

Mr. Speaker, it is fitting and appropriate for the House of Representatives to recognize the ongoing contribution of marina operators in the United States to our economy, our security, our environment, and most of all for providing us with a way of enjoying a day on the beautiful waterways of the United States.

I urge my colleagues to join us in supporting H. Res. 308 which recognizes our support for the goals of National Marina Day on August 13, 2005.

Mr. DICKS. Mr. Speaker, I rise in support of H. Res. 308, a bill supporting the goals of National Marina Day and urging marinas to continue providing environmentally friendly gateways to boating.

On August 13, we will celebrate National Marina Day. This annual celebration promotes the United States' 12,000 marinas and offers local marina operators the opportunity to host educational events to bring tens of thousands of people to our country's marinas. These marinas are gateways to boating and help maintain the natural environments that we enjoy. In fact, as we debate this resolution today, Americans throughout the country are using their summer vacations to enjoy their own recreational boats or to charter time on professionally operated vessels.

By serving as stewards of the environment, marina owners help protect our Nation's natural resources for generations to come. Marina operators and owners realize that the success of their industry relies in part on the health and beauty of their surroundings.

In addition, marina owners are working closely with the United States Coast Guard to step up vigilance at their facilities to improve security on U.S. waterways. These efforts include looking out for aggressive activities, attempts to gain access to vessels without proper identification, fixtures attached to structures, unusual diving operations, and vehicles and vessels in unusual locations. Marina owners are on the water every day and when something appears unusual they are able to alert the Coast Guard.

Boating is an important pastime as well as a major business activity in my congressional district. From inside Puget Sound to the Pacific coast of Washington State and the Straits of Juan de Fuca, marinas provide access for recreational sailors and motor-powered cruising boats in addition to home ports for charter boats and commercial fishermen.

Mr. Speaker, it is fitting for the U.S. House of Representatives to recognize the ongoing contribution of marina operators to our economy, our security, our environment, and most of all, for providing us with a way of enjoying a day on the water. I urge adoption of the resolution.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KOLBE). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and agree to the resolution, H. Res. 308.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. COBLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF THE HOUSE THAT THE FEDERAL TRADE COMMISSION SHOULD INVESTIGATE THE PUBLICATION OF THE VIDEO GAME "GRAND THEFT AUTO: SAN ANDREAS"

Mr. UPTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 376) expressing the sense of the House of Representatives that the Federal Trade Commission should investigate the publication of the video game "Grand Theft Auto: San Andreas" to determine if the publisher intentionally deceived the Entertainment Software Ratings Board to avoid an "Adults-Only" rating, as amended.

The Clerk read as follows:

H. Res. 376

Whereas the video game "Grand Theft Auto: San Andreas" was given a rating of "Mature" by the Entertainment Software Ratings Board;

Whereas the game contains sexually explicit content that is accessible by consumers but that appears to have been hidden from the ratings board in order to avoid the game receiving an "Adults Only" rating;

Whereas the Entertainment Software Ratings Board took swift action in investigating the matter and revoked the "Mature" rating, ensuring any future sales of "Grand Theft Auto: San Andreas" will be under an "Adults Only" rating; and

Whereas the publisher of the video game, Rockstar Games, may have deceived the ratings board and consumers: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the Federal Trade Commission should investigate the publication of the video game "Grand Theft Auto: San Andreas" to determine if the publisher, Rockstar Games, deceived the Entertainment Software Ratings Board to avoid an "Adults-Only" rating; and

(2) if the Commission determines Rockstar Games to have committed such deception or fraud, the Commission should apply the toughest of penalties.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentlewoman from Minnesota (Ms. MCCOLUM) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last week I was appalled to hear about the release of the new version of the video game Grand Theft Auto: San Andreas having a back door to porn embedded in its files. That kind of material would have certainly earned it an "Adults-Only" rating rather than the "Mature" rating that it has been marketing. I cannot imagine how a good player in the video game industry could make an honest mistake of something like that, so you have to wonder just what they are trying to do.

We have had hearings on rating video games as well as music and movies in our committee, and I believe fully that parents are the first line of defense for controlling what their kids watch. Up until now, parents have been able to trust the Entertainment Software Ratings Board, ESRB, to give them credible information about exactly what is in a video game. I want to make sure that that remains the case.

According to the Federal Trade Commission, the FTC, parents are involved in the purchase and rental of games more than 8 out of 10 times, better than 80 percent, making it indisputably clear that parents are the gatekeepers when it comes to deciding what games they bring into their homes.

