

**Suspend the Rules and Pass the Bill, H.R. 3101, With an Amendment****(The amendment strikes all after the enacting clause and inserts a new text)**111TH CONGRESS  
1ST SESSION**H. R. 3101**

To ensure that individuals with disabilities have access to emerging Internet Protocol-based communication and video programming technologies in the 21st century.

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**IN THE HOUSE OF REPRESENTATIVES****JUNE 26, 2009**

Mr. MARKEY of Massachusetts introduced the following bill; which was referred to the Committee on Energy and Commerce

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**A BILL**

To ensure that individuals with disabilities have access to emerging Internet Protocol-based communication and video programming technologies in the 21st century.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Twenty-First Century Communications and Video Acces-  
6 sibility Act of 2010”.

7 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Limitation on liability.
- Sec. 3. Proprietary technology.

#### TITLE I—COMMUNICATIONS ACCESS

- Sec. 101. Definitions.
- Sec. 102. Hearing aid compatibility.
- Sec. 103. Relay services.
- Sec. 104. Access to internet-based services and equipment.
- Sec. 105. Emergency Access Advisory Committee.
- Sec. 106. Relay services for deaf-blind individuals.

#### TITLE II—VIDEO PROGRAMMING

- Sec. 201. Video Programming and Emergency Access Advisory Committee.
- Sec. 202. Video description and closed captioning.
- Sec. 203. Closed captioning decoder and video description capability.
- Sec. 204. User interfaces on digital apparatus.
- Sec. 205. Access to video programming guides and menus provided on navigation devices.
- Sec. 206. Definitions.

#### TITLE III—PAYGO COMPLIANCE

- Sec. 301. PAYGO Compliance.

### 1 **SEC. 2. LIMITATION ON LIABILITY.**

2       (a) IN GENERAL.—Except as provided in subsection  
3 (b), no person shall be liable for a violation of the require-  
4 ments of this Act (or of the provisions of the Communica-  
5 tions Act of 1934 that are amended or added by this Act)  
6 with respect to video programming, online content, appli-  
7 cations, services, advanced communications services, or  
8 equipment used to provide or access advanced communica-  
9 tions services to the extent such person—

10               (1) transmits, routes, or stores in intermediate  
11 or transient storage the communications made avail-  
12 able through the provision of advanced communica-  
13 tions services by a third party; or

1           (2) provides an information location tool, such  
2       as a directory, index, reference, pointer, menu,  
3       guide, user interface, or hypertext link, through  
4       which an end user obtains access to such video pro-  
5       gramming, online content, applications, services, ad-  
6       vanced communications services, or equipment used  
7       to provide or access advanced communications serv-  
8       ices.

9       (b) EXCEPTION.—The limitation on liability under  
10     subsection (a) shall not apply to any person to the extent  
11     such person relies on third party applications, services,  
12     software, hardware, or equipment to comply with the re-  
13     quirements of this Act (or of the provisions of the Commu-  
14     nications Act of 1934 that are amended or added by this  
15     Act).

16     **SEC. 3. PROPRIETARY TECHNOLOGY.**

17       No action taken by the Commission to implement the  
18     requirements of this Act or the amendments made by this  
19     Act shall mandate the use or incorporation of proprietary  
20     technology.

21       **TITLE I—COMMUNICATIONS**  
22       **ACCESS**

23     **SEC. 101. DEFINITIONS.**

24       Section 3 of the Communications Act of 1934 (47  
25     U.S.C. 153) is amended—

1           (1) by adding at the end the following new  
2 paragraphs:

3           “(53) ADVANCED COMMUNICATIONS SERV-  
4 ICES.—The term ‘advanced communications services’  
5 means—

6                   “(A) interconnected VoIP service;

7                   “(B) non-interconnected VoIP service;

8                   “(C) electronic messaging service; and

9                   “(D) video conferencing service.

10          “(54) DISABILITY.—The term ‘disability’ has  
11 the meaning given such term under section 3 of the  
12 Americans with Disabilities Act of 1990 (42 U.S.C.  
13 12102).

14          “(55) ELECTRONIC MESSAGING SERVICE.—The  
15 term ‘electronic messaging service’ means a service  
16 that provides non-voice messages in text form be-  
17 tween individuals over communications networks.

18          “(56) INTERCONNECTED VOIP SERVICE.—The  
19 term ‘interconnected VoIP service’ has the meaning  
20 given such term under section 9.3 of title 47, Code  
21 of Federal Regulations, as such section may be  
22 amended from time to time.

23          “(57) NON-INTERCONNECTED VOIP SERVICE.—  
24 The term ‘non-interconnected VoIP service’—

25                   “(A) means a service that—

1 “(i) enables real-time voice commu-  
2 nications that originate from or terminate  
3 to the user’s location using Internet pro-  
4 tocol or any successor protocol; and

5 “(ii) requires Internet protocol com-  
6 patible customer premises equipment; and

7 “(B) does not include any service that is  
8 an interconnected VoIP service.

9 “(58) VIDEO CONFERENCING SERVICE.—The  
10 term ‘video conferencing service’ means a service  
11 that provides real-time video communications, in-  
12 cluding audio, to enable users to share information  
13 of the user’s choosing.”; and

14 (2) by reordering paragraphs (1) through (52)  
15 and the paragraphs added by paragraph (1) of this  
16 section in alphabetical order based on the headings  
17 of such paragraphs and renumbering such para-  
18 graphs as so reordered.

19 **SEC. 102. HEARING AID COMPATIBILITY.**

20 (a) COMPATIBILITY REQUIREMENTS.—

21 (1) TELEPHONE SERVICE FOR THE DIS-  
22 ABLED.—Section 710(b)(1) of the Communications  
23 Act of 1934 (47 U.S.C. 610(b)(1)) is amended to  
24 read as follows:

1       “(b)(1) Except as provided in paragraphs (2) and (3)  
2 and subsection (c), the Commission shall require that cus-  
3 tomer premises equipment described in this paragraph  
4 provide internal means for effective use with hearing aids  
5 that are designed to be compatible with telephones which  
6 meet established technical standards for hearing aid com-  
7 patibility. Customer premises equipment described in this  
8 paragraph are the following:

9           “(A) All essential telephones.

10          “(B) All telephones manufactured in the United  
11 States (other than for export) more than one year  
12 after the date of enactment of the Hearing Aid  
13 Compatibility Act of 1988 or imported for use in the  
14 United States more than one year after such date.

15          “(C) All customer premises equipment used  
16 with advanced communications services that is de-  
17 signed to provide 2-way voice communications via a  
18 built-in speaker intended to be held to the ear in a  
19 manner functionally equivalent to a telephone, sub-  
20 ject to the regulations prescribed by the Commission  
21 under subsection (e).”.

22          (2)       ADDITIONAL       AMENDMENTS.—Section  
23 710(b) of the Communications Act of 1934 (47  
24 U.S.C. 610(b)) is further amended—

25               (A) in paragraph (2)—

1 (i) in subparagraph (A)—

2 (I) in the matter preceding clause

3 (i)—

4 (aa) by striking “initial”;

5 (bb) by striking “of this

6 subsection after the date of en-

7 actment of the Hearing Aid Com-

8 patibility Act of 1988”; and

9 (cc) by striking “paragraph

10 (1)(B) of this subsection” and in-

11 serting “subparagraphs (B) and

12 (C) of paragraph (1)”;

13 (II) by inserting “and” at the

14 end of clause (ii);

15 (III) by striking clause (iii); and

16 (IV) by redesignating clause (iv)

17 as clause (iii);

18 (ii) by striking subparagraph (B) and

19 redesignating subparagraph (C) as sub-

20 paragraph (B); and

21 (iii) in subparagraph (B) (as so redес-

22 igned)—

23 (I) by striking the first sentence

24 and inserting “The Commission shall

25 periodically assess the appropriateness

1 of continuing in effect the exemptions  
2 for telephones and other customer  
3 premises equipment described in sub-  
4 paragraph (A) of this paragraph.”;  
5 and

6 (II) in each of clauses (iii) and  
7 (iv), by striking “paragraph (1)(B)”  
8 and inserting “subparagraph (B) or  
9 (C) of paragraph (1)”;

10 (B) in paragraph (4)(B)—

11 (i) by striking “public mobile” and in-  
12 serting “telephones used with public mo-  
13 bile”;

14 (ii) by inserting “telephones and other  
15 customer premises equipment used in  
16 whole or in part with” after “means”;

17 (iii) by striking “and” after “public  
18 land mobile telephone service,” and insert-  
19 ing “or”;

20 (iv) by striking “part 22 of”; and

21 (v) by inserting after “Regulations”  
22 the following: “, or any functionally equiva-  
23 lent unlicensed wireless services”; and

24 (C) in paragraph (4)(C)—



1 (i) by striking “term ‘private radio  
2 services’” and inserting “term ‘telephones  
3 used with private radio services’”; and

4 (ii) by inserting “telephones and other  
5 customer premises equipment used in  
6 whole or in part with” after “means”.

7 (b) TECHNICAL STANDARDS.—Section 710(c) of the  
8 Communications Act of 1934 (47 U.S.C. 610(c)) is  
9 amended by adding at the end the following: “A telephone  
10 or other customer premises equipment that is compliant  
11 with relevant technical standards developed through a  
12 public participation process and in consultation with inter-  
13 ested consumer stakeholders (designated by the Commis-  
14 sion for the purposes of this section) will be considered  
15 hearing aid compatible for purposes of this section, until  
16 such time as the Commission may determine otherwise.  
17 The Commission shall consult with the public, including  
18 people with hearing loss, in establishing or approving such  
19 technical standards. The Commission may delegate this  
20 authority to an employee pursuant to section 5(c). The  
21 Commission shall remain the final arbiter as to whether  
22 the standards meet the requirements of this section.”.

