

S. 183. A bill to address Securities and Exchange Commission authority to impose civil money penalties in administrative proceedings for violations of securities laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. MURRAY, Ms. LANDRIEU, and Mr. DAYTON):

S. 184. A bill to amend section 401 (b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. DODD, Mr. KERRY, and Mr. BIDEN):

S. 185. A bill to authorize emergency supplemental assistance to combat the growing humanitarian crisis in sub-Saharan Africa; to the Committee on Foreign Relations.

By Mr. DEWINE (for himself and Mr. DURBIN):

S. 186. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to provide health insurance protections for individuals who are living organ donors; to the Committee on Health, Education, Labor, and Pensions.

By Mr. EDWARDS:

S. 187. A bill to provide for the elimination of significant vulnerabilities in the information technology of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. FEINGOLD (for himself, Mr. CORZINE, Mr. WYDEN, and Mr. NELSON of Florida):

S. 188. A bill to impose a moratorium on the implementation of datamining under the Total Information Awareness program of the Department of Defense and any similar program of the Department of Homeland Security, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Mr. ALLEN, Mr. LIEBERMAN, Mr. WARNER, Ms. MIKULSKI, Mr. HOLLINGS, Ms. LANDRIEU, Mrs. CLINTON, Mr. LEVIN, and Mr. BAYH):

S. 189. A bill to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN:

S. 190. A bill to establish the Director of National Intelligence as head of the intelligence community, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes; to the Select Committee on Intelligence.

By Mr. DEWINE:

S. 191. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received a kidney transplant, and for other purposes; to the Committee on Finance.

By Mr. CORZINE:

S. 192. A bill to amend title 23, United States Code, to provide for criminal and civil liability for permitting an intoxicated arrestee to operate a motor vehicle; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. STEVENS, Mr. MILLER, Mr. CAMPBELL, Mr. MCCAIN, Mr. BREAUX, Mr. CRAIG, Mr. ENSIGN, Mr. LUGAR, Mrs. LINCOLN, Mr. BAUCUS, Mr. BOND, Mr. LOTT, Mr. HOLLINGS, Mr. DAYTON, Mr. SESSIONS, Mr. NELSON of Nebraska, Mr. INHOFE, Mr. BUNNING, Mr.

ALLARD, Ms. COLLINS, Mr. CRAPO, Mr. DEWINE, Mr. FRIST, Mr. GRASSLEY, Mr. HAGEL, Mrs. HUTCHISON, Mr. ROBERTS, Mr. WARNER, Mr. ALLEN, Mr. BROWNBACK, Mr. BURNS, Mr. DOMENICI, Mr. GREGG, Mr. SANTORUM, Mr. SHELBY, Ms. SNOWE, Mr. GRAHAM of South Carolina, Mr. CORNYN, Mr. TALENT, and Mr. ALEXANDER):

S.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself and Mr. CONRAD):

S. Res. 22. A resolution expressing the sense of the Senate regarding the implementation of the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself and Mr. GRAHAM of Florida):

S. Res. 23. A resolution supporting a decision of the United States Court of Appeals for the Sixth Circuit relating to the admissions policy of the University of Michigan; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 22

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 22, a bill to enhance domestic security, and for other purposes.

S. 27

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 27, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

S. 83

At the request of Mr. DURBIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 83, a bill to expand aviation capacity in the Chicago area, and for other purposes.

S. 119

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 119, a bill to provide special minimum funding requirements for certain pension plans maintained pursuant to collective bargaining agreements.

S. 138

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 138, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 140

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr.

AKAKA) was added as a cosponsor of S. 140, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 151

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 151, a bill to amend title 18, United States Code, with respect to the sexual exploitation of children.

S. 152

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 152, a bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. 156

At the request of Mr. VOINOVICH, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 156, a bill to amend the Atomic Energy Act of 1954 to reauthorize the Price-Anderson provisions.

S. 163

At the request of Mr. MCCAIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 163, a bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes.

S. 173

At the request of Mrs. BOXER, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from Nevada (Mr. REID) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 173, a bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund.

S. RES. 19

At the request of Mr. FEINGOLD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 19. A resolution expressing the sense of the Senate that Congress should increase the maximum individual Federal Pell Grant award to \$9,000 by 2010.

AMENDMENT NO. 2

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of amendment No. 2 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

INTRODUCED BILLS AND JOINT  
RESOLUTIONS ON JANUARY 14, 2003

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 161

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Children's Protection from Violent Programming Act".

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Broadcast television, cable television, and video programming are—

(A) uniquely pervasive presences in the lives of all American children; and

(B) readily accessible to all American children.

(3) Violent video programming influences children, as does indecent programming.

(4) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

(5) There is empirical evidence that children exposed to violent video programming have a greater tendency to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(6) There is empirical evidence that children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

(7) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(8) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

(9) A significant amount of violent programming that is readily accessible to minors remains unrated specifically for violence and therefore cannot be blocked solely on the basis of its violent content.

(10) Age-based ratings that do not include content rating for violence do not allow parents to block programming based solely on violent content thereby rendering ineffective any technology-based blocking mechanism designed to limit violent video programming.