The facts about consumer awareness and use of the ESRB ratings: 78 percent of parents are aware of the rating system, up 8 percent in the last 2 years; 61 percent of parents are aware of content descriptors, up 53 percent in the last 2 years; 70 percent of parents regularly check the rating before making a purchase. If this company purposely hid that information or material to make a sham of the ratings, it is nothing less than deceptive advertising and it ought to be punished, in this case severely.

My resolution, coauthored by the gentleman from Massachusetts (Mr. MARKEY), calls on the Federal Trade Commission to investigate Rockstar Games to see if they intentionally deceived the ratings board to avoid the Adults-Only rating, and, if they determine that such deception or fraud has taken place, that they apply the very toughest of penalties or sanctions. The video game industry has gone into great detail to define their ratings, but I want parents to feel confident that the labeling of the video games that they allow their kids to play or purchase is reliable and that bad actors do not get away with deceptions like this.

Mr. Speaker, if these ratings were willfully violated, they ought to be punished, and a firm should not be allowed to profit from that outrageous circumstance when those rules are followed by so many families when they buy or see the video games in their homes. This resolution calls for that.

Mr. Speaker, I include for the RECORD a letter that I sent earlier this week to the Chair of the FTC signed by more than 75 Members of Congress, the cover letter signed by the gentleman from Michigan (Mr. DINGELL), the gentleman from Texas (Mr. BARTON), the

gentleman from Massachusetts (Mr. MARKEY) and myself, asking that the FTC take every action that they can if, in fact, the material shows that it was wrong in terms of getting the “M” rating.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 21, 2005.
Hon. DEBORAH PLATT MAJORAS,
Chairman, Federal Trade Commission,
Washington, DC.

CHAIRMAN MAJORAS: We write to express our profound concern regarding the sexually explicit material contained in the rated “M” video game “Grand Theft Auto: San Andreas.” We ask for your attention to this matter and to determine if the publisher, Rockstar Games, intentionally deceived the Entertainment Software Rating Board to avoid an “Adults-Only” rating. We believe that they may have and the toughest penalties need to be applied.

The recent release of “Grand Theft Auto: San Andreas” was widely anticipated by consumers, but an “Adults-Only” rating would have severely limited its sales in retail outlets. It appears that the publisher has blatantly circumvented the rules in order to peddle sexually explicit material to our youth, and they should be held accountable.

We stand in agreement that parental involvement is the most important line of defense in determining the type of content suitable for children, and the ratings system empowers parents to do just that. Unfortunately, this latest incident of deceit has severely degraded the integrity of the ratings system. How can parents trust a system in which game makers do an end-run around the process to deliver pornographic material to our kids?

We appreciate the ESRB’s swift action in investigating the matter and revoking the M rating and ensuring any further sales of “Grand Theft Auto: San Andreas” will be under an AO rating. But this action should have never been necessary had Rockstar Games complied with industry standards from the outset.

We respectfully request that you investigate this matter, and if Rockstar Games is found to have intentionally deceived American consumers, we ask that severe sanctions are imposed to the greatest extent under the law. This type of profiteering from peddling smut to minors must not be tolerated. A company cannot be allowed to profit from deceit.

We appreciate your attention to this matter and look forward to your response.

Sincerely,
Fred Upton, Ed Markey, Joe Barton, John Dingell, and 75 other Members of Congress.

Mr. Speaker, I reserve the balance of my time.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the opportunity to speak on House Resolution 376. I would like to commend the resolution’s author, the gentleman from Michigan (Mr. UPTON). I agree with the previous remarks made by him.

Let me start by commanding an organization, however, I have worked with over the past 3 years, the National Institute on Media and the Family, and its founder Dr. David Walsh, for uncovering and exposing this video game scandal. Dr. Walsh and the Institute on Media and the Family have for years been calling for an independent rating system on interactive video games.

They have been national leaders on calling on retail stores across the country to ensure age-specific ratings are enforced. I agree, and I support an independent rating system and retailer responsibility.

The video game industry has a scandal on its hands, and parents across America have been given a wake-up call. Video games can be fun, but they can also be very powerful tools for exposing children to violence, sex and inappropriate material. *Grand Theft Auto: San Andreas* is not a video game. It is a violent and sexually explicit tool to train virtual victimizers in crime and sexual violence, and this was before the current pornographic scenes were exposed.

In a review of *Grand Theft Auto: San Andreas* on Amazon.com, it is described as “even more bloody, violent and sadistic than its popular predecessors, offering up an enormous 3-D city in which nearly any criminal act is possible. Players are free to steal cars, beat up the local population for their money or weapons, to make time with prostitutes, or to simply roam to their heart’s content.” That was a review before the pornographic scenes were made known.