23 (c) RULEMAKING.—Section 710(e) of the Commu-  
24 nications Act of 1934 (47 U.S.C. 610(e)) is amended—

1           (1) by striking “impairments” and inserting  
2           “loss”; and

3           (2) by adding at the end the following sentence:

4           “In implementing the provisions of subsection  
5           (b)(1)(C), the Commission shall use appropriate  
6           timetables or benchmarks to the extent necessary (1)  
7           due to technical feasibility, or (2) to ensure the mar-  
8           ketability or availability of new technologies to  
9           users.”.

10          (d) **RULE OF CONSTRUCTION.**—Section 710(h) of the  
11       Communications Act of 1934 (47 U.S.C. 610(h)) is  
12       amended to read as follows:

13          “(h) **RULE OF CONSTRUCTION.**—Nothing in the  
14       Twenty-First Century Communications and Video Accessi-  
15       bility Act of 2010 shall be construed to modify the Com-  
16       mission’s regulations set forth in section 20.19 of title 47  
17       of the Code of Federal Regulations, as in effect on the  
18       date of enactment of such Act.”.

19       **SEC. 103. RELAY SERVICES.**

20          (a) **DEFINITION.**—Paragraph (3) of section 225(a) of  
21       the Communications Act of 1934 (47 U.S.C. 225(a)(3))  
22       is amended to read as follows:

23               “(3) **TELECOMMUNICATIONS RELAY SERV-**  
24       **ICES.**—The term ‘telecommunications relay services’  
25       means telephone transmission services that provide

1 the ability for an individual who is deaf, hard of  
2 hearing, deaf-blind, or who has a speech disability to  
3 engage in communication by wire or radio with one  
4 or more individuals, in a manner that is functionally  
5 equivalent to the ability of a hearing individual who  
6 does not have a speech disability to communicate  
7 using voice communication services by wire or  
8 radio.”.

9 (b) INTERNET PROTOCOL-BASED RELAY SERV-  
10 ICES.—Title VII of such Act (47 U.S.C. 601 et seq.) is  
11 amended by adding at the end the following new section:  
12 **“SEC. 715. INTERNET PROTOCOL-BASED RELAY SERVICES.**

13 “Within one year after the date of enactment of the  
14 Twenty-First Century Communications and Video Accessi-  
15 bility Act of 2010, each interconnected VoIP service pro-  
16 vider and each provider of non-interconnected VoIP serv-  
17 ice shall participate in and contribute to the Telecommuni-  
18 cations Relay Services Fund established in section  
19 64.604(c)(5)(iii) of title 47, Code of Federal Regulations,  
20 as in effect on the date of enactment of such Act, in a  
21 manner prescribed by the Commission by regulation to  
22 provide for obligations of such providers that are con-  
23 sistent with and comparable to the obligations of other  
24 contributors to such Fund.”.

1       (c) TELECOMMUNICATIONS RELAY SERVICES POLICY  
2 ADVISORY COUNCIL.—Section 225 of the Communications  
3 Act of 1934 (47 U.S.C. 225) is amended by adding at  
4 the end the following new subsection:

5       “(h) TELECOMMUNICATIONS RELAY SERVICES POL-  
6 ICY ADVISORY COUNCIL.—

7           “(1) IN GENERAL.—Not later than 6 months  
8 after the date of enactment of the Twenty-First  
9 Century Communications and Video Accessibility  
10 Act of 2010, the Chairman of the Commission shall  
11 establish an advisory committee to be known as the  
12 Telecommunications Relay Services Policy Advisory  
13 Council (in this section referred to as the ‘Policy Ad-  
14 visory Council’) and shall require the Policy Advi-  
15 sory Council—

16           “(A) to conduct their meetings in a man-  
17 ner that is open to the public;

18           “(B) to make a complete and comprehen-  
19 sive record of such proceedings publicly avail-  
20 able;

21           “(C) to establish safeguards to identify  
22 and mitigate conflicts of interest with respect to  
23 members of the Policy Advisory Council; and

24           “(D) to advise the Commission in the de-  
25 velopment or proposal of any major changes or

1 new rules relating to telecommunications relay  
2 services.

3 “(2) MEMBERSHIP.—As soon as practicable  
4 after the date of enactment of the Twenty-First  
5 Century Communications and Video Accessibility  
6 Act of 2010, the Chairman of the Commission shall  
7 appoint the members of the Policy Advisory Council,  
8 ensuring a balance between potential consumers and  
9 other stakeholders. Members of the Policy Advisory  
10 Council shall be selected from each of the following  
11 groups:

12 “(A) Individuals who are consumers of  
13 telecommunications relay services.

14 “(B) Representatives of State commissions  
15 with jurisdiction over intrastate telecommuni-  
16 cations relay services.

17 “(C) Representatives of providers of tele-  
18 communications relay services.

19 “(3) COLLECTION AND DISSEMINATION OF IN-  
20 FORMATION AND ADVICE.—The Commission—

21 “(A) shall seek the advice of the Policy Ad-  
22 visory Council in assisting the Commission in  
23 developing or proposing any major changes or  
24 issuing any new rules relating to telecommuni-  
25 cations relay services; and

1           “(B) shall, with the advice of the Policy  
2           Advisory Council, make all regulations, rules,  
3           and orders relating to telecommunications relay  
4           services fully and easily accessible to consumers  
5           of such services.

6           “(4) FEDERAL ADVISORY COMMITTEE ACT.—  
7           The Federal Advisory Committee Act (5 U.S.C.  
8           App.) shall not apply to the Policy Advisory Coun-  
9           cil.”.

10          (d) FOLLOWUP PROCEEDING.—Section 225 of the  
11          Communications Act of 1934 (47 U.S.C. 225), as amend-  
12          ed by subsection (c), is further amended by adding after  
13          subsection (h) the following new subsection:

14          “(i) FOLLOWUP PROCEEDING.—

15                 “(1) IN GENERAL.—Not later than 30 months  
16                 after the date of enactment of the Twenty-First  
17                 Century Communications and Video Accessibility  
18                 Act of 2010, the Commission, in consultation with  
19                 all relevant Federal agencies, shall submit to the  
20                 Committee on Commerce, Science, and Transpor-  
21                 tation of the Senate and the Committee on Energy  
22                 and Commerce of the House of Representatives a re-  
23                 port—

24                 “(A) concerning how the Commission is  
25                 ensuring that telecommunications relay service

1 customers have access to improved technologies,  
2 interoperability, and functionalities; and

3 “(B) identifying impediments to the broad  
4 and efficient use of telecommunications relay  
5 services in the workplace.

6 “(2) SUGGESTIONS FOR WORKPLACE ADOP-  
7 TION.—The Commission shall develop suggestions to  
8 facilitate broader and more efficient use of tele-  
9 communications relay services in the workplace, in-  
10 cluding suggestions for facilitating the replacement  
11 of outdated end-user telecommunications relay serv-  
12 ices equipment in public places and government of-  
13 fices.”.

14 **SEC. 104. ACCESS TO INTERNET-BASED SERVICES AND**  
15 **EQUIPMENT.**

16 (a) TITLE VII AMENDMENT.—Title VII of the Com-  
17 munications Act of 1934 (47 U.S.C. 601 et seq.), as  
18 amended by section 103, is further amended by adding  
19 at the end the following new sections:

20 **“SEC. 716. ACCESS TO INTERNET-BASED EQUIPMENT AND**  
21 **SERVICES.**

22 “(a) ACCESS TO EQUIPMENT.—

23 “(1) RIGHT TO ACCESSIBLE EQUIPMENT.—  
24 With respect to equipment manufactured after the  
25 effective date of the regulations established pursuant

1 to this section, and subject to those regulations, a  
2 manufacturer of equipment used for advanced com-  
3 munications, including end user equipment, network  
4 equipment, and software, shall ensure that such  
5 equipment that such manufacturer offers for sale or  
6 otherwise distributes in interstate commerce shall be  
7 accessible to and usable by individuals with disabil-  
8 ities, unless doing so is not achievable.

9 “(2) INDUSTRY FLEXIBILITY.—A manufacturer  
10 of equipment may satisfy the requirements of para-  
11 graph (1) with respect to such equipment by—

12 “(A) ensuring that the equipment that  
13 such manufacturer offers is accessible to and  
14 usable by individuals with disabilities without  
15 the use of third party applications, peripheral  
16 devices, software, hardware, or customer prem-  
17 ises equipment; or

18 “(B) if such manufacturer chooses, using  
19 third party applications, peripheral devices,  
20 software, hardware, or customer premises  
21 equipment that is available to the consumer at  
22 nominal cost and that individuals with disabil-  
23 ities can access.

24 “(b) ACCESS TO SERVICES.—



1           “(1) RIGHT TO ACCESSIBLE SERVICES.—With  
2       respect to advanced communications services offered  
3       after the effective date of the regulations established  
4       pursuant to this section, and subject to those regula-  
5       tions, a provider of services used for advanced com-  
6       munications shall ensure that such services that  
7       such provider offers for sale or otherwise distributes  
8       in interstate commerce shall be accessible to and us-  
9       able by individuals with disabilities, unless doing so  
10      is not achievable.

11          “(2) INDUSTRY FLEXIBILITY.—A provider of  
12      services may satisfy the requirements of paragraph  
13      (1) with respect to such services by—

14           “(A) ensuring that the services that such  
15      provider offers are accessible to and usable by  
16      individuals with disabilities without the use of  
17      third party applications, peripheral devices,  
18      software, hardware, or customer premises  
19      equipment; or

20           “(B) if such provider chooses, using third  
21      party applications, peripheral devices, software,  
22      hardware, or customer premises equipment that  
23      is available to the consumer at nominal cost  
24      and that individuals with disabilities can access.

1       “(c) COMPATIBILITY.—Whenever the requirements of  
2 subsection (a) are not achievable for a manufacturer, or  
3 the requirements of subsection (b) are not achievable for  
4 a provider, a manufacturer or provider shall ensure that  
5 its equipment or service is compatible with peripheral de-  
6 vices or specialized customer premises equipment com-  
7 monly used by individuals with disabilities to achieve ac-  
8 cess, unless the requirement of this subsection is not  
9 achievable.

