

CRS Report for Congress

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V-Chip and TV Ratings: Helping Parents Supervise Their Children's Television Viewing

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Summary

To assist parents in supervising the television viewing habits of their children, Congress included a provision in the Telecommunications Act of 1996 (P.L. 104-104) that new television sets with screens 13 inches or larger sold in the United States be equipped with a "V-chip" to screen out objectionable programming. As of January 1, 2000, all such TV sets must have a V-chip. Use of the V-chip by parents is optional. In March 1998, the Federal Communications Commission approved a ratings system that had been developed by the television industry to rate each program's content, which enables the V-chip to work. Congress and the FCC have been monitoring implementation of the V-chip. Some are concerned that it is not effective in curbing the amount of TV violence viewed by children and want further legislation. S. 341 (Hollings) and H.R. 1005 (Shows) would require a study of the V-chip's effectiveness, and, if it is not effective in curbing children's viewing of TV violence, a "safe harbor" time period when violent programming could not be telecast would be created. This report will be updated if warranted.

Requirement for a V-chip. Section 551 of the Telecommunications Act of 1996 (P.L. 104-104, February 8, 1996) requires that all new television sets with a picture screen 13 inches or greater (measured diagonally) sold in the United States be equipped with a device that can block certain television programming. Dubbed the "V-chip" for "violence chip," the intent is to give parents more control over what their children see on television. On March 12, 1998, the Federal Communications Commission (FCC) set January 1, 2000 as the date by which V-chips must be installed in such TV sets. The FCC also adopted technical standards for the V-chip and approved the industry-developed ratings system (see below) that enables the V-chip to work. Some companies plan to offer devices that can work with existing TV sets.

The V-chip is a computer chip that reads an electronic code transmitted with the television signal (cable or broadcast) indicating how a program is rated. Using a remote control, parents can enter a password and then program into the television set which ratings are acceptable and which are unacceptable. The chip automatically blocks the

display of any programs deemed unacceptable. The ratings data are sent on line 21 of the Vertical Blanking Interval found in the National Television System Committee (NTSC) signals used for U.S. television broadcasting. Use of the V-chip by parents is entirely optional.

Establishing a Ratings System. The first step in implementing the law was creating a ratings system for television programs, somewhat similar to how movies have been rated since 1968 by the Motion Picture Association of America (MPAA). The law urged the television industry to develop a voluntary ratings system acceptable to the FCC, and the rules for transmitting the rating, within one year of enactment. Although the “V” is for violence, the ratings system actually is intended to reflect “sexual, violent or other indecent material about which parents should be informed before it is displayed to children, provided that nothing in this paragraph should be construed to authorize any rating of video programming on the basis of its political or religious content” [section 551(b)(1)].

After initial opposition, media and entertainment industry executives met with President Clinton on February 29, 1996, and agreed to develop the ratings system because of political pressure to do so. Many in the television industry have been opposed to the V-chip, fearing that it will reduce viewership and hurt advertising. They also question whether it violates the First Amendment. Industry executives said they would not challenge the law immediately, but left the option open for the future (the law provides for expedited judicial review).

Beginning in March 1996, a group of television industry executives¹ under the leadership of Jack Valenti, President of the MPAA (who created the movie ratings), met to develop a TV ratings system. On December 19, 1996, the group proposed six age-based ratings (TV-Y, TV-Y7, TV-G, TV-PG, TV-14 and TV-M) including text explanations of what each represented in terms of program content. In January 1997, the ratings began appearing in the upper left-hand corner of TV screens for 15 seconds at the beginning of programs, and were published in some television guides. Thus, the ratings system was used even before V-chips were installed in new TV sets. News shows and sports are not rated (the Valenti group does not consider talk shows or programs about show business and reports on public figures and other issues of general interest to be news). All other programs are rated by the broadcast and cable networks and producers of programs. Local broadcast affiliates can override the rating given a particular show.