Dr. Walsh has been, as I said, outspoken on this issue. Even before the pornographic scenes were exposed, Dr. Walsh, and I quote him as saying, this was not an appropriate game for our children, this violence training tool was rated “M” for mature, meaning the material was suitable for persons age 17 and older. Titles in this category may contain intense violence, blood and gore, sexual conduct, and/or strong language. The shooting of police officers, the killing of senior citizens for sport and winning points for sleeping with prostitutes and then killing them is not a game for 17-year-olds. It is disgusting, and it is a vile example of an industry with enormous potential being hijacked.

However, I would like to applaud two Minnesota-based retailers, Best Buy and Target, for their responsible and prudent decision to remove this so-called “game” from their shelves. I strongly support the intent of this resolution.

I would also like to enter for the RECORD two editorials, one from the Minneapolis Star Tribune and one from the New York Times, calling on action because of this game.

[From the Minneapolis Star Tribune, July 25, 2005]

GRAND THEFT/ABSENT PORN, STILL NOT FOR TEENS

Take-Two Interactive and Rockstar Games must have thought they were pulling a fast one on parents. Hidden in the bestselling video game “Grand Theft Auto: San Andreas”—activated by an Internet download and a code—are scenes that allow players to engage in virtual sex acts.

But the inside joke eventually went public. And people didn’t laugh.

Last week, the Entertainment Software Ratings Board (ESRB) slapped an AO (adults only 18-plus) rating on the popular video

game. Immediately, Wal-Mart, Target, Best Buy and several other retailers pulled it from their shelves. Rockstar, the game’s developer, which for weeks blamed “outsiders” for the sexually explicit modifications, now admits that the retail version was produced with them on the game. It has now ceased production of that version and will produce one minus the pornography.

Before someone is tempted to nominate either company for a Good Citizenship Award, keep in mind what will remain on the game. “Grand Theft Auto: San Andreas” is definitely not “Ms. Pacman.” An amazon.com review describes it as “even more bloody, violent, and sadistic than its popular predecessors, offering up an enormous 3-D city in which nearly any criminal act is possible. Players are free to steal cars, beat up the local population for their money (or weapons), make time with prostitutes, or simply roam to their heart’s content.”

The “toned-down” version will be rated Mature, making it available for anyone 17 or older.

The violence in “Grand Theft Auto” is not an aberration. Take-Two is excited about its upcoming release, “Bully.” Take-Two says “you’ll laugh and cringe as you stand up to bullies, get picked on by teachers, play pranks on malicious kids, win or lose the girl, and ultimately learn to navigate the obstacles of the fictitious reform school, Bullworth Academy.” Given its track record with other games, it is safe to assume gunplay will be featured prominently in “Bully.” We wonder if the folks in Littleton, Colo., or Cold Spring, Minn., will laugh.

This all alarms David Walsh, president and founder of the National Institute on Media and the Family. His research shows that the teen brain is still a work in progress, struggling to manage sexual and violent impulses. These games, which are marketed toward teens, should not be in the hands of teens, he believes.

We agree. The rating system for video games simply doesn’t work. The ESRB was established by the Entertainment Software Association. Advising the ESA is an executive from Take-Two Entertainment, which owns Rockstar, which makes of “Grand Theft Auto.” It’s comparable to letting the defense attorney serve as the jury foreman.

This industry repeatedly has shown it can’t be trusted to monitor itself. There is too much money to be made from young people by keeping ratings standards relaxed, and there are no penalties for companies that skirt the rules.

Parents aren’t off the hook. They need to take more of an interest in the kinds of games their children are playing. But a truly independent oversight body is necessary. By evaluating and rating these games, a proper oversight panel would help arm parents with the information they need to ensure the video games their children are playing are age-appropriate.

[From the New York Times, July 21, 2005]

VIDEO GAME KNOWN FOR VIOLENCE LANDS IN RATING TROUBLE OVER SEX

(By Seth Schiesel)

Under pressure from Democratic senators, the board that rates video games assigned the latest installment of the *Grand Theft Auto* series an adults-only label yesterday, effectively removing it from the shelves of most major retail stores.

The decision comes a few weeks after independent programmers uncovered a sexually suggestive scene that the game’s creators say was never meant to be seen.

The board’s president, Patricia Vance, said yesterday that the move was the first time in years that the group, the Entertainment

Software Rating Board, had changed the rating for a game that had already been released. The rating was changed to "Adults Only" from "Mature," which is meant to signal appropriateness for players 17 and older.