10       “(d) NETWORK FEATURES, FUNCTIONS, AND CAPA-  
11 BILITIES.—Each provider of advanced communications  
12 services has the duty not to install network features, func-  
13 tions, or capabilities that impede accessibility or usability  
14 of advanced communications services.

15       “(e) REGULATIONS.—

16               “(1) IN GENERAL.—Within one year after the  
17 date of enactment of the Twenty-First Century  
18 Communications and Video Accessibility Act of  
19 2010, the Commission shall promulgate such regula-  
20 tions as are necessary to implement this section. In  
21 prescribing the regulations, the Commission shall—

22                       “(A) include performance objectives to en-  
23 sure the accessibility, usability, and compat-  
24 ibility of advanced communications services and

1 the equipment used for advanced communica-  
2 tions services by individuals with disabilities;

3 “(B) provide that advanced communica-  
4 tions services, the equipment used for advanced  
5 communications services, and networks used to  
6 provide advanced communications services may  
7 not impair or impede the accessibility of infor-  
8 mation content when accessibility has been in-  
9 corporated into that content for transmission  
10 through advanced communications services,  
11 equipment used for advanced communications  
12 services, or networks used to provide advanced  
13 communications services; and

14 “(C) determine the obligations under this  
15 section of manufacturers, service providers, and  
16 providers of applications.

17 “(2) PROSPECTIVE GUIDELINES.—The Commis-  
18 sion shall issue prospective guidelines for a manufac-  
19 turer or provider regarding the requirements of this  
20 section.

21 “(f) SERVICES AND EQUIPMENT SUBJECT TO SEC-  
22 TION 255.—The requirements of this section shall not  
23 apply to any equipment or services, including inter-  
24 connected VoIP service, that are subject to the require-  
25 ments of section 255 on the day before the date of enact-

1 ment of the Twenty-First Century Communications and  
2 Video Accessibility Act of 2010. Such services and equip-  
3 ment shall remain subject to the requirements of section  
4 255.

5 “(g) ACHIEVABLE DEFINED.—For purposes of this  
6 section and section 718, the term ‘achievable’ means with  
7 reasonable effort or expense, as determined by the Com-  
8 mission. In determining whether the requirements of a  
9 provision are achievable, the Commission shall consider  
10 the following factors:

11 “(1) The nature and cost of the steps needed  
12 to meet the requirements of this section with respect  
13 to the specific equipment or service in question.

14 “(2) The impact on the operations of the manu-  
15 facturer or provider and on the operation of the spe-  
16 cific equipment or service in question, including on  
17 the development and deployment of new communica-  
18 tions technologies.

19 “(3) The financial resources of the manufac-  
20 turer or provider.

21 “(4) The type of operations of the manufac-  
22 turer or provider.

23 “(5) The extent to which the service provider or  
24 manufacturer in question offers accessible services  
25 or equipment containing varying degrees of

1 functionality and features, and offered at differing  
2 price points.

3 “(h) COMMISSION FLEXIBILITY.—

4 “(1) WAIVER.—The Commission shall have the  
5 authority, on its own motion or in response to a pe-  
6 tition by a manufacturer or provider, to waive the  
7 requirements of this section for any feature or func-  
8 tion of equipment used to provide or access ad-  
9 vanced communications services, or for any class of  
10 such equipment, that—

11 “(A) is capable of accessing an advanced  
12 communications service; and

13 “(B) is designed for multiple purposes, but  
14 is designed primarily for purposes other than  
15 using advanced communications services.

16 “(2) SMALL ENTITY EXEMPTION.—The Com-  
17 mission may exempt small entities from the require-  
18 ments of this section.

19 “(i) CUSTOMIZED EQUIPMENT OR SERVICES.—The  
20 provisions of this section shall not apply to customized  
21 equipment or services that are not offered directly to the  
22 public, or to such classes of users as to be effectively avail-  
23 able directly to the public, regardless of the facilities used.

24 “(j) RULE OF CONSTRUCTION.—This section shall  
25 not be construed to require a manufacturer of equipment

1 used for advanced communications or a provider of ad-  
2 vanced communications services to make every feature and  
3 function of every device or service accessible for every dis-  
4 ability.

5 **“SEC. 717. ENFORCEMENT AND RECORDKEEPING OBLIGA-**  
6 **TIONS.**

7 “(a) COMPLAINT AND ENFORCEMENT PROCE-  
8 DURES.—Within one year after the date of enactment of  
9 the Twenty-First Century Communications and Video Ac-  
10 cessibility Act of 2010, the Commission shall establish reg-  
11 ulations that facilitate the filing of formal and informal  
12 complaints that allege a violation of section 255, 716, or  
13 718, establish procedures for enforcement actions by the  
14 Commission with respect to such violations, and imple-  
15 ment the recordkeeping obligations of paragraph (5) for  
16 manufacturers and providers subject to such sections.  
17 Such regulations shall include the following provisions:

18 “(1) NO FEE.—The Commission shall not  
19 charge any fee to an individual who files a complaint  
20 alleging a violation of section 255, 716, or 718.

21 “(2) RECEIPT OF COMPLAINTS.—The Commis-  
22 sion shall establish separate and identifiable elec-  
23 tronic, telephonic, and physical receptacles for the  
24 receipt of complaints filed under section 255, 716,  
25 or 718.

1 “(3) COMPLAINTS TO THE COMMISSION.—

2 “(A) IN GENERAL.—Any person alleging a  
3 violation of section 255, 716, or 718 by a man-  
4 ufacturer of equipment or provider of service  
5 subject to such sections may file a formal or in-  
6 formal complaint with the Commission.

7 “(B) INVESTIGATION OF INFORMAL COM-  
8 PLAINT.—The Commission shall investigate the  
9 allegations in an informal complaint and, within  
10 180 days after the date on which such com-  
11 plaint was filed with the Commission, issue an  
12 order concluding the investigation, unless such  
13 complaint is resolved before such time. The  
14 order shall include a determination whether any  
15 violation occurred.

16 “(i) VIOLATION.—If the Commission  
17 determines that a violation has occurred,  
18 the Commission may, in the order issued  
19 under this subparagraph or in a subse-  
20 quent order, require the manufacturer or  
21 service provider to take such action as is  
22 necessary to comply with the requirements  
23 of this section.

24 “(ii) NO VIOLATION.—If a determina-  
25 tion is made that a violation has not oc-

1                   curred, the Commission shall provide the  
2                   basis for such determination.

3                   “(C) CONSOLIDATION OF COMPLAINTS.—

4                   The Commission may consolidate for investiga-  
5                   tion and resolution complaints alleging substan-  
6                   tially the same violation.

7                   “(4) OPPORTUNITY TO RESPOND.—Before the  
8                   Commission makes a determination pursuant to  
9                   paragraph (3), the party that is the subject of the  
10                  complaint shall have a reasonable opportunity to re-  
11                  spond to such complaint, and may include in such  
12                  response any factors that are relevant to such deter-  
13                  mination.

14                  “(5) RECORDKEEPING.—

15                  “(A) IN GENERAL.—Beginning one year  
16                  after the effective date of regulations promul-  
17                  gated pursuant to section 716(e), each manu-  
18                  facturer and provider subject to sections 255,  
19                  716, or 718 shall maintain, in the ordinary  
20                  course of business and for a reasonable period,  
21                  records of any efforts taken by such manufac-  
22                  turer or provider to implement sections 255,  
23                  716, or 718, including the following:



1 “(i) Information about the manufac-  
2 turer’s or provider’s efforts to consult with  
3 individuals with disabilities.

4 “(ii) Descriptions of the accessibility  
5 features of its products and services.

6 “(iii) Information about the compat-  
7 ibility of such products and services with  
8 peripheral devices or specialized customer  
9 premise equipment commonly used by indi-  
10 viduals with disabilities to achieve access.

11 “(B) SUBMISSION OF ANNUAL CERTIFI-  
12 CATION.—An officer of a manufacturer or pro-  
13 vider shall submit to the Commission an annual  
14 certification that records are being kept in ac-  
15 cordance with subparagraph (A).

16 “(C) COMMISSION REQUEST FOR  
17 RECORDS.—After the filing of a formal or infor-  
18 mal complaint against a manufacturer or pro-  
19 vider in the manner prescribed in paragraph  
20 (3), the Commission may request, and shall  
21 keep confidential, a copy of the records main-  
22 tained by such manufacturer or provider pursu-  
23 ant to subparagraph (A) of this paragraph that  
24 are directly relevant to the equipment or service  
25 that is the subject of such complaint.

1           “(6) FAILURE TO ACT.—If the Commission  
2       fails to carry out any of its responsibilities to act  
3       upon a complaint in the manner prescribed in para-  
4       graph (3), the person that filed such complaint may  
5       bring an action in the nature of mandamus in the  
6       United States Court of Appeals for the District of  
7       Columbia to compel the Commission to carry out  
8       any such responsibility.

9           “(7) COMMISSION JURISDICTION.—The limita-  
10      tions of section 255(f) shall apply to any claim that  
11      alleges a violation of section 255, 716, or 718. Noth-  
12      ing in this paragraph affects or limits any action for  
13      mandamus under paragraph (6) or any appeal pur-  
14      suant to section 402(b)(10).

15          “(8) PRIVATE RESOLUTIONS OF COMPLAINTS.—  
16      Nothing in the Commission’s rules or this Act shall  
17      be construed to preclude a person who files a com-  
18      plaint and a manufacturer or provider from resolv-  
19      ing a formal or informal complaint prior to the Com-  
20      mission’s final determination in a complaint pro-  
21      ceeding. In the event of such a resolution, the par-  
22      ties shall jointly request dismissal of the complaint  
23      and the Commission shall grant such request.

24          “(b) REPORTS TO CONGRESS.—

1           “(1) IN GENERAL.—Every two years after the  
2           date of enactment of the Twenty-First Century  
3           Communications and Video Accessibility Act of  
4           2010, the Commission shall submit to the Com-  
5           mittee on Commerce, Science, and Transportation of  
6           the Senate and the Committee on Energy and Com-  
7           merce of the House of Representatives a report that  
8           includes the following:

9                   “(A) An assessment of the level of compli-  
10                  ance with sections 255, 716, and 718.