Critics of the December 1996 proposal, including some Members of Congress and groups such as the National Parent-Teacher Association, argued that the ratings provided no information on why a particular program received a certain rating. Some advocated an “S-V-L” system (sex, violence, language) to indicate with letters why a program got a particular rating, possibly with a numeric indicator or jointly with an age-based rating. Another alternative was the Home Box Office/Showtime system of ten ratings such as MV (mild violence), V (violence), and GV (graphic violence). Critics also argued that having industry rate its own programming lacked credibility. Mr. Valenti countered there is no practical alternative to rating approximately 2,000 hours of programming per day.

¹ The group included the national broadcast networks; independent, affiliated and public television stations; cable programmers; producers and distributors of cable programming; entertainment and movie studios; and members of the guilds representing writers, directors, producers and actors.

The Current “S-V-L-D” Ratings System. In response to the criticism, most of the television industry agreed to a revised ratings system (see box) on July 10, 1997, that went into effect October 1, 1997. The revised ratings system adds designators that indicate whether a program received a particular rating because of sex (S), violence (V), language (L), or suggestive dialogue (D). A designator for fantasy violence (FV) was added for

U.S. TELEVISION INDUSTRY’S REVISED TV RATINGS SYSTEM

The following categories apply to programs designed solely for children:

- TV-Y: All Children. *This program is designed to be appropriate for all children.* Whether animated or live-action, the themes and elements in this program are specifically designed for a very young audience, including children from ages 2-6. This program is not expected to frighten younger children.
- TV-Y7: Directed to Older Children. *This program is designed for children age 7 and above.* It may be more appropriate for children who have acquired the developmental skills needed to distinguish between make-believe and reality. Themes and elements in this program may include mild fantasy violence or comedic violence, or may frighten children under the age of 7. Therefore, parents may wish to consider the suitability of this program for their very young children. Note: For those programs where fantasy violence may be more intense or more combative than in other programs in this category, such programs will be designated TV-Y7-FV.

The following categories apply to programs designed for the entire audience:

- TV-G: General Audience. *Most parents would find this program suitable for all ages.* Although this rating does not signify a program designed specifically for children, most parents may let younger children watch this program unattended. It contains little or no violence, no strong language and little or no sexual dialogue or situations.
- TV-PG: Parental Guidance Suggested. *This program contains material that parents may find unsuitable for younger children.* Many parents may want to watch it with their younger children. The theme itself may call for parental guidance and/or the program contains one or more of the following: moderate violence (V), some sexual situations (S), infrequent coarse language (L), or some suggestive dialogue (D).
- TV-14: Parents Strongly Cautioned. *This program contains some material that many parents would find unsuitable for children under 14 years of age.* Parents are strongly urged to exercise greater care in monitoring this program and are cautioned against letting children under the age of 14 watch unattended. This program contains one or more of the following: intense violence (V), intense sexual situations (S), strong coarse language (L), or intensely suggestive dialogue (D).
- TV-MA: Mature Audience Only. *This program is specifically designed to be viewed by adults and therefore may be unsuitable for children under 17.* This program contains one or more of the following: graphic violence (V), explicit sexual activity (S), or crude indecent language (L).

Source: Letter to the Federal Communications Commission submitting proposed rating system revision, August 1, 1997. (Signed by the presidents of the Motion Picture Association of America, National Cable Television Association, and National Association of Broadcasters).

children's programming in the TV-Y7 category. On March 12, 1998, the FCC approved the revised ratings system, along with V-chip technical standards, and the effective date for installing them (discussed earlier).