Several top video game retailers, including Wal-Mart and Target, said yesterday that they would no longer sell the current version of the game, *Grand Theft Auto: San Andreas*.

Like the motion picture ratings system, the video game's review system is nominally voluntary but usually compulsory in practice. Just as major movie theater chains almost always refuse to exhibit NC-17 movies, most mainstream retailers refuse to stock adults-only games.

The game's developer, Rockstar Games, which is owned by Take-Two Interactive, said yesterday that it would stop making the current version of the game and would release a new version as soon as possible.

Fueled by a mix of freewheeling play and rough-and-tumble urban motifs, the *Grand Theft Auto* series has become one of the world's most popular game franchises. According to the NPD Group, a market research firm, the game had sold more than 21 million copies since 2001 and had generated \$924 million in revenue for Rockstar Games.

Even as game players, mostly young men, have flocked to the series, politicians have signaled it out for its violence and sexually suggestive material.

The franchise's latest installment, *San Andreas*, has sold almost six million copies since its release in October but has drawn close scrutiny in recent weeks after independent game enthusiasts uncovered a sex-oriented "minigame" that had been hidden in the program's code.

To unlock the hidden scene, a user must download a program from the Internet known as Hot Coffee that was created by fans of the game. The scene depicts mostly clothed digital people performing sex movements.

"An artist makes a painting, then doesn't like the first version and paints over the canvas with a new painting, right?" said Rodney Walker, a spokesman for Rockstar Games. "That's what happened here. Hackers on the Internet made a program that scratches the canvas to reveal an earlier draft of the game."

Yesterday's decision by the rating board is sure to fuel tension between game companies and a subset of their players, known as modders, who make modifications for their favorite titles. Many companies, including Rockstar, have traditionally encouraged modders as a way of extending the life and relevance of their games.

But yesterday's action may also encourage publishers to make their games less alterable so that they are not held responsible for the changes the modders make or the old code that they unearth.

In a statement, Take-Two said that it was considering legal action against companies that help game players change the content.

Game players can buy devices on Web sites that allow them to alter games for consoles like Sony's PlayStation 2 that are impossible for normal users to change. On personal computers, users can change their games without special hardware.

Ms. Vance, the board's president, said that the mere presence of the Hot Coffee scene on the game disc, even in locked form, was cause to change the rating.

"This is the first time that we have dealt with a third-party modification and this raises a number of issues that we as an industry will have to deal with," Ms. Vance said.

"We want to make it very clear to publishers that they must clean up their product

before shipping it," she said. "In the past they may have included content on the disc that they never intended the audience to access, but now hackers have sophisticated tools to unlock this stuff and the publishers have to be sure to either disclose the material to us or delete it."

Yesterday's move came as the industry and the ratings board have come under increasing political pressure. After reports about the modification, Senator Hillary Rodham Clinton, Democrat of New York, called on the Federal Trade Commission last week to investigate the game's earlier mature rating.

Mr. Walker of Rockstar said the company intended to release a new version of the game without the Hot Coffee code as soon as possible.

Ms. Vance said such a move would restore the Mature rating, and a Wal-Mart spokeswoman said that her company would almost certainly restock the new version.

Nonetheless, Take-Two lowered its financial forecast for its year that ends in October.

The company said it expected net sales for the year of \$1.26 billion to \$1.31 billion, down from an earlier forecast of \$1.3 billion to 1.35 billion. The company said it expected earnings of \$1.05 to \$1.12 a share, down from an earlier forecast of \$1.40 to \$1.47 a share.

The Federal Trade Commission should look into this matter and investigate how this hidden material was placed in *Grand Theft Auto*. Parents across America must learn from this episode and participate and understand the games that their children are playing. They must play the games with their children when they bring them home and constantly review as the child progresses through the game, as the game changes. But right now what is needed more than ever is an independent rating system. We need it. We need it immediately.

Mr. Speaker, I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am a dad. I have got two teenagers. My son has an X Box game. We are very careful in terms of the games that come into our house, both when we go to the store to purchase them as well as what both he and my daughter watch. It is my clear understanding, and the gentlewoman from Minnesota and my colleagues here know it is our understanding, that this particular video game never should have had an "M" rating. It always should have been an "Adults-Only." Had it had an "Adults-Only," it would not have been on the shelves of a number of different major retail stores, whether they be Best Buy, Sears, Wal-Mart, et cetera. It was appropriate that they immediately remove those games from their shelves.

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It is not appropriate. We are thinking that we are taking the right steps to send that message for all families across this country. Not only did we get the letter that was signed literally in about 10 minutes by more than 75 Members of this House in a bipartisan approach, but I have called the FTC to talk with them as well to make sure

that if, in fact, they did violate the standard that they ought to use every sanction that they can to go after this particular manufacturer.

