

“(B) matters needed to judge the appropriateness of the purchase, viewing, listening to, use, or other consumption of audio and visual media products containing violent content by minors of various ages; and

“(2) the public may be assured of—
“(A) the accuracy and consistency of the system in labeling the nature, context, and intensity of depictions of violence in audio and visual media products; and

“(B) the accuracy and consistency of the system in providing information on matters needed to judge the appropriateness of the purchase, viewing, listening to, use, or other consumption of audio and visual media products containing violent content by minors of various ages.

“(b)(1) Manufacturers and producers of interactive video game products and services, video program products, motion picture products, and sound recording products may submit to the Federal Trade Commission a joint proposal for a system for labeling the violent content in interactive video game products and services, video program products, motion picture products, and sound recording products.

“(2) The proposal under this subsection should, to the maximum extent practicable, meet the requirements set forth in subsection (c).

“(3)(A) The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement between or among manufacturers and producers referred to in paragraph (1) for purposes of developing a joint proposal for a system for labeling referred to in that paragraph.

“(B) For purposes of this paragraph, the term ‘antitrust laws’ has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12) and includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

“(c) A system for labeling the violent content in interactive video game products and services, video program products, motion picture products, and sound recording products under this section shall meet the following requirements:

“(1) The label of a product or service shall consist of a single label which—

“(A) takes into account the nature, context, and intensity of the depictions of violence in the product or service; and

“(B) assesses the totality of all depictions of violence in the product or service.

“(2) The label of a product or service shall specify a minimum age in years for the purchase, viewing, listening to, use, or consumption of the product or service in light of the totality of all depictions of violence in the product or service.

“(3) The format of the label for products and services shall—

“(A) incorporate each label provided for under paragraphs (1) and (2);

“(B) include a symbol or icon, and written text; and

“(C) be identical for each given label provided under paragraphs (1) and (2), regardless of the type of product or service involved.

“(4) In the case of a product or service sold in a box, carton, sleeve, or other container, the label shall appear on the box, carton, sleeve, or container in a conspicuous manner.

“(5) In the case of a product or service that is intended to be viewed, the label shall—

“(A) appear before the commencement of the product or service;

“(B) appear in both visual and audio form; and

“(C) appear in visual form for at least five seconds.

“(6) Any advertisement for a product or service shall include a label of the product or service in accordance with the applicable provisions of this subsection.

“(d)(1)(A) If the manufacturers and producers referred to in subsection (b) submit to the Federal Trade Commission a proposal for a labeling system referred to in that subsection not later than 180 days after the date of the enactment of this section, the Commission shall review the labeling system contained in the proposal to determine whether the labeling system meets the requirements set forth in subsection (c) in a manner that addresses fully the purposes set forth in subsection (a).

“(B) Not later than 180 days after commencing a review of the proposal for a labeling system under subparagraph (A), the Commission shall issue a labeling system for purposes of this section. The labeling system issued under this subparagraph may include such modifications of the proposal as the Commission considers appropriate in order to assure that the labeling system meets the requirements set forth in subsection (c) in a manner that addresses fully the purposes set forth in subsection (a).

“(2)(A) If the manufacturers and producers referred to in subsection (b) do not submit to the Commission a proposal for a labeling system referred to in that subsection within the time provided under paragraph (1)(A), the Commission shall prescribe regulations to establish a labeling system for purposes of this section that meets the requirements set forth in subsection (c).

“(B) Any regulations under subparagraph (A) shall be prescribed not later than one year after the date of the enactment of this section.

“(e) Commencing one year after the date of the enactment of this section, a person may not manufacture or produce for sale or distribution in commerce, package for sale or distribution in commerce, or sell or distribute in commerce any interactive video game product or service, video program product, motion picture product, or sound recording product unless the product or service bears a label in accordance with the labeling system issued or prescribed by the Federal Trade Commission under subsection (d) which—

“(1) is appropriate for the nature, context, and intensity of the depictions of violence in the product or service; and

“(2) specifies an appropriate minimum age in years for purchasers and consumers of the product or service.