11                  “(B) An evaluation of the extent to which  
12                  any accessibility barriers still exist with respect  
13                  to new communications technologies.

14                  “(C) The number and nature of complaints  
15                  received pursuant to subsection (a) during the  
16                  two years that are the subject of the report.

17                  “(D) A description of the actions taken to  
18                  resolve such complaints under this section, in-  
19                  cluding forfeiture penalties assessed.

20                  “(E) The length of time that was taken by  
21                  the Commission to resolve each such complaint.

22                  “(F) The number, status, nature, and out-  
23                  come of any actions for mandamus filed pursu-  
24                  ant to subsection (a)(6) and the number, sta-

1           tus, nature, and outcome of any appeals filed  
2           pursuant to section 402(b)(10).

3           “(G) An assessment of the effect of the re-  
4           quirements of this section on the development  
5           and deployment of new communications tech-  
6           nologies.

7           “(2) PUBLIC COMMENT REQUIRED.—The Com-  
8           mission shall seek public comment on its tentative  
9           findings prior to submission to the Committees of  
10          the report under this subsection.

11          “(c) COMPTROLLER GENERAL ENFORCEMENT  
12          STUDY.—

13               “(1) IN GENERAL.—The Comptroller General  
14               shall conduct a study to consider and evaluate the  
15               following:

16                   “(A) The Commission’s compliance with  
17                   the requirements of this section, including the  
18                   Commission’s level of compliance with the dead-  
19                   lines established under and pursuant to this  
20                   section and deadlines for acting on complaints  
21                   pursuant to subsection (a).

22                   “(B) Whether the enforcement actions  
23                   taken by the Commission pursuant to this sec-  
24                   tion have been appropriate and effective in en-  
25                   suring compliance with this section.

1           “(C) Whether the enforcement provisions  
2           under this section are adequate to ensure com-  
3           pliance with this section.

4           “(D) An assessment of the effect of the re-  
5           quirements of this section on the development  
6           and deployment of new communications tech-  
7           nologies.

8           “(2) REPORT.—Not later than 5 years after the  
9           date of enactment of the Twenty-First Century  
10          Communications and Video Accessibility Act of  
11          2010, the Comptroller General shall submit to the  
12          Committee on Commerce, Science, and Transpor-  
13          tation of the Senate and the Committee on Energy  
14          and Commerce of the House of Representatives a re-  
15          port on the results of the study required by para-  
16          graph (1), with recommendations for how the en-  
17          forcement process and measures under this section  
18          may be modified or improved.

19          “(d) CLEARINGHOUSE.—Within one year after the  
20          date of enactment of the Twenty-First Century Commu-  
21          nications and Video Accessibility Act of 2010, the Com-  
22          mission shall, in consultation with the Architectural and  
23          Transportation Barriers Compliance Board, the National  
24          Telecommunications and Information Administration,  
25          trade associations, and organizations representing individ-

1 uals with disabilities, establish a clearinghouse of informa-  
2 tion on the availability of accessible products and services  
3 and accessibility solutions required under sections 255,  
4 716, and 718. Such information shall be made publicly  
5 available on the Commission's website and by other  
6 means, and shall include an annually updated list of prod-  
7 ucts and services with access features.

8 “(e) OUTREACH AND EDUCATION.—Upon establish-  
9 ment of the clearinghouse of information required under  
10 subsection (d), the Commission, in coordination with the  
11 National Telecommunications and Information Adminis-  
12 tration, shall conduct an informational and educational  
13 program designed to inform the public about the avail-  
14 ability of the clearinghouse and the protections and rem-  
15 edies available under sections 255, 716, and 718.

16 **“SEC. 718. INTERNET BROWSERS BUILT INTO TELEPHONES**  
17 **USED WITH PUBLIC MOBILE SERVICES.**

18 “(a) ACCESSIBILITY.—If a manufacturer of a tele-  
19 phone used with public mobile services (as such term is  
20 defined in section 710(b)(4)(B)) includes an Internet  
21 browser in such telephone, or if a provider of mobile serv-  
22 ice arranges for the inclusion of a browser in telephones  
23 to sell to customers, the manufacturer or provider shall  
24 ensure that the functions of the included browser (includ-  
25 ing the ability to launch the browser) are accessible to and

1 usable by individuals who are blind or have a visual im-  
2 pairment, unless doing so is not achievable, except that  
3 this subsection shall not impose any requirement on such  
4 manufacturer or provider—

5 “(1) to make accessible or usable any Internet  
6 browser other than a browser that such manufac-  
7 turer or provider includes or arranges to include in  
8 the telephone; or

9 “(2) to make Internet content, applications, or  
10 services accessible or usable (other than enabling in-  
11 dividuals with disabilities to use an included browser  
12 to access such content, applications, or services).

13 “(b) INDUSTRY FLEXIBILITY.—A manufacturer or  
14 provider may satisfy the requirements of subsection (a)  
15 with respect to such telephone or services by—

16 “(1) ensuring that the telephone or services  
17 that such manufacture or provider offers is acces-  
18 sible to and usable by individuals with disabilities  
19 without the use of third party applications, periph-  
20 eral devices, software, hardware, or customer prem-  
21 ises equipment; or

22 “(2) using third party applications, peripheral  
23 devices, software, hardware, or customer premises  
24 equipment that is available to the consumer at nomi-

1       nal cost and that individuals with disabilities can ac-  
2       cess.”.

3       (b) EFFECTIVE DATE FOR SECTION 718.—Section  
4       718 of the Communications Act of 1934, as added by sub-  
5       section (a), shall take effect 3 years after the date of en-  
6       actment of this Act.

7       (c) TITLE V AMENDMENTS.—Section 503(b)(2) of  
8       such Act (47 U.S.C. 503(b)(2)) is amended by adding  
9       after subparagraph (E) the following:

10       “(F) Subject to paragraph (5) of this section, if the  
11       violation is a manufacturer or service provider subject to  
12       the requirements of section 255, 716, or 718, and is deter-  
13       mined by the Commission to have violated any such re-  
14       quirement, the manufacturer or provider shall be liable to  
15       the United States for a forfeiture penalty of not more than  
16       \$100,000 for each violation or each day of a continuing  
17       violation, except that the amount assessed for any con-  
18       tinuing violation shall not exceed a total of \$1,000,000  
19       for any single act or failure to act.”.

20       (d) REVIEW OF COMMISSION DETERMINATIONS.—  
21       Section 402(b) of such Act (47 U.S.C. 402(b)) is amended  
22       by adding the following new paragraph:

23       “(10) By any person who is aggrieved or whose inter-  
24       ests are adversely affected by a determination made by  
25       the Commission under section 717(a)(3).”.



1 **SEC. 105. EMERGENCY ACCESS ADVISORY COMMITTEE.**

2 (a) ESTABLISHMENT.—For the purpose of achieving  
3 equal access to emergency services by individuals with dis-  
4 abilities, as a part of the migration to a national Internet  
5 protocol-enabled emergency network, not later than 60  
6 days after the date of enactment of this Act, the Chairman  
7 of the Commission shall establish an advisory committee,  
8 to be known as the Emergency Access Advisory Committee  
9 (referred to in this section as the “Advisory Committee”).

10 (b) MEMBERSHIP.—As soon as practicable after the  
11 date of enactment of this Act, the Chairman of the Com-  
12 mission shall appoint the members of the Advisory Com-  
13 mittee, ensuring a balance between individuals with dis-  
14 abilities and other stakeholders, and shall designate two  
15 such members as the co-chairs of the Committee. Members  
16 of the Advisory Committee shall be selected from the fol-  
17 lowing groups:

18 (1) STATE AND LOCAL GOVERNMENT AND  
19 EMERGENCY RESPONDER REPRESENTATIVES.—Rep-  
20 resentatives of State and local governments and rep-  
21 resentatives of emergency response providers, se-  
22 lected from among individuals nominated by national  
23 organizations representing such governments and  
24 representatives.

25 (2) SUBJECT MATTER EXPERTS.—Individuals  
26 who have the technical knowledge and expertise to

1       serve on the Advisory Committee in the fulfillment  
2       of its duties, including representatives of—

3               (A) providers of interconnected and non-  
4               interconnected VoIP services;

5               (B) vendors, developers, and manufactur-  
6               ers of systems, facilities, equipment, and capa-  
7               bilities for the provision of interconnected and  
8               non-interconnected VoIP services;

9               (C) national organizations representing in-  
10              dividuals with disabilities and senior citizens;

11              (D) Federal agencies or departments re-  
12              sponsible for the implementation of the Next  
13              Generation E 9–1–1 system;

14              (E) the National Institute of Standards  
15              and Technology; and

16              (F) other individuals with such technical  
17              knowledge and expertise.

18              (3) REPRESENTATIVES OF OTHER STAKE-  
19              HOLDERS AND INTERESTED PARTIES.—Representa-  
20              tives of such other stakeholders and interested and  
21              affected parties as the Chairman of the Commission  
22              determines appropriate.