But this resolution spells it all out as well. And I would urge my colleagues to support this resolution because that indeed will send the message not only to this particular gamemaker but to use all the strength that the FTC has for those who violate those standards that we ought to seek sanctions appropriately to go after them so they do not profit from despicable games like this that no 13-year-old ought to be exposed to, let alone families across the country.

Mr. BACA. Mr. Speaker, I rise in support of H. Res. 376, to ask the FTC to look into the misrating of the "Grand Theft Auto" video game.

I have been working on this issue for the last five years, since 2000, and have been working also with Representative WOLF and others to ensure that members and the public understand the importance of this issue to our children. It's good to know that other members are becoming aware of the problem and together we can work in a bipartisan effort and make a difference.

Through our hard work, and that of those who are with us, the ESRB, the Voluntary Industry Rating Board, has now changed the rating of "Grand Theft Auto" from an M to an AO. That is not enough, because there are literally dozens of games out there that have the same type of offensive content, and the burden is now on the industry to explain why all of those games should not be rated AO, also.

But we will not wait for the industry. We must take action now. We must step up the pressure. For this reason, we have asked the FTC to scrutinize all video games, including "Grand Theft Auto", to make sure they are properly rated. We appreciate the continued expression of support by the Congress. Together we can make a difference.

My legislation, the Software Accuracy and Fraud Evaluation Rating Act or Safe Rating Act (H.R. 1145), would empower parents, by calling upon the FTC to look at all video game ratings.

Parents are the gatekeeper for what their children watch or play, but how can they do that, if the ratings are not accurate? How can they do that if the ratings are confusing? We must empower parents!

The decision to rate "Grand Theft Auto—San Andreas" as adults only represents a small victory for those of us who have been calling on the video game industry to clean up its act.

However, the industry's self-regulation is a case of the fox guarding the hen house—and American children are at risk because of this.

Although the ratings board has decided in July of 2005 that *San Andreas* should be rated adults only, it has already been sold for at least 18 months, earning millions of dollars for its producer. In fact, it was the best-selling game of 2004! And that means that millions of American children have played it, being exposed to graphic violent and sexual content.

Parents are confused by the ratings and angry that their kids are being exposed to filth and violence.

I hear from concerned parents in my district in California and from all over America.

The most important step we should take now is to pursue an investigation by the Federal Trade Commission into the video game rating system as my legislation calls for.

I have recently met with the FTC chairwoman Deborah Majoras to press for changes in how the games are reviewed and rated.

This is a \$25 billion worldwide industry that makes much of its profits by targeting teenage and younger boys.

The industry can give a game an M rating with a wink because it knows that any kid can buy a game even if it has an M rating.

There are several problems with the M Rating:

The wording on the label (in the small print on the back of the package) does not give parents a full and honest understanding of what is really in the game.

The M rating is confusing because the criteria that the industry uses to determine an M rating is almost identical to what it uses for the adults only rating.

Kids are buying these games! This month CBS News reported the results of a recent study: Despite the warning labels, 50 percent of boys age 7–14 have bought a game rated-M, for mature audiences, and a stunning nine out of ten of the boys have played them.

These games are harmful to children. Playing a violent or graphic video game hurts a child even more than watching a violent movie or TV show or listening to an obscene song because the child is role playing. The child assumes the identity of a criminal or a gang member.

Too many video games glorify and reward violent and criminal behavior. Why don't the video games feature heroic characters? Instead of having a child act like a cop-killer, why not make him a police officer? Instead of someone who kills, why not make him a life-saver, like a fireman or a doctor?

It's time that the video game industry acted responsibly. It's time to take a hard look at their ratings. We must support this legislation on the floor today, and I urge all members to give their full support to my bill, H.R. 1145, to have the FTC look at the ratings of all video games.

Mr. WOLF. Mr. Speaker, with consideration of H. Res. 376, which expressed the sense of the House of Representatives that the Federal Trade Commission Should Investigate the Publication of the Video Game "Grand Theft Auto: San Andreas" to determine if the publisher intentionally deceived the Entertainment Software Ratings Board to avoid an "Adults-Only" rating, I would like to enter a recent article from the Los Angeles Times into the RECORD. This article highlights the conflict of interest that is inherent in a voluntary rating system. The real question is: Can you trust this industry?

