HEINONLINE

Citation: 1 Anticounterfeiting Consumer Protection Act of 1996
104-153 110 Stat. 1386 S12209 1996

Content downloaded/printed from
HeinOnline (http://heinonline.org)
Thu Mar 21 22:53:58 2013

-- Your use of this HeinOnline PDF indicates your acceptance
of HeinOnline's Terms and Conditions of the license
agreement available at http://heinonline.org/HOL/License

-- The search text of this PDF is generated from
uncorrected OCR text.

With all this support, one would think that the V-chip has been tested and tested in laboratories throughout the country. But guess what? The V-chip doesn't even exist—and it may never exist. It is purely a drawing-board scheme that may make sense in theory—but it's anybody's guess whether it will ever work in practice. We've never seen one.

According to an article appearing in USA Today, "There Is No Such Thing as a V-chip. And There Probably Never Will Be." The San Francisco Chronicle reports that—

No company makes—the V-chip, nor has any company expressed an interest in doing so. In fact, the chip isn't a chip at all. It's really an idea for special circuitry for television, but "V-circuitry" doesn't sound quite as omnipotent as V-chip.

Is development of V-chip technology just around the hi-tech corner? Well, perhaps not. According to experts cited in the USA Today article, it—

Could take 10 years before a V-chip TV is designed, built, marketed, and sold into enough homes to make a difference.

And, in fact, it's likely that the so-called V-chip technology will be overtaken by existing software systems—developed as a direct result of consumer demand—that will give parents more control over what their children watch on television.

So, Mr. President, seeing is believing—and perhaps, just perhaps, the White House may want to reconsider its threat to veto any telecommunications bill that fails to include a V-chip mandate. After all, this bill is the key to our Nation's future economic success.

Mr. President, I ask unanimous consent that the USA Today and San Francisco Chronicle articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ONE TEENSY LITTLE PROBLEM WITH THIS NEW V-CHIP

(By Kevin Maney)

There is no such thing as a v-chip. And there probably never will be.

"I don't think Intel's doing it," says Howard High at computer chipmaker Intel. "Our plate's full."

"Not at TI," says Neil McGlone at Texas Instruments. "If our customers tell us it's important, we'll take a look at it."

Congress is demanding that every new TV set contain a v-chip. The provision is in a telecommunications bill passed Friday by the House and in June by the Senate. Computerized chips installed in TVs would have to be able to detect shows that are violent by reading a signal carried along with each show. The signal would tell the chip the rating of the show—similar to movie ratings. Parents could program the chip to block out shows with certain ratings, keeping those shows from their children's eyes.

Great, except nobody's ever made a v-chip. It's like passing a law requiring cars to have air bags before air bags were even invented.

"The v-chip is a theory and a warning flag" to makers of violent TV programs, says Rob Agee, editor of Interactive Television Report. "But it doesn't exist."

In fact, Agee and others say a v-chip for TVs will be overtaken by parental control software built into cable systems or interactive TV networks. It could take 10 years before a v-chip TV is designed, built, marketed and sold into enough homes to make a difference. Some of the software controls already are on the market or being tested. Among them:

TV Guide On Screen, an interactive on-screen version of the magazine, lets parents lock out channels or individual shows. It also could lock out programs by time—say, no TV until after homework is done. The software will be loaded into upgraded 500-channel cable TV systems starting this fall. "It's parental control as opposed to governmental control," says Larry Miller, vice president of marketing.

The Sega Channel, which lets users play Sega games over cable TV lines, gives parents the option of blocking out games that carry certain ratings. The channel is available on some cable systems.

In Bell Atlantic's tests of TV over phone lines, the viewer has to enter a personal identification number to order movies, games or items from home-shopping channels. The programming can be blocked by rating.

Those companies and others are pushing parental control into their systems because consumers are demanding it, Agee says. "The v-chip is a moot point."

[From the San Francisco Chronicle, July 28, 1995]

V-CHIP STILL ONLY A VISION—DESPITE ALL THE TALK, IT DOESN'T EXIST

(By Michelle Quinn)

The V-chip seems like the perfect use of one technology to solve a problem caused by another—children watching television shows that serve up violence and sex.

In coming weeks, the House of Representatives will consider making the V-chip mandatory in all television sets over 13 inches. Last month, the Senate voted to do so in an amendment to the Telecommunications Act.

But those with a tool belt eager to install the chip into a television set will be disappointed. The chip doesn't exist. No company makes it, nor has any company expressed an interest in doing so. In fact, the chip isn't a chip at all. It's really an idea for special circuitry for television, but "V-Circuitry" doesn't sound quite as omnipotent as V-chip.

All technology starts with ideas. But unlike the creation of the food processor, the electric shaver or the Macintosh computer, the V-chip has sprung mostly from the brow of political imagination and is gaining momentum in an election year.

