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June 5, 2026

The Honorable Brendan Carr  
Chairman  
Federal Communications Commission  
45 L Street, NE  
Washington, DC 20554

Dear Chairman Carr,

The Federal Communications Commission (FCC) is attempting to use legislation that I authored — the V-chip law — to pressure the television ratings system to place a special warning on programming that acknowledges transgender and nonbinary Americans. This effort twists my V-chip law from a parental-control tool into a culture-war weapon against LGBTQ+ Americans. The V-chip was intended to help parents make choices, not to let Washington bureaucrats mark transgender people, nonbinary people, or LGBTQ+ families as inappropriate for children. Your proceeding is legally baseless, morally cruel, and dangerous to First Amendment-protected speech. The FCC must end this attack and withdraw any effort to misuse a parental-choice law as a vehicle for government-sponsored discrimination.

As the House author of the V-chip legislation, I know what that law was designed to do: create a parental-control framework to help families make their own decisions about television programming in their own homes. Congress enacted the V-chip in response to concerns about television violence and sexual content, and the law helped spur the industry to create the TV Parental Guidelines so parents could make informed choices.<sup>1</sup> Although Congress allowed the FCC to develop guidelines and recommended procedures if the industry failed to create its own ratings system,<sup>2</sup> the conference report made clear that those guidelines were not binding rules and the FCC could not require adoption of any recommended ratings system.<sup>3</sup> Ultimately, industry created the TV Parental Guidelines, the FCC accepted that system in 1998, and that voluntary framework remains in place today.<sup>4</sup> Moreover, the law specifically stated that it

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<sup>1</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, § 551.

<sup>2</sup> *Id.*

<sup>3</sup> S. Conf. Rep. No. 104-230, at 195 (1996).

<sup>4</sup> FCC, Implementation of Section 551 of the Telecommunications Act of 1996, Video Programming Ratings, 13 FCC Rcd. 8232 (1998); *see also* FCC, Report on Television Ratings and the Oversight Monitoring Board, DA 19-423, ¶¶ 3-4 (May 16, 2019).

provided the FCC no authority to rate video programming “on the basis of its political or religious content.”<sup>5</sup> In other words, Congress carefully crafted the V-chip law to give parents tools to decide what was appropriate for their own children; it did not give future FCC chairs continuing authority to declare that transgender people, nonbinary people, or LGBTQ+ families are themselves inappropriate for children.

Yet, that is exactly what the FCC, under your leadership, appears to be doing with this proceeding. The Public Notice states that parents have raised concerns that “controversial gender identity issues” are being included or promoted in children’s programming without “disclosure or transparency,” then asks whether programs rated TV-Y, TV-Y7, and TV-G that contain “discussion or promotion of gender identity themes” should be rated differently or contain “relevant descriptions.”<sup>6</sup> Those questions are not a neutral effort to assess whether the existing ratings system is working as Congress intended. They single out gender identity for special government scrutiny. Congress did not authorize the FCC to convert the V-chip’s limited parental-control framework into authority to pressure the industry to display new labels for programming involving gender identity. Indeed, Congress did not even authorize the FCC to require adoption of its own recommended ratings system. The FCC therefore has no basis to pressure broadcasters, programmers, distributors, or ratings bodies to brand LGBTQ+ Americans as harmful.

This proceeding also threatens First Amendment principles. The Communications Act expressly states that the FCC has no censorship power and may not impose any regulation or condition that interferes with the right of free speech.<sup>7</sup> Yet a government-pushed gender identity label would tell viewers that the presence of transgender and nonbinary people is special content from which children may need protection. The FCC cannot avoid that problem by styling its effort as a request for comment or by acting through the ratings system rather than directly against programmers. The Public Notice — from the federal agency that licenses broadcasters, reviews media transactions, and enforces communications law — implicitly pressures regulated entities to disfavor content involving transgender and nonbinary people. That is the exact type of government-driven speech pressure that the Communications Act — and the First Amendment — prohibits.<sup>8</sup> It has also been a hallmark of the FCC under your leadership.<sup>9</sup>

Most importantly, the FCC’s proceeding is discriminatory and cruel. There is nothing indecent about being transgender. There is nothing harmful about a child seeing a nonbinary character, a transgender classmate, or a family that reflects the real people in their school and community. Existing ratings already address sexual content, violence, fantasy violence, crude

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<sup>5</sup> Telecommunications Act of 1996, *supra*, note 1.

<sup>6</sup> FCC, Public Notice, FCC’s Media Bureau Seeks Comment on Further Empowering Parents to Protect Their Children and Make Informed Choices About the TV Programs Their Children Watch, MB Docket No. 19-41, DA 26-392, at 2, 4 (Apr. 22, 2026).

<sup>7</sup> 47 U.S.C. § 326.

<sup>8</sup> *See* *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58 (1963); *Nat’l Rifle Ass’n of Am. v. Vullo*, 602 U.S. 175 (2024).

<sup>9</sup> *See, e.g.*, Letter from Senator Edward J. Markey et al. to Brendan Carr, Chairman, Federal Communications Commission (May 7, 2026), <https://www.markey.senate.gov/news/press-releases/markey-schumer-cantwell-lujan-demand-fcc-stop-first-amendment-attacks-on-disney-abc>.

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language, and suggestive dialogue wherever they appear.<sup>10</sup> Singling out gender identity tells LGBTQ+ children that their existence is a problem and tells programmers to make them disappear. This is an unacceptable and outrageous attack on families with LGBTQ+ parents, LGBTQ+ children, and LGBTQ+ loved ones.

The FCC should withdraw this proceeding and make clear that it will not require or pressure video programmers or distributors to display any rating, advisory, or label based on gender identity, sexual orientation, or LGBTQ+ themes.

Thank you for your prompt consideration of this important issue.

Sincerely,



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Edward J. Markey  
United States Senator

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<sup>10</sup> TV Parental Guidelines Monitoring Board, The TV Parental Guidelines, <https://www.tvguidelines.org/resources/TheRatings.pdf>.