[From the Los Angeles Times, July 21, 2005]

HIDDEN SEX SCENES SPARK FUROR OVER VIDEO GAME

(By Alex Pham)

The oversight board that puts parental ratings on video games took the unusual step Wednesday of slapping its strongest warning on a bestselling title as the game maker admitted putting explicit, interactive sex scenes on the disc.

Retailers began pulling copies of "Grand Theft Auto: San Andreas" from their shelves after the Entertainment Software Ratings Board revoked the game's "Mature" rating and raised it to "Adults Only." Publisher

Take-Two Interactive Software Inc. said it planned to rework "San Andreas"—the top-selling video game of 2004—and reissue it later this year.

The ratings board is similar to the Motion Picture Assn. of America's rating board. A "Mature" rating is analogous to an R movie rating, and "Adults Only" is equivalent to NC-17. Most retailers refuse to sell "Adults Only" games.

Executives at New York-based Take-Two had denied for weeks that company programmers were responsible for the graphic sex scenes, which can be unlocked with software that was widely available on the Internet. But Wednesday they acknowledged that the game's designers had created the scenes, dubbed "Hot Coffee."

"The editing of any game is a highly technical process," said Take-Two spokesman Rodney Walker. "We liken it to a painter who paints one painting and paints over it on the same canvas."

Walker's explanation did little to mollify critics, who point to the "Grand Theft Auto" series to highlight the issue of violence and sexuality in video games. The games celebrate nihilistic killing, and Take-Two has reveled in its image as the bad boy of a \$25-billion global game industry that's trying to gain respectability to match its profits.

"It looks like Take-Two Interactive purposefully conned the video game industry rating board and parents across the country," said Washington state Rep. Mary Lou Dickerson. "'San Andreas,' as a top-selling game in the country, now is in the hands of thousands of children who can practice interactive pornography. There should be legal consequences . . . so [the company doesn't] laugh all the way to the bank."

"San Andreas," which retails for about \$50, has sold more than 12 million copies worldwide since its launch in October. "Mature" rated games are intended for players older than 17. Many retailers keep such games under lock and key and have policies requiring clerks to check the identification of buyers.

Wal-Mart Stores Inc., which accounts for as much as 20% of video game sales in the United States, began removing "San Andreas" from its shelves Wednesday, as did Best Buy Co.

"Our policy is not to carry any adult titles on our shelves," said Wal-Mart spokeswoman Karen Burk, who said buyers "can certainly bring the product back" for a refund.

Take-Two said it would make a patch available for downloading so that customers could block the sex scenes.

Word of the scenes began spreading over the Internet last month after Dutch programmer Patrick Wildenbourg began distributing software that he said unlocked them.

Many video games have secrets to which players gain access as they progress. They might, for instance, win extra powers or reach hidden levels.

"Hot Coffee," by contrast, is an interactive sex game, featuring oral sex and intercourse.

Wildenbourg, who removed his software from the Internet on Wednesday, declined to comment.

As late as last week, Take-Two had insisted that the sex scenes were "the work of a determined group of hackers who have gone to significant trouble to alter scenes in the official version of the game." Hackers, the company said, created the scenes by "disassembling and then combining, recompling and altering the game's code."

The scenes prompted an outcry from game critics, including Sen. Hillary Rodham Clinton (D-N.Y.), who last week called for a federal investigation into "Hot Coffee."

The Entertainment Software Ratings Board began a review to determine whether

the scenes were part of the game's original code and warranted a re-rating of "San Andreas," versions of which play on Sony Corp.'s PlayStation 2, Microsoft Corp.'s Xbox and personal computers.

"After a thorough investigation, we have concluded that sexually explicit material exists in a fully rendered, unmodified form on the final discs of all three platform versions of the game," said Patricia Vance, president of the ratings board. "Clearly the [original] rating was incorrect, and it needed to be corrected."

Take-Two's Walker said Wednesday that the sex scenes were never meant to be seen by the public and that they were revealed only when an outside programmer, called a "modder," wrote software to unlock them.

"The mod community scratched the painting, revealing the earlier work," he said.

Analysts estimated that modifying and re-marketing "San Andreas" would cost Take-Two about \$40 million in lost sales. Shares of Take-Two fell 11% in after-hours trading.

"It was a very poor exercise of judgment and a very costly one," said Michael Pachter, a video game industry analyst at Wedbush Morgan Securities in Los Angeles. "It's an embarrassment for management because obviously a maverick developer in their studios decided to put this stuff in there. I can only fault the management team for not putting systems in place to vet their games."

Take-Two is no stranger to controversy. Previous installments of "Grand Theft Auto" have been adored by hard-core gamers but excoriated by parent groups and lawmakers for their depictions of violence and sex.