“(f) Commencing one year after the date of the enactment of this section, a person may not sell in commerce an interactive video game product or service, video program product, motion picture product, or sound recording product to an individual whose age in years is less than the age specified as the minimum age in years for a purchaser and consumer of the product or service, as the case may be, under the labeling system issued or prescribed by the Federal Trade Commission under subsection (d).

“(g) The Federal Trade Commission shall have the authority to receive and investigate allegations that an interactive video game product or service, video program product, motion picture product, or sound recording product does not bear a label under the labeling system issued or prescribed by the Commission under subsection (d) that is appropriate for the product or service, as the case may be, given the nature, context, and intensity of the depictions of violence in the product or service.

“(h) Any person who violates subsection (e) or (f) shall be subject to a civil penalty in an amount not to exceed \$10,000 for each such violation. In the case of an interactive video game product or service, video program product, motion picture product, or sound recording product determined to violate subsection (e), each day from the date of the commencement of sale or distribution of the

product or service, as the case may be, to the date of the determination of the violation shall constitute a separate violation of subsection (e), and all such violations shall be aggregated together for purposes of determining the total liability of the manufacturer or producer of the product or service, as the case may be, for such violations under that subsection.

It was decided in the { Yeas 161
negative } Nays 266

¶66.13 [Roll No. 224]

AYES—161

Table with 3 columns: Name, State, Name. Lists names such as Aderholt, Bachus, Barcia, Bartlett, Bass, Bateman, Bereuter, Berry, Bilbray, Bilirakis, Blagojevich, Blunt, Boehlert, Brady (TX), Bryant, Burr, Callahan, Cannon, Cardin, Castle, Chambliss, Chenoweth, Coburn, Collins, Combest, Cook, Costello, Crane, Cubin, Danner, Deal, DeFazio, DeLay, DeMint, Dickey, Doyle, Duncan, Ehlers, Emerson, Etheridge, Everett, Ewing, Fletcher, Forbes, Franks (NJ), Frelinghuysen, Gekas, Gilchrest, Goode, Goodling, Graham, Granger, Green (WI), Greenwood, Gutknecht, Hall (OH), Hall (TX), Hansen, Hayes, Hayworth, Hefley, Hill (IN), Hill (MT), Hilleary, Holden, Holt, Horn, Hunter, Hyde, Jenkins, Jones (NC), Kaptur, Kelly, King (NY), Kleczka, LaHood, Largent, LaTourette, Leach, Lewis (KY), Lipinski, LoBiondo, Lucas (KY), Lucas (OK), Luther, Maloney (CT), Mascara, McCarthy (NY), McHugh, McIntosh, McIntyre, Mica, Miller, Gary, Minge, Myrick, Norwood, Nussle, Obey, Ortiz, Pascrell, Peterson (MN), Peterson (PA), Pickering, Pitts, Pomeroy, Porter, Price (NC), Pryce (OH), Radanovich, Ramstad, Regula, Riley, Rodriguez, Roemer, Rogers, Rothman, Roukema, Ryun (KS), Salmon, Saxton, Sessions, Shadegg, Shays, Shimkus, Shows, Shuster, Sisisky, Skeen, Skelton, Smith (MI), Smith (TX), Souder, Spence, Stabenow, Stearns, Stenholm, Stupak, Talent, Tancredo, Taylor (MS), Taylor (NC), Thompson (CA), Thornberry, Tiahrt, Traficant, Turner, Visclosky, Vitter, Walsh, Wamp, Watkins, Watts (OK), Weldon (FL), Weldon (PA), Wicker, Wilson, Wise, Wolf, Woolsey, Young (AK), Young (FL).