It started when Representative Edward Markey, D-Mass., asked the Electronic Industries Association, a trade association based in Arlington, Va., that represents electronics equipment manufacturers, to come up with ideas for putting captioning on television sets for people who are deaf or hard of hearing. In 1990, Markey's legislation passed, making it mandatory for television sets to have captioning.

Two years later, Markey asked the trade association to come up with another technology idea, this time for screening out television violence, said Gary Shapiro, group vice president with the association.

Again, the trade association obliged, coming up with a laundry list of how a violence screener might work. Markey dubbed the idea "V-chip" and a political football was born.

The rough plans were that parents should consult a ratings guidebook, and with a remote control, block certain shows. The television industry would come up with the ratings.

The electronics trade association began to work on how the technology might work—and began to take heat from its members, such as television set manufacturers, who said it would be too expensive to rejigger televisions.

Markey attempted to introduce a bill about the V-chip last year but the electronics trade association said the idea wasn't ready. The association occasionally seems ready to drop the V-chip idea, said David Moulton, Markey's chief of staff, perhaps buckling under pressure from members who say it would be too expensive.

"Even now, I can no longer get a firm grasp on when the standards will be done," Moulton said.

So while the V-chip languished on the drawing board, politics took over.

Last month, Senate majority leader Bob Dole took on Hollywood as part of his presidential campaign and denounced movies and television shows with "mindless violence and loveless sex."

Soon after, Senator Kent Conrad, D-N.D., introduced the V-chip as an amendment to the Telecommunications Act. A political stampede took place, with the majority of the Senate shifting its vote at the last minute to pass the amendment 73 to 26.

Even President Clinton got in on the V-chip, telling a Nashville conference on families and the media this month that he supported the new technology.

Broadcasters and cable operators began denouncing the V-chip, saying it would be impossible to agree on a rating system that the chips could read.

Capital Cities/ABC Inc. said it was censorship. "A chip takes choice out of parents' hands and puts it in the hands of government," said a company press release.

Next week, Markey intends to introduce an amendment to the Telecommunications Act in the House making it mandatory for televisions over 13 inches. The industry association contends Markey is breaking a promise by making the V-chip mandatory." There were no promises, no letters," Moulton said.

Once TV set manufacturers have to include the V-chip, they will be glad for it, Moulton said. They'll "advertise new parent-friendly blocking technology," said Markey's spokesman. "This will be a new reason to buy TV sets."

For Shapiro of the trade association, the V-chip is no longer in his control. Politicians, he said, "see political advantage in it. The V-chip makes a good sound bite."

The V-chip standards could have been ready by early 1996. But with TV set manufacturers and broadcasters fighting it, the V-chip is years off.

And even then, the V-chip won't be foolproof, Shapiro added.

"A smart kid will unplug the television set," he said, "and reset all the ratings."

ANTICOUNTERFEITING CONSUMER PROTECTION ACT OF 1995—S. 1136

Mr. LEAHY. Mr. President, I am pleased to join Chairman HATCH as an original cosponsor of the "Anticounterfeiting Consumer Protection Act of 1995." We are seeking to give law enforcement additional tools to combat counterfeiting crimes that cost our Nation's companies billions of dollars each year.

Increasingly, we suspect that the lost revenue to legitimate U.S. companies is going into the pockets of international crime syndicates and organized criminals, who manufacture, import and distribute counterfeited goods

HeinOnline -- 1 Anticounterfeiting Consumer Protection Act of 1996, P.L. 104-153, 110 Stat. 1386 S12209 1996

to fund their criminal enterprises. No enterprise is safe from counterfeiters.

We are a nation of innovators. We lead the world when it comes to intellectual property and high technology. Our companies trademarks indicate quality around the world. Domestic and international counterfeiters are ripping off these companies, picking their pockets, and defrauding the consuming public.

Vermont, with one of the lowest violent crime rates in the Nation, is home to businesses that benefit from a strong work ethic and dedication to quality. That is part of the reason that Vermont products are trusted and respected across the nation and around the world.

Vermont maple syrup producers comply with stringent standards so that syrup lovers around the world are not disappointed. They have to be constantly vigilant against counterfeiters who use the Vermont label to get a free ride on the reputation for excellence syrup from my State enjoys.

Burton Snowboards of Burlington faces the same problem. This company is the world leader in making snowboard equipment, but loses an estimated $1 million annually to copycat boots made in Korea.

The IBM facility in Essex Junction makes 16 and 64 megabyte memory chips, known as DRAM [dynamic random access memory chips]. These memory chips, which can be used in medical equipment and computers, are likewise the subject of counterfeiting.

This bill takes important steps to address the problem of counterfeiting in several ways. It seeks to expand our existing racketeering law to cover crimes involving counterfeiting and copyright infringement and to give our law enforcement officers additional, needed authority to seize counterfeit merchandise and impose fines on counterfeiters. As a former prosecutor, I know that penalties and punishment can deter crime and this bill moves in the right direction.

