

**Statement  
Of  
Julius Genachowski  
Chairman  
Federal Communications Commission**

**Before the United States Senate  
Committee on Commerce, Science and Transportation**

**Hearing on  
“Rethinking the Children’s Television Act for a Digital Media Age”**

**July 22, 2009**

Good afternoon Chairman Rockefeller, Ranking Member Hutchison, and Members of the Committee. Thank you for inviting me here today to discuss the Children’s Television Act of 1990 and its role in a digital media age.

I applaud Chairman Rockefeller and the Committee for commencing this timely and important inquiry. Mr. Chairman, your commitment to children through such provisions as the E-rate and other initiatives is well-known; the public appreciates it. Moreover, the historic role this Committee has played with respect to children and TV, with contributions from so many of its Members, is an important legacy to build upon for the future.

The Children’s Television Act is landmark legislation. It was enacted by Congress in 1990 to serve the dual purposes of promoting educational and informational programming for children and placing limits on commercial advertising to which children are exposed while watching TV.

Congress determined in 1990 that market forces were not producing a sufficient amount of children’s educational and informational programming on commercial television and that government action was needed. Congress reminded broadcasters of “the public interest responsibility of individual broadcast licensees to serve the child audience” and concluded that “total reliance on marketplace forces is neither sufficient nor justified to protect children from potential exploitation by advertising or commercial practices.”

As the Committee revisits the Act after almost two decades, three points stand out:

First, children remain our most precious national resource. It is as essential as ever to ensure that our kids are educated, healthy, and prepared for the 21<sup>st</sup> century, and that they are protected from commercial exploitation.

Second, television continues to have a powerful affect on our children, and broadcast television remains a unique medium, the exclusive source of video programming relied upon by millions of households, and a very significant source for millions of others. The Commission's responsibility to enforce the Children's Television's Act remains vital.

Third, much has changed since the Act was passed in 1990.

For instance:

- Multi-channel video programming has grown dramatically, significantly expanding the programming choices of viewers who can afford to pay for television. For example, in 1990, broadcast TV represented 77% of total TV viewership, while today it is 41%.
- The Internet has vastly proliferated, with younger Americans as the leading edge. A recent survey reports that kids from two to 11 years of age are spending 63% more time online than they did 5 years ago.
- Video games have become a prevalent entertainment source in millions of homes and a daily reality for millions of kids. According to one study, video games are played in 65% of American households, while another found that 97% of teens play video games on a computer, game console, or mobile device.
- Mobile services have exploded. In 1990, there were about 5 cell phone subscribers in the U.S. Today there are over 270 million. Video content and texting -- often with images attached -- can now be seen on many wireless devices.

The bottom line is that twenty years ago, parents worried about one or two TV sets in the house. Today, parents worry not only about the TV in the den, but about the computer in the kitchen, the gaming console in the basement, and the mobile phones in their kids' pockets.

No wonder parents increasingly find themselves playing the digital media equivalent of a "zone defense" across this expanding playing field, facing an array of new challenges not contemplated twenty years ago.

Several of these issues are involved in an FCC examination, initiated by Senator Pryor, which is due at the end of August. That process, and the one launched by this hearing, together reflect an appropriate and I believe widespread interest in the consequences for children and families of the new digital media landscape.

As Congress and the Commission review this changing landscape, there are a number of issues to explore. These include the quantity and quality of educational

programming currently available; the ability of parents to find educational programming and other useful information; the capability of new digital technologies to better inform parental choices; the current state of advertising on children's programming as well as other programming that has children in the audience; and an assessment of the new concerns and opportunities presented by the changing digital media world.

In exploring these and other issues, I believe certain goals and values remain constant.

First, the importance of education. It is as essential as ever to ensure that our children have all the tools they need to become valuable members of our economy and democracy.

Second, the importance of protecting children. Video content for our nation's kids should not treat them as "Little Consumers." Guarding against inappropriate marketing to children is as vital today in the digital era as it was twenty years ago when Congress limited commercial advertising to kids through the Act.

Third, the importance of empowering parents. Parents should have access to a full range of information and tools in exercising their essential responsibilities.

Fourth, the importance of recognizing the appropriate roles of the government, parents, and the private sector. Government and the private sector both have vital roles to play in helping parents and protecting the health and well-being of children, while honoring and abiding by the First Amendment.

I'm hopeful that the evolving media landscape will produce innovation and new business models to increase the amount of educational programming and content available to all children, and enhance the ability of parents to pick and choose. I'm hopeful that all providers of video programming will apply their powerful creative talents to meeting their responsibilities and obligations to the American public. Studies show that television – like Sesame Street, Sprout, and others -- can be a force for good, and that positive public images and educational messages can affect behavior in healthy and productive ways. We also know that public service announcements have had real benefits, like reductions in teen pregnancy and drug use by children. This is a time for all providers of digital content to ask themselves: are we acting responsibly in view of our broad civic obligations?

I also believe, however, that Congress and the FCC must remain vigilant. Given the importance of the enduring goals underlying the Children's Television Act and the significant changes in the marketplace and technology, I believe that the FCC should conduct an inquiry into how the FCC can best protect children and empower parents in the digital age. I have directed FCC staff to begin that process, and I will work with my colleagues on the Commission to launch such an inquiry -- to refresh the agency's record and gather the necessary facts that will inform decisions on how best to promote, in a digital media world, the critical goals that animate the Children's Television Act.

The inquiry will address both new concerns and new opportunities presented by the changing digital media world. And it will be a resource for Congress as it examines these issues.

Meanwhile, I intend for the Agency to take concrete action where appropriate. One area for such action is interactive advertising on digital TV. Five years ago, the Commission reached the tentative conclusion for DTV that, absent a parental 'opt-in,' it should prohibit interactivity during children's programming that connects kids to commercial material. I believe that the versatility of digital television will provide new and beneficial economic opportunities to broadcasters – a critical goal, especially in this time of economic challenge. At the same time, protecting kids from inappropriate commercialization remains an essential objective in the digital TV era. While of course the Commission will study the record fully, at this point I'm inclined to agree that the Agency should make its tentative conclusion final and say that interactive ads directed at children are off-limits without an opt-in by parents.

One more action step. I believe the FCC itself can be part of the solution. I have directed the FCC staff to revamp as soon as possible the children's TV portion of FCC.gov. There is useful information hidden deep in the site about educational programming provided by broadcasters. That and other relevant information for parents should be easier-to-find and easier-to-use. My goal is for the FCC to have a model government website for parents and children.

In sum, I commend the Chairman for commencing this crucial and essential examination of children and media in the digital age. I look forward to answering your questions.

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