NOES—266

Table with 3 columns: Name, Name, Name. Lists names such as Abercrombie, Ackerman, Allen, Andrews, Archer, Armey, Baird, Baker, Baldacci, Baldwin, Ballenger, Barr, Barrett (NE), Barrett (WI), Barton, Becerra, Bentsen, Berkley, Berman, Biggart, Bishop, Bliley, Blumenauer, Boehner, Bonilla, Bonior, Bono, Borski, Boswell, Boucher, Boyd, Brady (PA), Brown (FL), Brown (OH), Burton, Buyer, Calvert, Camp, Campbell, Canady, Capps, Capuano, Chabot, Clay, Clayton, Clement, Clyburn, Coble, Condit, Conyers, Cooksey, Cox, Coyne, Cramer, Crowley, Cummings, Cunningham, Davis (FL), Davis (LA), Davis (VA), DeGette, Delahunt, DeLauro, Deutsch, Diaz-Balart, Dicks, Dingell, Dixon, Doggett, Dooley, Doolittle, Dreier, Dunn, Edwards, Ehrlich, Engel, Conyers, English, Eshoo, Evans, Farr, Fattah.

Filner	Lazio	Reyes
Foley	Lee	Reynolds
Ford	Levin	Rivers
Fossella	Lewis (CA)	Rogan
Fowler	Lewis (GA)	Rohrabacher
Frank (MA)	Linder	Ros-Lehtinen
Frost	Loftgren	Roybal-Allard
Gallegly	Lowey	Royce
Ganske	Maloney (NY)	Rush
Gejdenson	Manzullo	Ryan (WI)
Gephardt	Markey	Sabo
Gibbons	Martinez	Sanchez
Gillmor	Matsui	Sanders
Gilman	McCarthy (MO)	Sandlin
Gonzalez	McCollum	Sanford
Goodlatte	McCrery	Sawyer
Gordon	McDermott	Scarborough
Goss	McGovern	Schaffer
Green (TX)	McInnis	Schakowsky
Gutierrez	McKeon	Scott
Hastings (FL)	McKinney	Sensenbrenner
Hastings (WA)	McNulty	Serrano
Herger	Meehan	Shaw
Hilliard	Meek (FL)	Sherman
Hinchee	Meeks (NY)	Sherwood
Hinojosa	Menendez	Simpson
Hobson	Metcalfe	Slaughter
Hoefel	Millender-	Smith (WA)
Hoekstra	McDonald	Snyder
Hooley	Miller (FL)	Spratt
Hostettler	Miller, George	Stark
Hoyer	Mink	Strickland
Hulshof	Moakley	Stump
Hutchinson	Moore	Sununu
Inslie	Moran (KS)	Sweeney
Isakson	Moran (VA)	Tanner
Istook	Morella	Tauscher
Jackson (IL)	Murtha	Tauzin
Jackson-Lee	Nadler	Terry
(TX)	Napolitano	Thompson (MS)
Jefferson	Neal	Thune
John	Nethercutt	Thurman
Johnson (CT)	Ney	Tierney
Johnson, E. B.	Northup	Toomey
Johnson, Sam	Oberstar	Towns
Jones (OH)	Olver	Udall (CO)
Kanjorski	Ose	Udall (NM)
Kasich	Owens	Upton
Kennedy	Oxley	Velazquez
Kildee	Packard	Vento
Kilpatrick	Pallone	Walden
Kind (WI)	Pastor	Waters
Kingston	Paul	Watt (NC)
Klink	Payne	Waxman
Knollenberg	Pease	Weiner
Kolbe	Pelosi	Weller
Kucinich	Petri	Wexler
Kuykendall	Phelps	Weygand
LaFalce	Pickett	Whitfield
Lampson	Pombo	Wu
Lantos	Portman	Wynn
Larson	Quinn	
Latham	Rangel	

NOT VOTING—7

Brown (CA)	Mollohan	Thomas
Carson	Rahall	
Houghton	Smith (NJ)	

So the amendment was not agreed to.

¶66.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MARKEY:

Insert at the end the following new section:

SEC. . SURGEON GENERAL REVIEW OF EFFECT ON JUVENILES OF VIOLENCE IN MEDIA.