We must make our laws more effective in combatting counterfeiting crimes here at home and also confront the international nature of the problem. Copycat goods with the labels of legitimate, American companies are manufactured, distributed and sold in foreign cities around the globe. We should insist that our trading partners take action against all kinds of intellectual property violations: Whether counterfeiting or copyright piracy, it amounts to theft and fraud on the consuming public. We cannot tolerate our trading partners and international allies acting as safe havens for pirates.

Trademark counterfeiting is not a joke. It costs in jobs, tax revenue, markets, and credibility. Many products being counterfeited can lead to health and safety hazards and even cost lives.

I look forward to our proceeding with prompt hearing on this important measure and to its early consideration and passage.

THE AMERICAN FAMILY TAX RELIEF ACT OF 1995

Mr. DOLE. Mr. President, I am proud to be an original cosponsor of the American Family Tax Relief Act of 1995.

The American Family Tax Relief Act would provide tax cuts where they are needed most—to families with dependent children. These families have seen their Federal tax burden skyrocket over the years—from 3% of their income in 1948 to well over 20 percent today.

The current tax law is designed to counter a rising tax burden on families with automatic increases in the personal exemption to account for inflation. These inflation adjustments have not been enough, though, to counter the growing tax burden on families.

The American Family Tax Relief Act addresses this concern by providing a $500 tax credit for each dependent child up to age 18. The act will provide substantial and valuable benefits to thousands of families with children in each State. There are an average of 117,000 children in each congressional district whose families would be eligible for a $500 family tax credit under this bill. That is an average tax benefit of $59 million for each congressional district.

Of course, the benefits to each State are substantially larger. In Kansas alone, there are over 650,000 eligible children whose families would receive more than $325 million in family tax credits each year under this bill.

Enacting pro-family tax relief, together with balancing the Federal budget, are critical to the well-being of the family and the country. One of the most important things we can do for our children is to stop mortgaging their future—and balancing the budget will do just that. We will cease deficit spending and shrink the size of the government, so the tax burden on Americans can be reduced.

When we pass budget reconciliation legislation this year, we will substantially reduce the tax burden on families. We will provide tax credits for families with children, tax credits to defray the costs to adopt a child, and other pro-family measures to increase the amount of after-tax dollars in the pockets of American families.

The introduction of the American Family Tax Relief Act of 1995 is an important step forward toward reducing the tax burden on American families. I urge my colleagues to join in cosponsoring this bill to show their support for children and family. And I thank the groups that are promoting this effort, including Concerned Women For America, Christian Coalition, Eagle Forum, Family Research Council, and Traditional Values Coalition.

U.S. GEOLOGICAL SURVEY EXTERNAL RESEARCH GRANTS PROGRAM RELATED TO EARTHQUAKE HAZARDS AND MITIGATION

Mrs. BOXER. As every Member of this body knows, earthquakes represent a severe threat and devastating reality to my State of California. California is by no means alone in facing this danger. The U.S. Geological Survey has identified 41 States and U.S. territories in the moderate, high or very high categories of seismic risk. While earthquakes can not be prevented, there are important steps that we can take to minimize the damage caused by these disasters and to improve our ability to respond to them. Through the multi-agency National Earthquake Hazards Reduction Program [NEHRP], several Federal agencies are involved in precisely such efforts.

The Interior appropriations bill provides the funding for one of the agencies engaged in this work, the U.S. Geological Survey [USGS]. Unfortunately, as passed by the Senate Appropriations Committee, the bill sends a conflicting message with regard to one vitally important aspect of the USGS contribution to earthquake hazard reduction—university earthquake research. In fiscal year 1995, USGS provided $8 million in funding for external grants related to earthquake hazards and mitigation. The university program provides the knowledge base on which the broader NEHRP program rests. It plays a critical role in amplifying USGS resources and manpower by leveraging additional funds from States, universities and foundations. It also provides USGS with access to the leading researchers and state-of-the-art facilities and equipment in which to conduct earthquake research.

Unfortunately, as I have already noted, the report accompanying the Senate version of this legislation takes two conflicting directions with regard to university funded research. While the committee notes the unique role that university research plays in the NEHRP program, it also specifically cuts $4,000,000 from the funding available for this purpose—a 50-percent reduction. I should note that this is an improvement from the House bill, which eliminated such university research altogether.

Mr. President, I would like to ask my distinguished colleague, Senator GORTON, who is chair of the Appropriations Subcommittee on Interior and Related Agencies, whether he would be willing to answer a question regarding the report language on this issue?

Mr. GORTON. I would be pleased to respond to the Senator's question.

Mrs. BOXER. The Committee which you chair has clearly recognized the tremendously valuable contribution that university earthquake research makes to the NEHRP program. I would therefore ask my colleague from Washington whether it would not be more

HeinOnline -- 1 Anticounterfeiting Consumer Protection Act of 1996, P.L. 104-153, 110 Stat. 1386 S12210 1996

12)

HeinOnline -- 1 Anticounterfeiting Consumer Protection Act of 1996, P.L. 104-153, 110 Stat. 1386 [i] 1996