

**STATEMENT OF
CHAIRMAN AJIT PAI**

Re: *Children’s Television Programming Rules, Modernization of Media Regulation Initiative*, MB Docket Nos. 18-202 and 17-105, Report and Order and Further Notice of Proposed Rulemaking.

The Children’s Television Act was enacted in 1990. And things have changed a lot in the 29 years since. Babies born when the Act was passed are now having children of their own. Media that did not exist in 1990, most notably the commercial Internet and online streaming services, have completely transformed what we watch, how we watch, and when we watch it. This explosion in choice of content and distribution has benefited children, who have access to far more educational programming across all these platforms than was imaginable in 1990.

It has also resulted in a massive shift in children’s viewing habits. As most parents (including me) know, rather than viewing programming live on broadcast TV, most children now watch educational content on non-broadcast platforms, and they prefer to do so. For example, the evidence in the record indicates that the educational programs aired on CBS and NBC owned-and-operated and affiliated stations average only 57,000 young viewers, which is less than one-tenth of one percent of the children in the United States. And in fact, about two-thirds of the viewers of these children’s shows are over the age of 55, which actually isn’t surprising if you’ve seen the commercials that air during these programs.

Unfortunately, one thing hasn’t changed to reflect the times: the FCC’s regulations implementing the Act, commonly referred to as our “KidVid” rules. Despite some revisions throughout the decades, the bulk of our KidVid rules remain trapped in amber, stuck in a time when classrooms had maps showing the Soviet Union and *Bill Nye the Science Guy* had yet to air a single episode.

Until today, that is. Thanks to Commissioner O’Rielly’s efforts, we are finally modernizing our KidVid rules to better reflect today’s media marketplace. This item gives broadcasters more flexibility in satisfying their obligations under the Act, while also ensuring that consumers who rely on over-the-air television can access educational programming. Indeed, even setting aside all of the children’s educational programming now available on cable television and over the Internet, there is now a plethora of such programming available over-the-air. PBS KIDS, for example, airs children’s programming over a multicast stream on a 24/7 basis, while ION airs 111 hours of children’s educational programming through its Qubo multicast stream. None of this existed when the Commission first adopted rules implementing the Children’s Television Act, and none of this will be impacted by our actions today.

Notably, the changes we make today are balanced and modest. For example, we allow broadcasters to satisfy some of their Core Programming obligations—the easiest way for them to comply with our children’s television rules—through specials and short-form programming. For those of us who remember ABC Afterschool Specials and Schoolhouse Rock, this hardly seems like a radical innovation. We are simply acknowledging that one-size-fits-all, 30-minute programming is not the only effective means to provide educational programming for children. (In fact, judging from the much-shorter episodes of streamed shows like Octonauts and StoryBots that my kids consume, they’re not even the primary means these days.)

We also allow broadcasters to use multicast streams to satisfy a minority of their Core Programming requirement. This makes sense because multicast channels are available for free to consumers who exclusively rely on over-the-air viewing—those who don’t have access to children’s educational programs on cable channels.

Another well-considered reform is moving up the time when Core Programming can begin to be aired from 7:00 AM to 6:00 AM. This reflects what the record shows and what most parents (again,

including me) know: children are viewing TV earlier and before school. And we are also reducing reporting requirements that did nothing but generate make-work for broadcasters, who spend considerable time and money to produce reports that hardly anyone reads.

I welcome these common-sense reforms, which allow broadcasters flexibility to compete in today's marketplace while also serving the public interest. There is certainly more room to update our KidVid rules, but this is a positive first step forward.

I'd like to thank Commissioner O'Rielly for leading this project on behalf of the agency. And I'd like to give a special acknowledgement to the Commission staff who made this item possible. They're not just dedicated public servants; many are also parents—moms and dads—who go home each day to make the same choices about their children's TV consumption that I and millions of other Americans do. My thanks to Kathy Berthot, Michelle Carey, Martha Heller, Barbara Kreisman, Jonathan Mark, Evan Morris, and Sarah Whitesell from the Media Bureau, and Susan Aaron, David Konczal, and Bill Richardson from the Office of General Counsel.