(a) FINDINGS.—The Congress finds the following:

(1) the tragic killings at a high school in Colorado remind us that violence in America continues to occur at unacceptable levels for a civilized society;

(2) the relationship of violent messages delivered through such popular media as television, radio, film, recordings, video games, advertising, the Internet, and other outlets of mass culture, to self-destructive or violent behavior by children or young adults towards themselves, such as suicide, or to violence directed at others, has been studied in-

tensely both by segments of the media industry itself and by academic institutions;

(3) the same media used to deliver messages which harm our children can also be used to deliver messages which promote positive behavior;

(4) much of this research has occurred in the 17 years since the last major review and report of the literature was assembled by the National Institute on Mental Health published in 1982;

(5) the Surgeon General of the United States last issued a comprehensive report on violence and the media in 1972; and

(6) the number, pervasiveness, and sophistication of technological avenues for delivering messages through the media to young people has expanded rapidly since these 2 reports.

(b) COMPREHENSIVE REVIEW REQUIRED.—The Surgeon General, in cooperation with the National Institute of Mental Health, and such other sources of expertise as the Surgeon General deems appropriate, shall undertake a comprehensive review of published research, analysis, studies, and other sources of reliable information concerning the impact on the health and welfare of children and young adults of violent messages delivered through such popular media as television, radio, recordings, video games, advertising, the Internet, and other outlets of mass culture.

(c) REPORT.—The Surgeon General shall issue a report based on the review required by subsection (b). Such report shall include, but not be limited to, findings and recommendations concerning what can be done to mitigate any harmful affects on children and young adults from the violent messages described in such subsection, and the identification of gaps in the research that should be filled.

(d) DEADLINES.—The review required by subsection (b) shall be completed in no more than 1 year, and the report required by subsection (c) shall be issued no later than 6 months following completion of the review.

It was decided in the { Yeas 417
affirmative } Nays 9

¶66.15 [Roll No. 225]
AYES—417

Abercrombie	Boucher	Crane
Ackerman	Boyd	Crowley
Aderholt	Brady (PA)	Cubin
Allen	Brady (TX)	Cummings
Andrews	Brown (FL)	Cunningham
Archer	Brown (OH)	Danner
Armey	Bryant	Davis (FL)
Bachus	Burr	Davis (IL)
Baird	Burton	Davis (VA)
Baker	Buyer	Deal
Baldacci	Callahan	DeFazio
Baldwin	Calvert	DeGette
Ballenger	Camp	Delahunt
Barcia	Campbell	DeLauro
Barrett (NE)	Canady	DeLay
Barrett (WI)	Cannon	DeMint
Bartlett	Capps	Deutsch
Barton	Capuano	Diaz-Balart
Bass	Cardin	Dickey
Bateman	Castle	Dicks
Becerra	Chabot	Dingell
Bentsen	Chambliss	Dixon
Bereuter	Chenoweth	Doggett
Berman	Clay	Dooley
Berry	Clayton	Doolittle
Biggert	Clement	Doyle
Bilbray	Clyburn	Dreier
Bilirakis	Coble	Duncan
Bishop	Coburn	Dunn
Blagojevich	Collins	Edwards
Bliley	Combest	Ehlers
Blumenauer	Condit	Ehrlich
Blunt	Conyers	Emerson
Boehert	Cook	Engel
Boehner	Cooksey	English
Bonior	Costello	Eshoo
Bono	Cox	Etheridge
Borski	Coyne	Evans
Boswell	Cramer	Everett