In May 1999, the FCC created a V-chip Task Force, chaired by Commissioner Tristani. Among other things, the task force was charged with ensuring that the blocking technology is available and that ratings are being transmitted ("encoded") with TV programs; educating parents about V-chip; and gathering information on the availability, usage, and effectiveness of the V-chip. The task force has issued several reports and surveys [www.fcc.gov/vchip]. A February 2000 task force survey found that most broadcast, cable, and premium cable networks, and syndicators, were transmitting ratings ("encoding") and those that were not either planned to do so in the near future or were exempt sports or news networks. Of the major broadcast networks, according to the survey, only NBC does not use the S-V-L-D indicators, using the original ratings system instead. One problem impacting V-chip's effectiveness is that not all parents are aware of it. Commissioner Tristani noted in April 2000 that only 39% of parents have heard of V-chip and called on the major networks to educate parents about it.

Action in the 105th and 106th Congresses. During the 105th Congress, the Senate Commerce Committee held a hearing on February 27, 1997. Three bills were introduced. S. 363 (Hollings) and H.R. 910 (Markey), often called the "safe harbor" bills, would have prohibited violent programming from being shown (with some exceptions) during hours when children comprise a substantial portion of the audience unless it could be screened out by a V-chip specifically on the basis of its violence. The Hollings bill was reported from the Senate Commerce Committee (S.Rept. 105-89). S. 409 (Coats) would have required broadcast television stations to use a content-based ratings system as a condition of obtaining or renewing their licenses.

In the summer of 1997, as debate was underway about modifying the ratings system to add the S-V-L-D designators, TV and entertainment industry representatives were concerned that Congress would attempt to pass further legislation even if they agreed to the modifications. The industry sought and was given assurances by many of the principal House and Senate critics that Congress would not move on such legislation for a period of time if the modified ratings were adopted. In a July 3, 1997, "Dear Colleague" letter, Senators Lott, McCain, Hatch, and others said there should be "a substantial period of governmental forbearance during which further legislation or regulation concerning television ratings, content or schedule should be set aside." A July 7, 1997, letter to key industry leaders signed by Representatives Markey, Burton, Moran, and Spratt expressed the same sentiment but more precisely set the moratorium as 3 years beginning October 1, 1997, the date that the new ratings system went into effect. The moratorium thus has expired. Some key Senators never agreed to the moratorium, including Senator Hollings, who has continued his attempts to win passage of a safe harbor bill.

In the 106th Congress, Senator Hollings introduced S. 876 on April 26, 1999 to make it unlawful to distribute to the public any violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience, thereby establishing a "safe harbor." As introduced, the bill would have required the FCC to define that time period and the term "violent video programming." Premium and pay-per-view cable programming would be exempted and the FCC could also exempt other programming such as news and sports. The FCC would take into account whether a

licensee has complied with the bill when determining whether to renew the license. The bill as introduced did not mention V-chip.

On May 13, 1999, Senator Hollings offered the text of the bill as an amendment to the juvenile justice bill (S. 254), but it was rejected (60-39). On May 18, 1999, a hearing was held by the Senate Commerce Committee. With the 3-year moratorium at an end and concern about TV violence undiminished, the Senate Commerce Committee reported out a revised version of S. 876 on October 26, 2000 (S.Rept. 106-509). There was no further action on the bill. It has been reintroduced in the 107th Congress and is discussed below.

107th Congress Action. On February 15, 2001, Senator Hollings introduced S. 341, which is the same as S. 876, as reported, from the 106th Congress. Representative Shows introduced a House companion, H.R. 1005. S. 341/H.R. 1005 would require the FCC to define the terms “hours when children are reasonably likely to comprise a substantial portion of the audience” and “violent video programming.” Guidance is provided to the FCC on the latter definition. Furthermore, the legislation would —

- ! Require the FCC to report to Congress on the effectiveness of the V-chip and the ratings system in protecting children from TV violence. If the FCC finds they are not sufficiently effective, it shall initiate a rulemaking to prohibit the distribution of violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience.
- ! Make it unlawful to distribute to the public violent TV programming that is not blockable by the V-chip specifically on the basis of its violent content during hours when children are reasonably likely to comprise a substantial portion of the audience. (This means that the programming would have to be encoded with a “V” designator, which NBC, for example, currently does not use.) The FCC *could* exempt certain programming such as news and sports, and *must* exempt premium and pay-per-view cable and satellite programming.

