

United States Senate

WASHINGTON, DC 20510

June 28, 2019

The Honorable Ajit V. Pai, Chairman
Federal Communications Commission
455 12th Street, Southwest
Washington, DC 20554

Dear Chairman Pai:

We write regarding the Commission's draft order to revise the children's television programming ("Kid Vid") rules. Congress passed the Children's Television Act in 1990 on a bipartisan basis, establishing requirements for television broadcasters to provide kids with valuable, educational programming. For nearly three decades, these guidelines have benefited countless children and families of all backgrounds, providing young Americans with nourishing content to help them thrive and grow. Unfortunately, the Federal Communications Commission (FCC)'s current proposal to change the Kid Vid rules would significantly decrease children's access to this critical resource.

While we are pleased that the FCC is not moving forward with its initial plan to dismantle the children's television rules, we write to express our concern that the Commission's current proposed changes would limit the reach of educational content available to children and have a particularly damaging effect on youth in low-income and minority communities. The FCC's current draft order would decrease families' access to educational programming, and this is particularly true for African American households, of which 16% rely on over-the-air television¹, Hispanic households, of which 20% percent rely on this programming², and Americans making less than \$25,000 per year, of which 30% depend on over-the-air feeds³. We encourage you to continue requiring broadcasters to provide at least three hours per week of regularly scheduled, educational content on primary stations.

The Commission's current proposal would allow a third of required educational content to be aired on secondary "multicast" stations, effectively limiting viewers' access to these shows for the sake of providing increased "flexibility."⁴ Total viewership of multicast stations is significantly lower than that of broadcasters' primary stations⁵, and these stations fail to reach

¹ Nielsen, The Nielsen Total Audience Report: Q1 2018 11 (2018), <https://www.nielsen.com/us/en/insights/reports/2018/q1-2018-total-audience-report.html>.

² *Id.*

³ Data provided by Nielsen (2018).

⁴ Children's Television Programming Rules, MB Dkt. No. 18-202 at 2 (June 19, 2019), <https://docs.fcc.gov/public/attachments/DOC-358070A1.pdf>.

⁵ See Comments of Litton Entertainment MB Dkt. No. 12-202, at ii (filed Sept. 24, 2018).

millions of households.⁶ Allowing broadcasters to shelve children's content on multicast stations with minimal viewership would significantly limit the likelihood that this content will reach the young people it is intended to benefit. The Commission should not permit broadcasters to shift content from primary to sparsely viewed secondary stations.

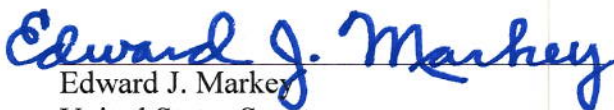
Your proposal would further limit access to the content kids rely on by requiring only two-thirds of content to be regularly scheduled. Today, much of the programming aired by broadcasters is not meant for children, and parents should be able to know exactly when age-appropriate and informational shows will run. Educational shows are of no benefit to kids if families do not know when to tune in. In light of this concern, we request that you maintain the requirement that broadcasters air all Kid Vid programming on a regularly scheduled basis.

Your draft order contains several other changes that, if implemented, would further limit children's access to educational content intended for them. Such problematic changes include extending the time frame when required children's content can be aired into early morning hours and allowing broadcasters to air only three hours of educational content total per week across *all* of their stations, rather than three hours on *each* station airing content. Neither of these changes would help kids to access vital educational content, and we call on you to reconsider these revisions.

In exchange for free access to the airwaves, broadcasters, among other public interest obligations, are required to air a mere three hours per week—less than two percent of their total broadcast time—of educational children's content. This should remain the rule.

Thank you for your attention to this important matter.

Sincerely,



Edward J. Markey
United States Senator



Kirsten Gillibrand
United States Senator



Elizabeth Warren
United States Senator




Tammy Duckworth
United States Senator

⁶ Television Bureau of Advertising, *Digital Subchannels and Diginents*, (May, 2017), <https://www.tvb.org/Default.aspx?TabID=1535>.




Tammy Baldwin
United States Senator



Richard Blumenthal
United States Senator



Sherrod Brown
United States Senator



Ron Wyden
United States Senator



Amy Klobuchar
United States Senator

CC: The Honorable Michael O'Rielly,
The Honorable Brendan Carr
The Honorable Jessica Rosenworcel
The Honorable Geoffrey Starks