Ewing	LaTourette	Roemer
Farr	Lazio	Rogan
Fattah	Leach	Rogers
Filner	Lee	Rohrabacher
Fletcher	Levin	Ros-Lehtinen
Foley	Lewis (CA)	Rothman
Forbes	Lewis (GA)	Roukema
Ford	Lewis (KY)	Roybal-Allard
Fossella	Linder	Royce
Fowler	Lipinski	Rush
Frank (MA)	LoBiondo	Ryan (WI)
Franks (NJ)	Loftgren	Ryun (KS)
Frelinghuysen	Lowey	Sabo
Frost	Lucas (KY)	Salmon
Gallegly	Lucas (OK)	Sanchez
Ganske	Luther	Sanders
Gejdenson	Maloney (CT)	Sandlin
Gekas	Maloney (NY)	Sanford
Gephardt	Manzullo	Sawyer
Gibbons	Markey	Saxton
Gilchrist	Martinez	Scarborough
Gillmor	Mascara	Schaffer
Gilman	Matsui	Schakowsky
Gonzalez	McCarthy (MO)	Scott
Goodlatte	McCarthy (NY)	Sensenbrenner
Goodling	McCollum	Serrano
Gordon	McCrery	Sessions
Goss	McDermott	Shaw
Graham	McGovern	Shays
Granger	McHugh	Sherman
Green (TX)	McInnis	Sherwood
Green (WI)	McIntosh	Shimkus
Greenwood	McIntyre	Shows
Gutierrez	McKeon	Shuster
Gutknecht	McKinney	Simpson
Hall (OH)	McNulty	Sisisky
Hall (TX)	Meehan	Skean
Hansen	Meek (FL)	Skelton
Hastings (FL)	Meeks (NY)	Slaughter
Hastings (WA)	Menendez	Smith (MI)
Hayes	Metcalfe	Smith (TX)
Hayworth	Mica	Smith (WA)
Hefley	Millender-	Snyder
Herger	McDonald	Souder
Hill (IN)	Miller (FL)	Spence
Hill (MT)	Miller, Gary	Spratt
Hilleary	Miller, George	Stabenow
Hilliard	Minge	Stark
Hinchee	Mink	Stearns
Hinojosa	Moakley	Stenholm
Hobson	Moore	Strickland
Hoefel	Moran (KS)	Stupak
Hoekstra	Moran (VA)	Sununu
Holden	Morella	Sweeney
Holt	Murtha	Talent
Hooley	Myrick	Tancredo
Horn	Nadler	Tanner
Hostettler	Napolitano	Tauscher
Hoyer	Neal	Tauzin
Hunter	Nethercutt	Taylor (MS)
Hutchinson	Ney	Taylor (NC)
Hyde	Northup	Terry
Inslie	Norwood	Thompson (CA)
Isakson	Oberstar	Thompson (MS)
Istook	Obey	Thornberry
Jackson (IL)	Olver	Thune
Jackson-Lee	Ortiz	Thurman
(TX)	Ose	Tiahrt
Jefferson	Owens	Tierney
Jenkins	Oxley	Toomey
John	Packard	Towns
Johnson (CT)	Pallone	Trafficant
Johnson, E. B.	Pascrell	Turner
Johnson, Sam	Pastor	Udall (CO)
Jones (OH)	Payne	Udall (NM)
Jones (NC)	Pease	Upton
Kanjorski	Pelosi	Velazquez
Kaptur	Peterson (PA)	Vento
Kasich	Petri	Visclosky
Kelly	Phelps	Vitter
Kennedy	Pickering	Walden
Kildee	Pickett	Walsh
Kilpatrick	Pitts	Wamp
Kind (WI)	Pombo	Waters
King (NY)	Pomeroy	Watkins
Kingston	Porter	Watt (NC)
Kleczka	Portman	Watts (OK)
Klink	Price (NC)	Waxman
Knollenberg	Pryce (OH)	Weiner
Kolbe	Quinn	Weldon (FL)
Kucinich	Radanovich	Weldon (PA)
Kuykendall	Ramstad	Weller
LaFalce	Rangel	Wexler
LaHood	Regula	Weygand
Lampson	Reyes	Whitfield
Lantos	Reynolds	Wicker
Largent	Riley	Wilson
Larson	Rivers	Wise
Latham	Rodriguez	