(11) The most recent study of the television ratings system by the Kaiser Family Foundation concludes that 79 percent of violent programming is not specifically rated for violence.

(12) Technology-based solutions, such as the V-chip, may be helpful in protecting some children, but cannot achieve the compelling governmental interest in protecting all children from violent programming when parents are only able to block programming that has, in fact, been rated for violence.

(13) Restricting the hours when violent programming can be shown protects the interests of children whose parents are unavailable, unable to supervise their children's viewing behavior, do not have the benefit of technology-based solutions, are unable to afford the costs of technology-based solutions, or are unable to determine the content of those shows that are only subject to age-based ratings.

(14) After further study, pursuant to a rule-making, the Federal Communications Commission may conclude that content-based ratings and blocking technology do not effectively protect children from the harm of violent video programming.

(15) If the Federal Communications Commission reaches the conclusion described in paragraph (14), the channeling of violent video programming will be the least restrictive means of limiting the exposure of children to the harmful influences of violent video programming.

**SEC. 3. ASSESSMENT OF EFFECTIVENESS OF CURRENT RATING SYSTEM FOR VIOLENCE AND EFFECTIVENESS OF V-CHIP IN BLOCKING VIOLENT PROGRAMMING.**

(a) REPORT.—The Federal Communications Commission shall—

(1) assess the effectiveness of measures to require television broadcasters and multi-channel video programming distributors (as defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13)) to rate and encode programming that could be blocked by parents using the V-chip undertaken under section 715 of the Communications Act of 1934 (47 U.S.C. 715) and under subsections (w) and (x) of section 303 of that Act (47 U.S.C. 303(w) and (x)) in accomplishing the purposes for which they were enacted; and

(2) report its findings to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Commerce of the United States House of Representatives, within 12 months after the date of enactment of this Act, and annually thereafter.

(b) ACTION.—If the Commission finds at any time, as a result of its ongoing assessment under subsection (a), that the measures referred to in subsection (a)(1) are insufficiently effective, then the Commission shall complete a rulemaking within 270 days after the date on which the Commission makes that finding to prohibit the distribution of violent video programming during the hours when children are reasonably likely to comprise a substantial portion of the audience.

(c) DEFINITIONS.—Any term used in this section that is defined in section 715 of the Communications Act of 1934 (47 U.S.C. 715), or in regulations under that section, has the same meaning as when used in that section or in those regulations.

**SEC. 4. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING THAT IS NOT SPECIFICALLY RATED FOR VIOLENCE AND THEREFORE IS NOT BLOCKABLE.**

Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

**"SEC. 715. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING NOT SPECIFICALLY BLOCKABLE BY ELECTRONIC MEANS.**

"(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to distribute to the public any violent video programming not blockable by electronic means specifically on the basis of its violent content during hours when children are reasonably likely to comprise a substantial portion of the audience.

"(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

"(1) may exempt from the prohibition under subsection (a) programming (including

news programs and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

"(2) shall exempt premium and pay-per-view cable programming and premium and pay-per-view direct-to-home satellite programming; and

"(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term 'violent video programming'.

**"(c) ENFORCEMENT.—**

"(1) FORFEITURE PENALTY.—The Commission shall impose a forfeiture penalty of not more than \$25,000 on any person who violates this section or any regulation promulgated under it for each such violation. For purposes of this paragraph, each day on which such a violation occurs is a separate violation.

"(2) LICENSE REVOCATION.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, revoke any license issued to that person under this Act.

"(3) LICENSE RENEWALS.—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

**"(d) DEFINITIONS.—**For purposes of this section—

"(1) BLOCKABLE BY ELECTRONIC MEANS.—The term 'blockable by electronic means' means blockable by the feature described in section 303(x).

"(2) DISTRIBUTE.—The term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite, but it does not include the transmission, retransmission, or receipt of any voice, data, graphics, or video telecommunications accessed through an interactive computer service as defined in section 230(f)(2) of the Communications Act of 1934 (47 U.S.C. 230(f)(2)), which is not originated or transmitted in the ordinary course of business by a television broadcast station or multichannel video programming distributor as defined in section 602(13) of that Act (47 U.S.C. 522(13)).

"(3) VIOLENT VIDEO PROGRAMMING.—The term 'violent video programming' as defined by the Commission may include matter that is excessive or gratuitous violence within the meaning of the 1992 Broadcast Standards for the Depiction of Violence in Television Programs, December 1992."

**SEC. 5. FTC STUDY OF MARKETING STRATEGY IMPROVEMENTS.**

The Federal Trade Commission shall study the marketing of violent content by the motion picture, music recording, and computer and video game industries to children, including the marketing practices improvements described by industry representatives at the hearing held by the Senate Committee on Commerce, Science, and Transportation on September 13, 2000. The Commission shall assess the extent to which these marketing practices have improved under the model of self-regulation as recommended by the Commission in its September, 2000, report, Making Violent Entertainment to Children: A Review of Self Regulation and Industry Practices in the Motion Picture, Music Recording and Electronic Game Industries. The Commission shall report the results of the study, including findings, and recommendations, if any, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on