17 try.

18 (11) Efforts to limit the exposure of children to
19 television programming that contains material with
20 obscene, indecent, violent, or sexual content, or to
21 impose fines and penalties for the broadcast of such
22 content, have not been successful in protecting chil-
23 dren from harmful content.

24 (12) The number of homes in the United States
25 that receive television programming via cable or sat-

1 elite providers is estimated to have grown to 85 per-
2 cent of American households, and of that percent-
3 age, an estimated 95 percent of the households sub-
4 scribe to basic or expanded basic programs.

5 (13) The efforts to limit the exposure of chil-
6 dren to harmful television content have not been
7 successful because Federal regulatory agencies have
8 not had the authority to require cable and satellite
9 providers to offer a child-friendly tier of program-
10 ming.

11 (14) Parents need more effective ways to limit
12 the exposure of children to television with harmful
13 content through alternative, child-friendly tiers of
14 programs.

15 **SEC. 3. BASIC TIER CONTENT RESTRICTIONS.**

16 Part IV of title VI of the Communications Act of
17 1934 (47 U.S.C. 631 et seq.) is amended by adding at
18 the end the following:

19 **“SEC. 641. KID-FRIENDLY PROGRAMMING TIER.**

20 “(a) IN GENERAL.—Within 1 months after the date
21 of enactment of the Kid Friendly TV Programming Act
22 of 2005, each multichannel video programming distributor
23 shall offer a child-friendly tier of programming consisting
24 of no fewer than 15 channels.

1 “(b) BLOCKING INSTRUCTIONS.—Beginning 6
2 months after the date of enactment of the Kid Friendly
3 TV Programming Act of 2005, each multichannel video
4 programming distributor shall provide, as part of the
5 monthly statement of charges, instructions for how to
6 block any channel whose content a subscriber may wish
7 to block.

8 “(c) PENALTIES.—In addition to any other penalty
9 imposed under this Act or title 18, United States Code,
10 failure to comply with the requirements of this section is
11 punishable by a civil penalty of up to \$500,000 per day.
12 Each day of such failure shall be considered a separate
13 offense.

14 “(d) CHILD-FRIENDLY DEFINED.—In this section,
15 the term ‘child-friendly tier’ means a group of channels
16 that do not carry programming, advertisements, or public
17 service announcements that would be considered inappro-
18 priate for children due to obscene, indecent, profane, sex-
19 ual, or gratuitous and excessively violent content.”.

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