In one, players could have sex with a prostitute and then beat her to death and take back their money. That game was rated "Mature" because players did not see the sex. Instead, they saw a parked car rock back and forth.

Some lawmakers criticized the ratings board for failing to detect the sex scenes in its initial evaluation of "San Andreas" last year. Although the system is voluntary, most game publishers seek a rating from the organization, which evaluated more than 1,000 titles last year.

"It should not have taken this long," said Rep. Joe Baca (D-Rialto). "This is evidence that the voluntary ratings system does not work."

Video game industry executives tried to assure parents that the "San Andreas" incident was an anomaly.

The ratings board "has been in business for 11 years, and there has never yet been an incident of this kind," said Doug Lowenstein, head of the Entertainment Software Assn., the industry's trade group. "You're looking at well over 10,000 games rated. If you look at that track record, you can say parents have every reason to be confident in the ratings system."

Some consumers weren't completely reassured.

"As a parent I've lost some confidence in the [ratings board's] ability to police the industry," said Dennis McCauley, editor of GamePolitics.com. "But [the board] did take a big step today, and I have to give them credit for that."

Mr. UPTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KOLBE). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and agree to the resolution, H. Res. 376, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. UPTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair earlier announced to the Members that there would be a moment of silence observed at this time in honor of Officers Gibson and Chestnut.

However, this moment of silence will be observed this evening in between votes, which will commence at 6:30 p.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 47 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on three of the motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.J. Res. 59 by the yeas and nays;

H. Con. Res. 181 by the yeas and nays; and

H. Res. 376 by the yeas and nays.

Proceedings on the other postponed questions will resume on another day.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in the series will be a 5-minute vote.

EXPRESSING SENSE OF CONGRESS WITH RESPECT TO COMMEMORATION OF WOMEN SUFFRAGISTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H. J. Res. 59, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the joint resolution, H. J. Res. 59, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 378, nays 0, not voting 55, as follows:

[Roll No. 417]

