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110TH CONGRESS }
2d Session }

SENATE

{ REPORT
110-268 }

CHILD SAFE VIEWING ACT OF 2007

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 602



MARCH 3, 2008.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

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

REPORT

[To accompany S. 602]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 602) to develop the next generation of parental control technology, 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. 602 is to require the Federal Communications Commission (FCC) to begin a notice of inquiry within 90 days of enactment to examine the existence and availability of advanced blocking technologies that parents could use across a variety of communications devices or platforms to protect their children from inappropriate content.

BACKGROUND AND NEEDS

Section 551 of the Telecommunications Act of 1996, also known as the *Parental Choice in Television Programming Act*, directs the FCC to adopt rules that require certain televisions or devices capable of receiving television signals to “be equipped with a feature designed to enable viewers to block display of all programs with a common rating” Following the adoption of this provision, the broadcast, cable, and movie industries jointly created a voluntary system for rating television content, often referred to as the *TV Parental Guidelines*. These guidelines were then recognized by the FCC as meeting the requirements of section 551 and incorporated into rules mandating the adoption of V-Chip technology in certain televisions and devices capable of receiving television signals.

Subsequent to the FCC's approval of the ratings, a study conducted in 2000 by the Annenberg Public Policy Center provided 110 families with television sets with V-Chips. Roughly half were given special training on how to program the V-Chip as well as detailed information about the meaning of television ratings, while the other half received no special training in how to use the V-Chip. After one year, the Annenberg study found that only 8 percent of these families had the V-Chip programmed and were actively using it. Only 6 percent of families could name one of the ratings for children's programs and only 4 percent of families could identify that a "D" content rating identified suggestive dialogue.

Similarly, a 2001 study by the Kaiser Family Foundation (KFF) estimated that only 7 percent of parents have used the V-Chip, despite the fact that 40 percent of American families had at least one V-Chip-enabled television. There has been only a modest improvement in these usage figures over time. In 2004, the KFF found that 15 percent of parents have used the V-Chip. In 2007, the KFF found that 16 percent of parents say they have used the V-Chip to block objectionable programming. Although 82 percent of parents now say that they have purchased a new television since January 1, 2000, more than half (57 percent) are not aware that they have a V-Chip.

In 2004, the FCC received a request from thirty-nine members of the House of Representatives asking that the agency undertake an inquiry on television violence. In response, the FCC issued a Notice of Inquiry, seeking public input on a variety of matters related to the issue of violent television content. The FCC received hundreds of filings from interested parties and individuals. On April 25, 2007, the FCC released its report on violent programming and its impact on children. In the report, the FCC found that, on balance, research provides strong evidence that exposure to violence in the media can increase aggressive behavior in children, at least in the short term.

Section 551(e) of the Telecommunications Act of 1996 (47 U.S.C. 330(c)), also requires the FCC to ensure that blocking capability continues to be available to consumers as technology advances. Specifically, that section requires the FCC to "take such action as the Commission determines appropriate" to assess alternative program blocking technologies and to expand the V-Chip requirement, if necessary, to facilitate the use of alternative technologies that may not rely on common ratings. Since that time, however, the FCC has taken no significant action to consider the viability or availability of alternative blocking technologies that could be used by parents to shield children from inappropriate content. In that regard, S. 602 would require the Commission to gather information about the availability of "alternative blocking technologies" and to consider measures, other than proposals affecting the price or packaging of content, to encourage the development, deployment, and use of such technology. In recognition of the fact that television content is currently being made available over the Internet and over mobile devices, the legislation also requires the FCC to consider alternative blocking technologies that may be appropriate across a wide variety of content distribution platforms.

LEGISLATIVE HISTORY

On February 15, 2007, Senator Pryor introduced S. 602, a bill to develop the next generation of parental control technology. The bill was cosponsored by Senators Dorgan, Kohl, Johnson, and Menendez. On June 26, 2007, the Senate Committee on Commerce, Science, and Transportation held a hearing entitled the *Impact of Media Violence on Children*, which reviewed the effectiveness of efforts by the Congress, FCC, and industry to limit children's exposure to violent images on cable and broadcast television.

On August 2, 2007, the Committee held an executive session at which S. 602 was considered. The Committee adopted an amendment in the nature of a substitute and ordered the bill reported by voice vote.

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. 602—Child Safe Viewing Act of 2007

S. 602 would require the Federal Communications Commission (FCC) to initiate a notice of inquiry to the telecommunications industry to consider the existence and availability of advanced blocking technologies for various communications devices such as television. The agency also would examine methods to encourage parents to use such technologies to prevent children from viewing objectionable programming. S. 602 would require the FCC to issue a report detailing its findings within 270 days of the bill's enactment.

Based on information from the FCC and assuming the availability of appropriated funds, CBO estimates that implementing S. 602 would cost less than \$500,000 in fiscal year 2008. Enacting the legislation would not affect direct spending or revenues.

S. 602 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 CBO staff contact for this estimate is Tyler Kruzich. This estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

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:

NUMBER OF PERSONS COVERED

S. 602 would direct the FCC to begin a notice of inquiry; no additional persons would be subject to regulation.

ECONOMIC IMPACT

S. 602 would not have an adverse impact on the Nation's economy.

PRIVACY

S. 602 would have no significant impact on the personal privacy of United States citizens.

PAPERWORK

S. 602 would not significantly increase paperwork requirements for individuals or businesses.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 would establish the title of the Act as “The Child Safe Viewing Act of 2007.”

Section 2. Findings

Section 2 would set forth a number of Congressional findings related to the impact of audio and video content on children and the need to empower parents in limiting their children’s exposure to harmful content.

Section 3. Examination of advanced blocking technologies

Section 3 would require the FCC to initiate a notice of inquiry within 90 days of enactment that would examine the existence and availability of advanced blocking technologies that are compatible with various communications devices or platforms and issue a report to Congress detailing any findings.

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.