23              (c) DEVELOPMENT OF RECOMMENDATIONS.—Within  
24              one year after the completion of the member appointment  
25              process by the Chairman of the Commission pursuant to

1 subsection (b), the Advisory Committee shall develop and  
2 submit to the Commission recommendations to implement  
3 such technologies and methods, including recommenda-  
4 tions—

5 (1) with respect to what actions are necessary  
6 as a part of the migration to a national Internet  
7 protocol-enabled network to achieve reliable, inter-  
8 operable communication transmitted over such net-  
9 work that will ensure access to emergency services  
10 by individuals with disabilities;

11 (2) for protocols, technical capabilities, and  
12 technical requirements to ensure reliability and  
13 interoperability necessary to ensure access to emer-  
14 gency services by individuals with disabilities;

15 (3) for the establishment of technical standards  
16 for use by public safety answering points, designated  
17 default answering points, and local emergency au-  
18 thorities;

19 (4) for relevant technical standards and re-  
20 quirements for communication devices and equip-  
21 ment and technologies to enable the use of reliable  
22 emergency access;

23 (5) for procedures to be followed by IP-enabled  
24 network providers to ensure that such providers do

1 not install features, functions, or capabilities that  
2 would conflict with technical standards;

3 (6) for deadlines by which providers of inter-  
4 connected and non-interconnected VoIP services and  
5 manufacturers of equipment used for such services  
6 shall achieve the actions required in paragraphs (1)  
7 through (5), and for the possible phase out of the  
8 use of current-generation TTY technology to the ex-  
9 tent that this technology is replaced with more effec-  
10 tive and efficient technologies and methods to enable  
11 access to emergency services by individuals with dis-  
12 abilities; and

13 (7) for the establishment of rules to update the  
14 Commission's rules with respect to 9-1-1 services  
15 and E-911 services, as such term is defined in sec-  
16 tion 158 of the National Telecommunications and  
17 Information Administration Organization Act (47  
18 U.S.C. 942), for users of telecommunications relay  
19 services as new technologies and methods for pro-  
20 viding such relay services are adopted by providers  
21 of such relay services.

22 (d) MEETINGS.—

23 (1) INITIAL MEETING.—The initial meeting of  
24 the Advisory Committee shall take place not later  
25 than 45 days after the completion of the member ap-

1 pointment process by the Chairman of the Commis-  
2 sion pursuant to subsection (b).

3 (2) OTHER MEETINGS.—After the initial meet-  
4 ing, the Advisory Committee shall meet at the call  
5 of the chairs, but no less than monthly until the rec-  
6 ommendations required pursuant to subsection (c)  
7 are completed and submitted.

8 (3) NOTICE; OPEN MEETINGS.—Any meetings  
9 held by the Advisory Committee shall be duly no-  
10 ticed at least 14 days in advance and shall be open  
11 to the public.

12 (e) PROCEDURAL RULES.—

13 (1) QUORUM.—One-third of the members of the  
14 Advisory Committee shall constitute a quorum for  
15 conducting business of the Advisory Committee.

16 (2) SUBCOMMITTEES.—To assist the Advisory  
17 Committee in carrying out its functions, the chair  
18 may establish appropriate subcommittees composed  
19 of members of the Advisory Committee and other  
20 subject matter experts as determined to be nec-  
21 essary.

22 (3) ADDITIONAL PROCEDURAL RULES.—The  
23 Advisory Committee may adopt other procedural  
24 rules as needed.

1 (f) FEDERAL ADVISORY COMMITTEE ACT.—The  
2 Federal Advisory Committee Act (5 U.S.C. App.) shall not  
3 apply to the Advisory Committee.

4 (g) IMPLEMENTING RECOMMENDATIONS.—The Com-  
5 mission shall have the authority to promulgate regulations  
6 to implement the recommendations proposed by the Advi-  
7 sory Committee, as well as any other regulations as are  
8 necessary to achieve reliable, interoperable communication  
9 that ensures access by individuals with disabilities to an  
10 Internet protocol-enabled emergency network.

11 (h) SURVEY.—Not later than 30 months after the  
12 date of enactment of this Act, the Commission shall con-  
13 duct and publish the results of a national survey of indi-  
14 viduals with disabilities concerning real time text,  
15 geolocation services, instant messaging services, and mo-  
16 bile telecommunications relay services. The survey shall  
17 seek to determine what individuals with disabilities believe  
18 to be the most effective and efficient technologies and  
19 methods by which to enable access to emergency services  
20 by individuals with disabilities.

21 (i) DEFINITIONS.—In this section—

22 (1) the term “Commission” means the Federal  
23 Communications Commission;

24 (2) the term “Chairman” means the Chairman  
25 of the Federal Communications Commission; and

1           (3) except as otherwise expressly provided,  
2       other terms have the meanings given such terms in  
3       section 3 of the Communications Act of 1934 (47  
4       U.S.C. 153).

5 **SEC. 106. RELAY SERVICES FOR DEAF-BLIND INDIVIDUALS.**

6       Title VII of the Communications Act of 1934 (47  
7       U.S.C. 601 et seq.), as amended by sections 103 and 104,  
8       is further amended by adding at the end the following:

9 **“SEC. 719. RELAY SERVICES FOR DEAF-BLIND INDIVID-**  
10 **UALS.**

11       “(a) IN GENERAL.—Within 6 months after the date  
12       of enactment of the Twenty-First Century Communica-  
13       tions and Video Accessibility Act of 2010, the Commission  
14       shall establish rules that define as eligible for relay service  
15       support those programs that are approved by the Commis-  
16       sion for the distribution of specialized customer premises  
17       equipment designed to make telecommunications service,  
18       Internet access service, and advanced communications, in-  
19       cluding interexchange services and advanced telecommuni-  
20       cations and information services, accessible by low-income  
21       individuals who are deaf-blind.

22       “(b) INDIVIDUALS WHO ARE DEAF-BLIND DE-  
23       FINED.—For purposes of this section, the term ‘individ-  
24       uals who are deaf-blind’ has the meaning given such term

1 in section 206 of the Helen Keller National Center Act  
2 (29 U.S.C. 1905).

3 “(c) ANNUAL AMOUNT.—The total amount of sup-  
4 port the Commission may provide from its Telecommuni-  
5 cations Relay Services Fund for any fiscal year may not  
6 exceed \$10,000,000.”.

## 7 **TITLE II—VIDEO PROGRAMMING**

### 8 **SEC. 201. VIDEO PROGRAMMING AND EMERGENCY ACCESS**

#### 9 **ADVISORY COMMITTEE.**

10 (a) ESTABLISHMENT.—Not later than 60 days after  
11 the date of enactment of this Act, the Chairman shall es-  
12 tablish an advisory committee to be known as the Video  
13 Programming and Emergency Access Advisory Com-  
14 mittee.

15 (b) MEMBERSHIP.—As soon as practicable after the  
16 date of enactment of this Act, the Chairman shall appoint  
17 individuals who have the technical knowledge and engi-  
18 neering expertise to serve on the Advisory Committee in  
19 the fulfillment of its duties, including the following:

20 (1) Representatives of distributors and pro-  
21 viders of video programming or national organiza-  
22 tions representing such distributors and providers.

23 (2) Representatives of vendors, developers, and  
24 manufacturers of systems, facilities, equipment, and  
25 capabilities for the provision of video programming



1 delivered using Internet protocol or a national orga-  
2 nization representing such vendors, developers, or  
3 manufacturers.

4 (3) Representatives of manufacturers of con-  
5 sumer electronics or information technology equip-  
6 ment or a national organization representing such  
7 manufacturers.

8 (4) Representatives of national organizations  
9 representing accessibility advocates, including indi-  
10 viduals with disabilities and the elderly.

11 (5) Representatives of the broadcast television  
12 industry or a national organization representing  
13 such industry.

14 (6) Other individuals with technical and engi-  
15 neering expertise, as the Chairman determines ap-  
16 propriate.

17 (c) COMMISSION OVERSIGHT.—The Chairman shall  
18 appoint a member of the Commission's staff to moderate  
19 and direct the work of the Advisory Committee.

20 (d) TECHNICAL STAFF.—The Commission shall ap-  
21 point a member of the Commission's technical staff to pro-  
22 vide technical assistance to the Advisory Committee.

23 (e) DEVELOPMENT OF RECOMMENDATIONS.—

24 (1) CLOSED CAPTIONING REPORT.—Within 6  
25 months after the date of the first meeting of the Ad-

1       visory Committee, the Advisory Committee shall de-  
2       velop and submit to the Commission a report that  
3       includes the following:

4               (A) An identification of the performance  
5               objectives for protocols, technical capabilities,  
6               and technical procedures needed to permit con-  
7               tent providers, content distributors, Internet  
8               service providers, software developers, and de-  
9               vice manufacturers to reliably encode, trans-  
10              port, receive, and render closed captions of  
11              video programming delivered using Internet  
12              protocol.

13             (B) An identification of additional proto-  
14             cols, technical capabilities, and technical proce-  
15             dures beyond those available as of the date of  
16             enactment of this Act for the delivery of closed  
17             captions of video programming delivered using  
18             Internet protocol that are necessary to meet the  
19             performance objectives identified under sub-  
20             paragraph (A).

21             (C) A recommendation for any regulations  
22             that may be necessary to ensure compatibility  
23             between video programming delivered using  
24             Internet protocol and devices capable of receiv-

1 ing and displaying such programming in order  
2 to facilitate access to closed captions.

3 (2) VIDEO DESCRIPTION, EMERGENCY INFOR-  
4 MATION, USER INTERFACES, AND VIDEO PROGRAM-  
5 MING GUIDES AND MENUS.—Within 18 months after  
6 the date of enactment of this Act, the Advisory  
7 Committee shall develop and submit to the Commis-  
8 sion a report that includes the following:

9 (A) An identification of the performance  
10 objectives for protocols, technical capabilities,  
11 and technical procedures needed to permit con-  
12 tent providers, content distributors, Internet  
13 service providers, software developers, and de-  
14 vice manufacturers to reliably encode, trans-  
15 port, receive, and render video descriptions of  
16 video programming and emergency information  
17 delivered using Internet protocol or digital  
18 broadcast television.

19 (B) An identification of additional proto-  
20 cols, technical capabilities, and technical proce-  
21 dures beyond those available as of the date of  
22 enactment of this Act for the delivery of video  
23 descriptions of video programming and emer-  
24 gency information delivered using Internet pro-  
25 tocol that are necessary to meet the perform-

1           ance objectives identified under subparagraph  
2           (A).

3                 (C) A recommendation for any regulations  
4           that may be necessary to ensure compatibility  
5           between video programming delivered using  
6           Internet protocol and devices capable of receiv-  
7           ing and displaying such programming in order  
8           to facilitate access to emergency information.

9                 (D) With respect to user interfaces, a rec-  
10          ommendation for the standards, protocols, and  
11          procedures used to enable the functions of ap-  
12          paratus designed to receive or display video pro-  
13          gramming transmitted simultaneously with  
14          sound (including apparatus designed to receive  
15          or display video programming transmitted by  
16          means of services using Internet protocol) to be  
17          accessible to and usable by individuals with dis-  
18          abilities.