Separately, H.R. 1916 (Wamp) would, *inter alia*, require labels to be placed on visual media products to indicate violent content. The bill calls for a voluntary system to be developed by manufacturers and producers of interactive video game products and services, video program products, motion picture products, and sound recording products. If a system is not developed voluntarily, the Federal Trade Commission would be required to establish such a labeling system. Thereafter, sale or distribution of such products without a label would be prohibited.

Other Countries. Violence on television is not unique to the United States, and other countries also have debated the V-chip concept. The V-chip is often said to have been invented in Canada.² The Action Group on Violence on Television (AGVOT) was charged by the Canadian Radio-television and Telecommunications Commission (CRTC) with developing a nationwide ratings system. AGVOT tested one during 1996 in which

² A history of Canada’s interest in reducing violence on television and the V-chip can be found at the following World Wide Web site: [http://www.crtc.gc.ca/eng/info_sht/tv1e.htm].

each program had a four-digit rating indicating a level of 0-5 for age, and for violent, language and sexual content. For example, a program rated 3234 would indicate age level 3 (adult 16+), violence level 2 (mild), language level 3 (coarse), and sexuality level 4 (full nudity). AGVOT withdrew this experimental system in December 1996 because of technical problems and difficulty in deciding how to rate certain programs. Others in Canada complained that it was too complicated, or that the Canadian system should be compatible with the one used in the United States since so much U.S. TV programming is seen in Canada. In April 1997, AGVOT proposed a new system that is quite similar to the Valenti group's original proposal except that it adds a category for exempt programming. CRTC adopted the ratings on June 18, 1997. The Canadian TV Ratings (CTR) are: CTR-E (exempt, including news, sports, documentaries, talk shows, other informational programming, music videos, variety); CTR-C (for children 8 and younger); CTR-8+ (for children over 8); CTR-FAM (family viewing); CTS-PA (parental guidance); CTR-14+ (for those over 14); and CTR-18+ (for adults). Each is accompanied by text explaining what the rating indicates, especially in terms of violence.

Canada's implementation of the V-chip proceeded more slowly than anticipated. In March 1996, CRTC had directed the broadcast industry to encode programs with ratings beginning on September 6, 1996. By January 1997, television distributors and cable companies were to ensure that foreign signals they broadcast also were encoded (70% of Canada's television programming originates in the United States). CRTC postponed these dates in October 1996, however, with rating and encoding to be in effect for the fall 1997 season and the foreign signal requirement extended until September 1997. The ratings system went into effect for English-language and specialty programming on September 29, 1997. French-language and premium programming will continue to use their own established ratings systems.

Other countries also have looked at the issue. European Union culture ministers debated the issue following a call from the European Parliament to institute a V-chip requirement, but the EC Council decided instead to study the matter further. Australia announced new censorship controls following the Port Arthur massacre in April 1996 where 35 people were killed. The massacre sparked a debate about violence on television and in the entertainment industry. Among the new controls is a V-chip requirement in new television sets.

Conclusion. The effect of television violence on society, especially children, has been long debated (see CRS Report RL30037, *Television Violence: An Overview of the Issue and Actions Taken By Congress, the Clinton Administration, and the Television Industry*). What effect the V-chip will have is controversial. Supporters claim that since television producers will want their shows to be viewed in as many households as possible, they will reduce the level of violence in the programs. Critics complain that television will become lackluster. Others assert that if one violent scene will earn a program a bad rating, then producers will feel free to have more violence in any program since it will be blocked anyway, hence increasing the overall violence level. Others argue that many older children will be able to defeat the password-protected system and change what their parents have programmed. Or they could watch a smaller than 13-inch TV set.

Virtually everyone agrees that the V-chip is no panacea. Ultimately, parents must take responsibility for their children's viewing habits. TV ratings and the V-chip are merely tools to assist them.