YEAS—378

Abercrombie	DeGette	Jones (NC)	Northup	Ross	Tancredo
Ackerman	DeLauro	Jones (OH)	Norwood	Royal-Allard	Tanner
Aderholt	DeLay	Kanjorski	Nunes	Royce	Tauscher
Akin	Dent	Kaptur	Oberstar	Ruppersberger	Taylor (MS)
Alexander	Diaz-Balart, L.	Keller	Obey	Ryan (OH)	Taylor (NC)
Allen	Dicks	Kelly	Olver	Ryan (WI)	Thomas
Andrews	Dingell	Kennedy (MN)	Osborne	Ryun (KS)	Thompson (CA)
Baca	Doggett	Kennedy (RI)	Otter	Sabu	Thompson (MS)
Bachus	Doyle	Kildee	Owens	Salazar	Thornberry
Baird	Drake	Kind	Oxley	Sánchez, Linda	Tiahrt
Baker	Dreier	King (IA)	Pallone	T.	Tierney
Baldwin	Duncan	Kingston	Pascrill	Sanchez, Loretta	Towns
Barrett (SC)	Edwards	Kline	Pastor	Sanders	Turner
Barrow	Ehlers	Knollenberg	Paul	Saxton	Udall (CO)
Bartlett (MD)	Emanuel	Kolbe	Payne	Schakowsky	Udall (NM)
Barton (TX)	Emerson	Kucinich	Pearce	Schwartz (PA)	Upton
Bass	Engel	Kuhl (NY)	Pence	Schwarz (MI)	Van Hollen
Beauprez	English (PA)	LaHood	Peterson (MN)	Scott (GA)	Velázquez
Berkley	Eshoo	Langevin	Peterson (PA)	Scott (VA)	Visclosky
Berry	Etheridge	Lantos	Petri	Sensenbrenner	Walden (OR)
Biggert	Evans	Larsen (WA)	Pickering	Serrano	Walsh
Bilirakis	Everett	Larson (CT)	Pitts	Sessions	Wamp
Bishop (GA)	Farr	Latham	Platts	Shadegg	Wasserman
Bishop (NY)	Ferguson	LaTourette	Poe	Shaw	Schultz
Blackburn	Filner	Leach	Pombo	Sherman	Waters
Blumenauer	Fitzpatrick (PA)	Lee	Pomeroy	Sherwood	Watson
Blunt	Flake	Levin	Porter	Shimkus	Wat
Boehlert	Foley	Lewis (CA)	Price (GA)	Shuster	Waxman
Boehner	Forbes	Lewis (GA)	Price (NC)	Simmons	Weiner
Bonilla	Fortenberry	Lewis (KY)	Putnam	Simpson	Weller
Bonner	Fox	Lipinski	Ramstad	Skelton	Westmoreland
Bono	Frank (MA)	LoBiondo	Rangel	Slaughter	Wexler
Boozman	Franks (AZ)	Lofgren, Zoe	Regula	Smith (NJ)	Whitfield
Boren	Frelinghuysen	Lowey	Rehberg	Smith (TX)	Wicker
Boswell	Garrett (NJ)	Lucas	Reichert	Smith (WA)	Wilson (NM)
Boucher	Gerlach	Lungren, Daniel	Renzi	Snyder	Wilson (SC)
Boustany	Gilchrest	E.	Reynolds	Solis	Young (AK)
Boyd	Gillmor	Lynch	Rogers (AL)	Spratt	Wolf
Bradley (NH)	Gingrey	Mack	Rogers (KY)	Stark	Woolsey
Brady (PA)	Gohmert	Maloney	Rogers (MI)	Stearns	Wu
Brady (TX)	Gonzalez	Manzullo	Rohrabacher	Stupak	Wynn
Brown (OH)	Goode	Marchant	Ros-Lehtinen	Sullivan	
Brown (SC)	Goodlatte	Markey			
Burgess	Gordon	Marshall			
Burton (IN)	Granger	Matheson			
Butterfield	Graves	Matsui			
Calvert	Green (WI)	McCarthy			
Camp	Green, Al	McCaull (TX)			
Cantor	Green, Gene	McCollum (MN)			
Capito	Grijalva	McCotter			
Capps	Gutknecht	McCrary			
Capuano	Hall	McDermott			
Cardin	Harman	McGovern			
Cardoza	Harris	McHenry			
Carnahan	Hart	McHugh			
Carson	Hastings (FL)	McIntyre			
Carter	Hastings (WA)	McKeon			
Case	Hayes	McKinney			
Castle	Hayworth	McMorris			
Chabot	Heffley	McNulty			
Chandler	Hensarling	Meehan			
Chocola	Herger	Meek (FL)			
Cleaver	Herseth	Meeks (NY)			
Clyburn	Higgins	Melancon			
Coble	Hinchey	Menendez			
Conaway	Hoekstra	Mica			
Conyers	Holden	Michaud			
Costa	Holt	Millender-			
Costello	Honda	McDonald			
Cox	Hooley	Miller (FL)			
Crenshaw	Hoyer	Miller (NC)			
Crowley	Hunter	Miller, Gary			
Cubin	Hyde	Miller, George			
Cuellar	Inglis (SC)	Moilahan			
Culberson	Inslee	Moore (KS)			
Cummings	Israel	Moore (WI)			
Davis (AL)	Issa	Moran (KS)			
Davis (CA)	Jackson (IL)	Moran (VA)			
Davis (FL)	Jackson-Lee	Murphy			
Davis (IL)	(TX)	Murtha			
Davis (KY)	Jefferson	Musgrave			
Davis (TN)	Jindal	Myrick			
Davis, Jo Ann	Johnson (CT)	Nadler			
Davis, Tom	Johnson (IL)	Napolitano			
Deal (GA)	Johnson (E. B.	Neugebauer			
DeFazio	Johnson, Sam	Ney			

NOT VOTING—55

Bean	Ford	Pelosi
Becerra	Fossella	Pryce (OH)
Berman	Galllegly	Radanovich
Bishop (UT)	Gibbons	Rahall
Brown, Corrine	Gutierrez	Reyes
Brown-Waite,	Hinojosa	Rothman
E.	Hobson	Rush
Lynch	Hostettler	Schiff
Mack	Hulshof	Shays
Maloney	Istook	Sodrel
Manzullo	Jenkins	Tucker
Marchant	Kilpatrick (MI)	Strickland
Markey	Cramer	Sweeney
Marshall	Cunningham	Kirk
Matheson	Delahunt	Linder
Matsui	Diaz-Balart, M.	Miller (MI)
McCarthy	Doolittle	Neal (MA)
McCaull (TX)	Fattah	Nussle
McCollum (MN)	Feeney	Ortiz

□ 1854

Ms. WOOLSEY and Mr. FERGUSON changed their vote from "nay" to yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the joint resolution was amended so as to read: "Joint Resolution Expressing the sense of Congress with respect to the women suffragists who fought for and won the right of women to vote in the United States."

A motion to reconsider was laid on the table.

Stated for:

Mr. KIRK. Madam Speaker, on rollcall No. 417 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. SCHIFF. Madam Speaker, on rollcall No. 417 had I been present, I would have voted "yea."