

**DISSENTING STATEMENT OF  
COMMISSIONER JESSICA ROSENWORCEL**

Re: *Children's Television Programming Rules*, MB Docket No. 18-202; *Modernization of Media Regulation Initiative*, MB Docket No. 17-105

I'm a Mom. I don't talk about it a lot, but last I checked, I'm the only one on this dais serving at the Federal Communications Commission who can make that claim. Being a mother is my sweetest accomplishment and greatest source of joy. But it's hard. A household with two jobs, two kids, and too little time in the day is not for the faint of heart. As every mother knows, every little thing that makes it easier to get through the day with your children healthy and safe is a thing you can get behind and support.

I marvel at the way that video content for kids has changed. I know during my childhood my mother could tell you with Swiss-like precision the time and channel of our favorite programming. On so many occasions, that programming—which was educational—held our interest and kept us safe and sound when there were competing demands on her time. But my experience with my own children is different. They can call up a range of kid-focused content when they want it and where they want it, which is usually on whatever screen is handy—though they still need my permission first. But when it comes to the availability of children's programming, so much is so different now.

But it's important to note what has not changed. What has not changed is that this agency has a duty under the law. The Children's Television Act requires us to limit advertising and during the license renewal process consider how a station has served the educational and informational needs of children. To implement this law, the agency suggested stations provide three hours of children's content a week. It's important that we take our duty under the law seriously—for my children and so many others across the country who are not as fortunate.

Children in this country are facing tremendous challenges. Survey the news, sample the stories about violence in schools and children being separated from their parents at the border and it's hard to conclude anything but respect for children by those in power in Washington is at a low point.

I'm afraid today's rulemaking is consistent with that trend. I understand the need to modernize our rules. As a mother, I see how beneficial it is to have so many places to turn to for quality content online. But I also know that this agency has reported that 24 million Americans lack broadband at home. That includes a quarter of the low-income households with children under 8 at home. Moreover, nearly 8 in 10 Americans are living paycheck to paycheck. In fact, 59% of Americans can barely save \$100 a month, which is roughly the cost of a cable or satellite television subscription. Millions of households, especially in rural and low-income communities rely on over the air television for their children's programming.

However, if you read this rulemaking, these realities are curiously absent. There is a lot of hand-wringing about change, but too little data science to suggest what children it affects, and what we should do about it. Don't just take my word for it. Take note that groups as diverse as the Campaign for a Commercial Free Childhood, Parents Television Council, and Common Sense Media, as well as the author of the American Academy of Pediatrics policy on media and young minds have urged us to slow down and do this right. They, too, see the need for modernizing this agency's approach to children's programming. But they believe that this rulemaking is not the way to do it.

I think they're right. I regret my colleagues refused to convert this effort to a notice of inquiry so that we could include the evidence we need to proceed fairly. I am disappointed that this rulemaking all but announces where we are headed—a future with less quality children's programming that is also harder for

families to locate and watch. Moreover, I regret that dozens of times the text before us cites the need to ease industry of the “burdens” of serving our children with educational programming under the law. It never once cites children, parents, families—or mothers. So take it from this one: This is not the effort our children deserve. It takes the values in the Children’s Television Act and instead of modernizing them for the digital age, seeks to discard them with a cruel disregard for the children left behind.

I appreciate that my colleague Commissioner O’Rielly made efforts to work with me to adjust the text of this rulemaking. However, I will regretfully dissent. While I support updating our policies under the Children’s Television Act, I believe what we have fails to do so in a way that accurately reflects some of our most important responsibilities under the law.