19                (E) With respect to user interfaces, a rec-  
20          ommendation for the standards, protocols, and  
21          procedures used to enable on-screen text menus  
22          and other visual indicators used to access the  
23          functions on an apparatus described in sub-  
24          paragraph (D) to be accompanied by audio out-  
25          put so that such menus or indicators are acces-

1           sible to and usable by individuals with disabil-  
2           ities.

3           (F) A recommendation for the standards,  
4           protocols, and procedures used to enable the se-  
5           lection of video programming information on an  
6           apparatus or navigation device by means of a  
7           guide or menu to be accessible in real-time by  
8           individuals who are blind or have a visual im-  
9           pairment.

10          (3) CONSIDERATION OF STANDARDS, PROTO-  
11          COLS, AND PROCEDURES BY STANDARD-SETTING OR-  
12          GANIZATIONS.—The recommendations of the Advi-  
13          sory Committee shall, to the extent possible, incor-  
14          porate the standards, protocols, and procedures that  
15          have been adopted by appropriate industry standard-  
16          setting organizations for the report requirements de-  
17          scribed in paragraphs (1) and (2).

18          (f) MEETINGS.—

19           (1) INITIAL MEETING.—The initial meeting of  
20           the Advisory Committee shall take place not later  
21           than 180 days after the date of the enactment of  
22           this Act.

23           (2) OTHER MEETINGS.—After the initial meet-  
24           ing, the Advisory Committee shall meet at the call  
25           of the Chairman.

1           (3) NOTICE; OPEN MEETINGS.—Any meeting  
2           held by the Advisory Committee shall be noticed at  
3           least 14 days before such meeting and shall be open  
4           to the public.

5           (g) PROCEDURAL RULES.—

6           (1) QUORUM.—The presence of one-third of the  
7           members of the Advisory Committee shall constitute  
8           a quorum for conducting the business of the Advi-  
9           sory Committee.

10          (2) SUBCOMMITTEES.—To assist the Advisory  
11          Committee in carrying out its functions, the Chair-  
12          man may establish appropriate subcommittees com-  
13          posed of members of the Advisory Committee and  
14          other subject matter experts.

15          (3) ADDITIONAL PROCEDURAL RULES.—The  
16          Advisory Committee may adopt other procedural  
17          rules as needed.

18          (h) FEDERAL ADVISORY COMMITTEE ACT.—The  
19          Federal Advisory Committee Act (5 U.S.C. App.) shall not  
20          apply to the Advisory Committee.

21       **SEC. 202. VIDEO DESCRIPTION AND CLOSED CAPTIONING.**

22          (a) VIDEO DESCRIPTION.—Section 713 of the Com-  
23          munications Act of 1934 (47 U.S.C. 613) is amended—

24               (1) by striking subsections (f) and (g);

1           (2) by redesignating subsection (h) as sub-  
2       section (j); and

3           (3) by inserting after subsection (e) the fol-  
4       lowing:

5       “(f) VIDEO DESCRIPTION.—

6           “(1) REINSTATEMENT OF REGULATIONS.—On  
7       the day that is 1 year after the date of enactment  
8       of the Twenty-First Century Communications and  
9       Video Accessibility Act of 2010, the Commission  
10      shall, after a rulemaking, reinstate its video descrip-  
11      tion regulations contained in the Implementation of  
12      Video Description of Video Programming Report  
13      and Order (15 F.C.C.R. 15,230 (2000)), modified as  
14      provided in paragraph (2).

15          “(2) MODIFICATIONS TO REINSTATED REGULA-  
16      TIONS.—Such regulations shall be modified only as  
17      follows:

18           “(A) The regulations shall apply to video  
19      programming, as defined in subsection (i), inso-  
20      far as such programming is transmitted for dis-  
21      play on television in digital format.

22           “(B) The Commission shall update the list  
23      of the top 25 Designated Market Areas, the list  
24      of the top 5 national nonbroadcast networks  
25      that have at least 50 hours per quarter of

1 prime time programming that is not exempt  
2 under this paragraph, and the designation of  
3 the beginning calendar quarter for which com-  
4 pliance shall be calculated.

5 “(C) The regulations may permit a pro-  
6 vider of video programming or a program owner  
7 to petition the Commission for an exemption  
8 from the requirements of this section upon a  
9 showing that the requirements contained in this  
10 section would be economically burdensome.

11 “(D) The Commission may exempt from  
12 the regulations established pursuant to para-  
13 graph (1) a service, class of services, program,  
14 class of programs, equipment, or class of equip-  
15 ment for which the Commission has determined  
16 that the application of such regulations would  
17 be economically burdensome for the provider of  
18 such service, program, or equipment.

19 “(E) The regulations shall not apply to live  
20 or near-live programming.

21 “(F) The regulations shall provide for an  
22 appropriate phased schedule of deadlines for  
23 compliance.

24 “(3) INQUIRIES ON FURTHER VIDEO DESCRIP-  
25 TION REQUIREMENTS.—The Commission shall com-



1       mence the following inquiries not later than 1 year  
2       after the completion of the phase-in of the reinstated  
3       regulations and shall report to Congress 1 year  
4       thereafter on the findings for each of the following:

5               “(A) VIDEO DESCRIPTION IN TELEVISION  
6       PROGRAMMING.—The availability, use, and ben-  
7       efits of video description on video programming  
8       distributed on television, the technical and cre-  
9       ative issues associated with providing such video  
10      description, and the financial costs of providing  
11      such video description for providers of video  
12      programming and program owners.

13              “(B) VIDEO DESCRIPTION IN VIDEO PRO-  
14      GRAMMING DISTRIBUTED ON THE INTERNET.—  
15      The technical and operational issues, costs, and  
16      benefits of providing video descriptions for video  
17      programming that is delivered using Internet  
18      protocol.

19              “(4) CONTINUING COMMISSION AUTHORITY.—

20              “(A) IN GENERAL.—The Commission may  
21      issue additional regulations if the Commission  
22      determines, at least 2 years after completing  
23      the reports required in paragraph (3), that the  
24      need for and benefits of providing video descrip-  
25      tions for video programming, insofar as such

1 programming is transmitted for display on tele-  
2 vision, are greater than the technical and eco-  
3 nomic costs of providing such additional pro-  
4 gramming. If the Commission makes such a de-  
5 termination and issues additional regulations,  
6 the Commission may increase, in total, the  
7 hours requirement for described video program-  
8 ming, insofar as such programming is trans-  
9 mitted for display on television, up to 75 per-  
10 cent of the requirement in the regulations rein-  
11 stated under paragraph (1).

12 “(B) FURTHER REQUIREMENTS.—

13 “(i) REPORT.—Nine years after the  
14 date of enactment of the Twenty-First  
15 Century Communications and Video Acces-  
16 sibility Act of 2010, the Commission shall  
17 submit to the Committee on Energy and  
18 Commerce of the House of Representatives  
19 and the Committee on Commerce, Science,  
20 and Transportation of the Senate a report  
21 assessing—

22 “(I) the types of described video  
23 programming that is available to con-  
24 sumers;

1 “(II) consumer use of such pro-  
2 gramming;

3 “(III) the costs to program own-  
4 ers, providers, and distributors of cre-  
5 ating such programming;

6 “(IV) the benefits to consumers  
7 of such programming;

8 “(V) the amount of such pro-  
9 gramming currently available; and

10 “(VI) the need for additional de-  
11 scribed programming.

12 “(ii) INCREASED AVAILABILITY.—Ten  
13 years after the date of enactment of the  
14 Twenty-First Century Communications  
15 and Video Accessibility Act of 2010, the  
16 Commission shall have the authority, based  
17 upon the findings, conclusions, and rec-  
18 ommendations contained in the report  
19 under clause (i), to increase the availability  
20 of such programming.

21 “(C) APPLICATION TO DESIGNATED MAR-  
22 KET AREAS.—

23 “(i) IN GENERAL.—After the Commis-  
24 sion completes the study on video descrip-  
25 tion, the Commission shall phase in the

1 video description regulations for all des-  
2 ignated market areas, except that the  
3 Commission may grant waivers to entities  
4 in specific designated market areas where  
5 it deems appropriate.

6 “(ii) PHASE-IN DEADLINE.—The  
7 phase-in described under clause (i) shall be  
8 completed not later than 6 years after the  
9 date of enactment of the Twenty-First  
10 Century Communications and Video Acces-  
11 sibility Act of 2010.

12 “(g) EMERGENCY INFORMATION.—Not later than 1  
13 year after the Video Programming and Emergency Access  
14 Advisory Committee report under section 201(e)(2) of the  
15 Twenty-First Century Communications and Video Accessi-  
16 bility Act of 2010 is submitted to the Commission, the  
17 Commission shall complete a proceeding to—

18 “(1) identify methods to convey emergency in-  
19 formation (as that term is defined in section 79.2 of  
20 title 47, Code of Federal Regulations) in a manner  
21 accessible to individuals who are blind or have a vis-  
22 ual impairment; and

23 “(2) promulgate regulations that require certain  
24 designated video programming providers and video  
25 programming distributors (as those terms are de-

1        fined in section 79.1 of title 47, Code of Federal  
2        Regulations) and program owners to convey such  
3        emergency information in a manner accessible to in-  
4        dividuals who are blind or have a visual impairment.

5        “(h) RESPONSIBILITIES.—

6            “(1) VIDEO PROGRAMMING OWNER.—A video  
7        programming owner shall ensure that any closed  
8        captioning and video description required pursuant  
9        to this section is provided in accordance with the  
10       technical standards, protocols, and procedures estab-  
11       lished by the Commission.

12           “(2) VIDEO PROGRAMMING PROVIDER OR DIS-  
13        TRIBUTOR.—A video programming provider or video  
14        programming distributor shall be deemed in compli-  
15        ance with this section and the rules and regulation  
16        promulgated thereunder if such provider or dis-  
17        tributor enables the rendering or the pass through  
18        of closed captions and video description signals.

19        “(i) DEFINITIONS.—For purposes of this section, sec-  
20       tion 303, and section 330:

21           “(1) VIDEO DESCRIPTION.—The term ‘video de-  
22        scription’ means the insertion of audio narrated de-  
23        scriptions of a television program’s key visual ele-  
24        ments into natural pauses between the program’s  
25        dialogue.

1           “(2) VIDEO PROGRAMMING.—The term ‘video  
2           programming’ has the meaning given such term in  
3           section 602.”.

4           (b) CLOSED CAPTIONING ON VIDEO PROGRAMMING  
5           DELIVERED USING INTERNET PROTOCOL.—Section 713  
6           of such Act is further amended by striking subsection (c)  
7           and inserting the following:

8           “(c) DEADLINES FOR CAPTIONING.—

9           “(1) IN GENERAL.—The regulations prescribed  
10          pursuant to subsection (b) shall include an appro-  
11          priate schedule of deadlines for the provision of  
12          closed captioning of video programming published or  
13          exhibited on television.

14          “(2) DEADLINES FOR PROGRAMMING DELIV-  
15          ERED USING INTERNET PROTOCOL.—

16                 “(A) REGULATIONS ON CLOSED CAP-  
17                 TIONING ON VIDEO PROGRAMMING DELIVERED  
18                 USING INTERNET PROTOCOL.—Not later than 6  
19                 months after the submission of the report to  
20                 the Commission required by section 201(e)(1)  
21                 of the Twenty-First Century Communications  
22                 and Video Accessibility Act of 2010, the Com-  
23                 mission shall promulgate regulations to require  
24                 the provision of closed captioning on video pro-  
25                 gramming delivered using Internet protocol.

1           “(B) SCHEDULE.—The regulations pre-  
2           scribed under this paragraph shall include an  
3           appropriate schedule of decoding for the provi-  
4           sion of closed captioning, taking into account  
5           whether such programming is prerecorded and  
6           edited for Internet distribution, or whether such  
7           programming is live or near-live and not edited  
8           for Internet distribution.

9           “(C) COST.—The Commission may delay  
10          or waive the regulation promulgated under sub-  
11          paragraph (A) to the extent the Commission  
12          finds that the application of the regulation to  
13          live video programming delivered using Internet  
14          protocol would be economically burdensome to  
15          providers of video programming or program  
16          owners.

17          “(D) REQUIREMENTS FOR REGULA-  
18          TIONS.—

19                 “(i) IN GENERAL.—The regulations  
20                 prescribed under this paragraph—

21                         “(I) shall contain a definition of  
22                         ‘near-live programming’ and ‘edited  
23                         for Internet distribution’;

24                         “(II) may exempt any service,  
25                         class of service, program, class of pro-

1           gram, equipment, or class of equip-  
2           ment for which the Commission has  
3           determined that the application of  
4           such regulations would be economi-  
5           cally burdensome to the provider of  
6           such service, program, or equipment;

7                   “(III) shall provide that de mini-  
8           mis failure to comply with such regu-  
9           lations by a provider of video pro-  
10          gramming or program owner shall not  
11          be treated as a violation of the regula-  
12          tions; and

13                   “(IV) shall only apply to video  
14          programming that is transmitted for  
15          display on television with closed cap-  
16          tioning after the effective date of the  
17          regulations issued pursuant to this  
18          section.

19                   “(ii) ALTERNATE MEANS.—An entity  
20          may meet the requirements of this section  
21          through alternate means than those pre-  
22          scribed by regulations pursuant to para-  
23          graph (1) if the requirements of this sec-  
24          tion are met, as determined by the Com-  
25          mission.”.



1 (c) CONFORMING AMENDMENT.—Section 713(d) of  
2 such Act is amended by striking paragraph (3) and insert-  
3 ing the following:

4 “(3)(A) a provider of video programming or  
5 program owner may petition the Commission for an  
6 exemption from the requirements of this section;

7 “(B) the Commission may grant such peti-  
8 tion upon a showing that the requirements con-  
9 tained in this section would be economically  
10 burdensome;

11 “(C) during the pendency of such a peti-  
12 tion, such provider or owner shall be exempt  
13 from the requirements of this section; and

14 “(D) the Commission shall act to grant or  
15 deny any such petition, in whole or in part,  
16 within 6 months after the Commission receives  
17 such petition, unless the Commission finds that  
18 an extension of the 6-month period is necessary  
19 to determine whether such requirements are  
20 economically burdensome.”.

21 (d) REPORTING REQUIREMENT.—Two years after  
22 the effective date of the regulations issued pursuant to this  
23 section, and biennially thereafter, each broadcast tele-  
24 vision network and each cable television network shall sub-  
25 mit to the Commission a report containing the number

1 of hours, in the applicable 2-year period, of video program-  
2 ming not published or exhibited on television after the date  
3 of enactment of this Act that was provided on the Internet  
4 with closed captioning.

5 (e) REPORT TO CONGRESS.—

6 (1) IN GENERAL.—Three years after the date of  
7 enactment of this Act, the Commission shall submit  
8 a report to the Committee on Energy and Commerce  
9 of the House of Representatives and the Committee  
10 on Commerce, Science, and Transportation of the  
11 Senate—

12 (A) assessing the technical, economic, and  
13 operational issues regarding the captioning of  
14 video programming that is distributed only over  
15 the Internet, including the types and amounts  
16 of such video programming that is or could be  
17 captioned, the types of entities producing such  
18 programming, and the effects a closed cap-  
19 tioning requirement may have on the producers  
20 of such programming;

21 (B) assessing the benefits to and use by  
22 consumers of closed captioning of video pro-  
23 gramming that is distributed only over the  
24 Internet for consumers; and

1 (C) making recommendations, if any, of  
2 whether Congress should adopt or the Commis-  
3 sion should implement a closed captioning re-  
4 quirement for such programming.

5 (2) UPDATES.—The Commission shall periodi-  
6 cally update the report to the Committees as it de-  
7 termines appropriate.

8 **SEC. 203. CLOSED CAPTIONING DECODER AND VIDEO DE-**  
9 **SCRIPTION CAPABILITY.**

10 (a) AUTHORITY TO REGULATE.—Section 303(u) of  
11 the Communications Act of 1934 (47 U.S.C. 303(u)) is  
12 amended to read as follows:

13 “(u) Require that—

14 “(1) apparatus designed to receive or play back  
15 video programming transmitted simultaneously with  
16 sound, if such apparatus is manufactured in the  
17 United States or imported for use in the United  
18 States and uses a picture screen of any size—

19 “(A) be equipped with built-in closed cap-  
20 tion decoder circuitry or capability designed to  
21 display closed-captioned video programming;

22 “(B) have the capability to decode and  
23 make available the transmission and delivery of  
24 video description services as required by regula-

1           tions reinstated and modified pursuant to sec-  
2           tion 713(f); and

3           “(C) have the capability to decode and  
4           make available emergency information (as that  
5           term is defined in section 79.2 of title 47, Code  
6           of Federal Regulations) in a manner that is ac-  
7           cessible to individuals who are blind or have a  
8           visual impairment; and

9           “(2) notwithstanding paragraph (1) of this sub-  
10          section—

11           “(A) apparatus described in such para-  
12           graph that use a picture screen that is less than  
13           13 inches in size meet the requirements of sub-  
14           paragraphs (A), (B), and (C) of such paragraph  
15           only if the requirements of such subparagraphs  
16           are achievable (as defined in section 716);

17           “(B) any apparatus or class of apparatus  
18           that are display-only video monitors with no  
19           playback capability are exempt from the re-  
20           quirements of such paragraph; and

21           “(C) the Commission shall have the au-  
22           thority to waive the requirements of this sub-  
23           section for any apparatus or class of appa-  
24           ratus.”.

1 (b) OTHER DEVICES.—Section 303 of the Commu-  
2 nications Act of 1934 (47 U.S.C. 303) is further amended  
3 by adding at the end the following new subsection:

4 “(z) Require that—

5 “(1) if achievable (as defined in section 716),  
6 apparatus designed to record video programming  
7 transmitted simultaneously with sound, if such appa-  
8 ratus is manufactured in the United States or im-  
9 ported for use in the United States, enable the ren-  
10 dering or the pass through of closed captions, video  
11 description signals, and emergency information (as  
12 that term is defined in section 79.2 of title 47, Code  
13 of Federal Regulations) so that viewers are able to  
14 activate and de-activate the closed captions and  
15 video description as the video programming is played  
16 back on a picture screen of any size; and

17 “(2) interconnection mechanisms and standards  
18 for digital video source devices are available to carry  
19 from the source device to the consumer equipment  
20 the information necessary to permit the display of  
21 closed captions and to make encoded video descrip-  
22 tion and emergency information audible.”.

23 (c) SHIPMENT IN COMMERCE.—Section 330(b) of the  
24 Communications Act of 1934 (47 U.S.C. 330(b)) is  
25 amended—

1           (1) by striking “section 303(u)” in the first  
2 sentence and inserting “subsections (u) and (z) of  
3 section 303”;

4           (2) by striking the second sentence and insert-  
5 ing the following: “Such rules shall provide perform-  
6 ance and display standards for such built-in decoder  
7 circuitry or capability designed to display closed cap-  
8 tioned video programming, the transmission and de-  
9 livery of video description services, and the convey-  
10 ance of emergency information as required by sec-  
11 tion 303 of this Act.”; and

12           (3) in the fourth sentence, by striking “closed-  
13 captioning service continues” and inserting “closed-  
14 captioning service and video description service con-  
15 tinue”.

16 (d) IMPLEMENTING REGULATIONS.—

17           (1) IN GENERAL.—The Federal Communica-  
18 tions Commission shall, after consideration of the  
19 Advisory Committee reports required by section  
20 201(e), prescribe such regulations as are necessary  
21 to implement the requirements of sections 303(u),  
22 303(z), and 330(b) of the Communications Act of  
23 1934, as amended by this section, needed for the  
24 transmission of—

1 (A) closed captioning within 6 months  
2 after the submission to the Commission of the  
3 Advisory Committee report required by section  
4 section 201(e)(1); and

5 (B) video description and emergency infor-  
6 mation within 12 months after the submission  
7 to the Commission of the Advisory Committee  
8 report required by section section 201(e)(2).

9 (2) ALTERNATE MEANS.—An entity may meet  
10 the requirements of sections 303(u), 303(z), and  
11 330(b) of the Communications Act of 1934 through  
12 alternate means than those prescribed by regulations  
13 pursuant to paragraph (1) if the requirements of  
14 such sections are met, as determined by the Com-  
15 mission.

16 **SEC. 204. USER INTERFACES ON DIGITAL APPARATUS.**

17 (a) AMENDMENT.—Section 303 of the Communica-  
18 tions Act of 1934 (47 U.S.C. 303) is further amended by  
19 adding after subsection (z), as added by section 203 of  
20 this Act, the following new subsection:

21 “(aa) Require—

22 “(1) if achievable (as defined in section 716),  
23 that digital apparatus designed to receive or play  
24 back video programming, that are shipped in inter-  
25 state commerce or manufactured in the United

1 States, transmitted in digital format simultaneously  
2 with sound, including apparatus designed to receive  
3 or display video programming transmitted in digital  
4 format using Internet protocol, be designed, devel-  
5 oped, and fabricated so that control of all built-in  
6 apparatus functions are accessible to and usable by  
7 individuals with disabilities;

8 “(2) that if on-screen text menus or other vis-  
9 ual indicators built in to the digital apparatus are  
10 used to access the functions of the apparatus de-  
11 scribed in paragraph (1), such functions shall be ac-  
12 companied by audio output that is either integrated  
13 or peripheral to the apparatus, so that such menus  
14 or indicators are accessible to and usable by individ-  
15 uals who are blind or have a visual impairment in  
16 real-time;

17 “(3) that built-in user controls on such appa-  
18 ratus shall be capable of accessing closed captioning,  
19 including—

20 “(A) if a remote control is provided with  
21 the apparatus—

22 “(i) a button, key, or icon on the re-  
23 mote control of such apparatus designated  
24 for activating closed captioning; or



1 “(ii) any other mechanism that pro-  
2 vides a substantially equivalent level of ac-  
3 cessibility; and

4 “(B) if on-screen menus are displayed on  
5 such apparatus—

6 “(i) the inclusion of ‘closed captions’  
7 and ‘video description’ on the first menu  
8 that appears; or

9 “(ii) any other mechanism that pro-  
10 vides a substantially equivalent level of ac-  
11 cessibility; and

12 “(4) that in applying this subsection the term  
13 ‘apparatus’ does not include a navigation device, as  
14 such term is defined in section 76.1200 of title 47,  
15 Code of Federal Regulations.”.

16 (b) IMPLEMENTING REGULATIONS.—

17 (1) IN GENERAL.—Within 12 months after the  
18 submission to the Commission of the Advisory Com-  
19 mittee report required by section 201(e)(2), the  
20 Commission shall prescribe such regulations as are  
21 necessary to implement the amendments made by  
22 subsection (a).

23 (2) ALTERNATE MEANS.—An entity may meet  
24 the requirements of sections 303(aa) of the Commu-  
25 nications Act of 1934 through alternate means than

1       those prescribed by regulations pursuant to para-  
2       graph (1) if the requirements of such section are  
3       met, as determined by the Commission.

4       (c) DEFERRAL OF COMPLIANCE WITH ATSC MO-  
5       BILE DTV STANDARD A/153.—A digital apparatus de-  
6       signed and manufactured to receive or play back the Ad-  
7       vanced Television Systems Committee’s Mobile DTV  
8       Standards A/153 shall not be required to meet the require-  
9       ments of the regulations prescribed under subsection (b)  
10      for a period of not less than 24 months after the date  
11      on which the final regulations are published in the Federal  
12      Register.

13   **SEC. 205. ACCESS TO VIDEO PROGRAMMING GUIDES AND**  
14                   **MENUS PROVIDED ON NAVIGATION DEVICES.**

15      (a) AMENDMENT.—Section 303 of the Communica-  
16      tions Act of 1934 (47 U.S.C. 303) is further amended by  
17      adding after subsection (aa), as added by section 204 of  
18      this Act, the following new subsection:

19          “(bb) Require—

20              “(1) if achievable (as defined in section 716),  
21              that the on-screen text menus and guides provided  
22              by navigation devices (as such term is defined in sec-  
23              tion 76.1200 of title 47, Code of Federal Regula-  
24              tions) for the display or selection of multichannel  
25              video programming are audibly accessible in real-

1 time upon request by individuals who are blind or  
2 have a visual impairment, except that the Commis-  
3 sion may not specify the technical standards, proto-  
4 cols, procedures, and other technical requirements  
5 for meeting this requirement; and

6 “(2) for navigation devices with built-in closed  
7 captioning capability, access to such capability  
8 through a button, key, or icon designated for acti-  
9 vating the closed captioning, or through any other  
10 mechanism that provides a substantially equivalent  
11 level of accessibility.”

12 (b) IMPLEMENTING REGULATIONS.—

13 (1) IN GENERAL.—Within 12 months after the  
14 submission to the Commission of the Advisory Com-  
15 mittee report required by section 201(e)(2), the  
16 Commission shall prescribe such regulations as are  
17 necessary to implement the amendment made by  
18 subsection (a).

19 (2) EXEMPTION.—Such regulations may pro-  
20 vide an exemption from the regulations for cable sys-  
21 tems serving 50,000 or fewer subscribers.

22 (3) RESPONSIBILITY.—An entity shall only be  
23 responsible for compliance with the requirements  
24 added by this section with respect to navigation de-  
25 vices that such entity provides to a requesting indi-

1       vidual who is blind or has a visual impairment and  
2       shall make reasonable efforts to make such require-  
3       ments known to consumers.

4           (4) SEPARATE EQUIPMENT OR SOFTWARE.—

5               (A) IN GENERAL.—Such regulations shall  
6       permit but not require the entity providing the  
7       navigation device to the requesting individual  
8       who is blind or has a visual impairment to com-  
9       ply with section 303(bb)(1) of the Communica-  
10      tions Act of 1934 (as added by subsection (a)  
11      of this section) through such entity's use of  
12      software, a peripheral device, specialized con-  
13      sumer premises equipment, a network-based  
14      service, or other solution, and shall provide such  
15      entity with the flexibility to select the manner  
16      of compliance.

17              (B) REQUIREMENTS.—If an entity com-  
18      plies with section 303(bb)(1) of the Commu-  
19      nications Act of 1934 (as added by subsection  
20      (a) of this section) under subparagraph (A) of  
21      this paragraph, such entity shall provide any  
22      such software, peripheral device, equipment,  
23      service, or solution at no additional charge and  
24      within a reasonable time to such individual.

1           (5) USER CONTROLS FOR CLOSED CAP-  
2           TIONING.—Such regulations shall permit the entity  
3           providing the navigation device maximum flexibility  
4           in the selection of means for compliance with section  
5           303(bb)(2) of the Communications Act of 1934 (as  
6           added by subsection (a) of this section).

7           (6) PHASE-IN.—

8                 (A) IN GENERAL.—The Commission shall  
9           provide affected entities with—

10                     (i) not less than 2 years after the  
11                     adoption of such regulations to begin plac-  
12                     ing in service devices that comply with the  
13                     requirements of section 303(bb)(2) of the  
14                     Communications Act of 1934 (as added by  
15                     subsection (a) of this section); and

16                     (ii) not less than 3 years after the  
17                     adoption of such regulations to begin plac-  
18                     ing in service devices that comply with the  
19                     requirements of section 303(bb)(1) of the  
20                     Communications Act of 1934 (as added by  
21                     subsection (a) of this section).

22                 (B) APPLICATION.—Such regulations shall  
23           apply only to devices manufactured or imported  
24           on or after the respective effective dates estab-  
25           lished in subparagraph (A).

1   **SEC. 206. DEFINITIONS.**

2       In this title:

3           (1) **ADVISORY COMMITTEE.**—The term “Advi-  
4       sory Committee” means the advisory committee es-  
5       tablished in section 201.

6           (2) **CHAIRMAN.**—The term “Chairman” means  
7       the Chairman of the Federal Communications Com-  
8       mission.

9           (3) **COMMISSION.**—The term “Commission”  
10       means the Federal Communications Commission.

11          (4) **EMERGENCY INFORMATION.**—The term  
12       “emergency information” has the meaning given  
13       such term in section 79.2 of title 47, Code of Fed-  
14       eral Regulations.

15          (5) **INTERNET PROTOCOL.**—The term “Internet  
16       protocol” includes Transmission Control Protocol  
17       and a successor protocol or technology to Internet  
18       protocol.

19          (6) **NAVIGATION DEVICE.**—The term “naviga-  
20       tion device” has the meaning given such term in sec-  
21       tion 76.1200 of title 47, Code of Federal Regula-  
22       tions.

23          (7) **VIDEO DESCRIPTION.**—The term “video de-  
24       scription” has the meaning given such term in sec-  
25       tion 713 of the Communications Act of 1934 (47  
26       U.S.C. 613).

1           (8) VIDEO PROGRAMMING.—The term “video  
2       programming” has the meaning given such term in  
3       section 713 of the Communications Act of 1934 (47  
4       U.S.C. 613).

## 5   **TITLE III—PAYGO COMPLIANCE**

### 6   **SEC. 301. PAYGO COMPLIANCE.**

7       The budgetary effects of this Act, for the purpose of  
8       complying with the Statutory Pay-As-You-Go Act of 2010,  
9       shall be determined by reference to the latest statement  
10      titled “Budgetary Effects of PAYGO Legislation” for this  
11      Act, submitted for printing in the Congressional Record  
12      by the Chairman of the House Budget Committee, pro-  
13      vided that such statement has been submitted prior to the  
14      vote on passage.