

## COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

July 13, 2010

Purpose: To provide a substitute for the bill as introduced.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION**—111TH Cong., 2D Sess.

**S. 3304**, 111TH Congress, 2D Session

JULY 15, 2010

INTENDED to be proposed by Mr. PRYOR (for himself, Mr.  
KERRY, and Mr. DORGAN)

Viz: Strike out all after the enacting clause and insert the  
following:

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

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

5 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Limitation on liability.

### TITLE I—COMMUNICATIONS ACCESS

Sec. 101. Definitions.

Sec. 102. Hearing aid compatibility.

Sec. 103. Relay services.

Sec. 104. Access to advanced communications services and equipment.

Sec. 105. Universal service.

Sec. 106. Emergency Access and Real-Time Text Advisory Committee.

### 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.

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

14 (2) provides an information location tool, such  
15 as a directory, index, reference, pointer, menu,  
16 guide, user interface, or hypertext link, through  
17 which an end user obtains access to such video pro-  
18 gramming, online content, applications, services, ad-  
19 vanced communications services, or equipment used  
20 to provide or access advanced communications serv-  
21 ices.

22 (b) EXCEPTION.—The limitation on liability under  
23 subsection (a) shall not apply to any person who relies

1 on third party applications, services, software, hardware,  
2 or equipment to comply with the requirements of this Act  
3 (or of the provisions of the Communications Act of 1934  
4 that are amended or added by this Act) with respect to  
5 video programming, online content, applications, services,  
6 advanced communications services, or equipment used to  
7 provide or access advanced communications services.

8 **TITLE I—COMMUNICATIONS**  
9 **ACCESS**

10 **SEC. 101. DEFINITIONS.**

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

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

15 “(53) **ADVANCED COMMUNICATIONS SERV-**  
16 **ICES.**—The term ‘advanced communications services’  
17 means—

18 “(A) interconnected VoIP service;

19 “(B) non-interconnected VoIP service;

20 “(C) electronic messaging service; and

21 “(D) interoperable video conferencing serv-  
22 ice.

23 “(54) **CONSUMER GENERATED MEDIA.**—The  
24 term ‘consumer generated media’ means content cre-  
25 ated and made available by consumers to online sites

1 and venues on the Internet, including video, audio,  
2 and multimedia content.

3 “(55) DISABILITY.—The term ‘disability’ has  
4 the meaning given such term under section 3 of the  
5 Americans with Disabilities Act of 1990 (42 U.S.C.  
6 12102).

7 “(56) ELECTRONIC MESSAGING SERVICE.—The  
8 term ‘electronic messaging service’ means a service  
9 that provides real-time or near real-time non-voice  
10 messages in text form between persons over commu-  
11 nications networks.

12 “(57) INTERCONNECTED VOIP SERVICE.—The  
13 term ‘interconnected VoIP service’ has the meaning  
14 given such term under section 9.3 of title 47, Code  
15 of Federal Regulations, as such section may be  
16 amended from time to time.

17 “(58) NON-INTERCONNECTED VOIP SERVICE.—  
18 The term ‘non-interconnected VoIP service’—

19 “(A) means a service that—

20 “(i) enables real-time voice commu-  
21 nications that originate from or terminate  
22 to the user’s location using Internet pro-  
23 tocol or any successor protocol; and

24 “(ii) requires Internet protocol com-  
25 patible customer premises equipment; and

1 “(B) does not include any service that is  
2 an interconnected VoIP service.

3 “(59) INTEROPERABLE VIDEO CONFERENCING  
4 SERVICE.—The term ‘interoperable video confer-  
5 encing service’ means a service that provides real-  
6 time video communications, including audio, to en-  
7 able users to share information of the user’s choos-  
8 ing.”; and

9 (2) by reordering paragraphs (1) through (52)  
10 and the paragraphs added by paragraph (1) of this  
11 section in alphabetical order based on the headings  
12 of such paragraphs and renumbering such para-  
13 graphs as so reordered.

14 **SEC. 102. HEARING AID COMPATIBILITY.**

15 (a) COMPATIBILITY REQUIREMENTS.—

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

20 “(b)(1) Except as provided in paragraphs (2) and (3)  
21 and subsection (c), the Commission shall require that cus-  
22 tomer premises equipment described in this paragraph  
23 provide internal means for effective use with hearing aids  
24 that are designed to be compatible with telephones which  
25 meet established technical standards for hearing aid com-

1 patibility. Customer premises equipment described in this  
2 paragraph are the following:

3 “(A) All essential telephones.

4 “(B) All telephones manufactured in the United  
5 States (other than for export) more than one year  
6 after the date of enactment of the Hearing Aid  
7 Compatibility Act of 1988 or imported for use in the  
8 United States more than one year after such date.

9 “(C) All customer premises equipment used  
10 with advanced communications services that is de-  
11 signed to provide 2-way voice communication via a  
12 built-in speaker intended to be held to the ear in a  
13 manner functionally equivalent to a telephone, sub-  
14 ject to the regulations prescribed by the Commission  
15 under subsection (e).”.

16 (2) ADDITIONAL AMENDMENTS.—Section  
17 710(b) of the Communications Act of 1934 (47  
18 U.S.C. 610(b)) is further amended—

19 (A) in paragraph (2)—

20 (i) in subparagraph (A)—

21 (I) in the matter preceding clause

22 (i)—

23 (aa) by striking “initial”;

24 (bb) by striking “of this  
25 subsection after the date of en-

1 actment of the Hearing Aid Com-  
2 patibility Act of 1988”; and  
3 (cc) by striking “paragraph  
4 (1)(B) of this subsection” and in-  
5 serting “subparagraphs (B) and  
6 (C) of paragraph (1)”;  
7 (II) by inserting “and” at the  
8 end of clause (ii);  
9 (III) by striking clause (iii); and  
10 (IV) by redesignating clause (iv)  
11 as clause (iii);  
12 (ii) by striking subparagraph (B) and  
13 redesignating subparagraph (C) as sub-  
14 paragraph (B); and  
15 (iii) in subparagraph (B) (as so redес-  
16 ignated)—  
17 (I) by striking the first sentence  
18 and inserting “The Commission shall  
19 periodically assess the appropriateness  
20 of continuing in effect the exemptions  
21 for telephones and other customer  
22 premises equipment described in sub-  
23 paragraph (A) of this paragraph.”;  
24 and

1 (II) in each of clauses (iii) and  
2 (iv), by striking “paragraph (1)(B)”  
3 and inserting “subparagraph (B) or  
4 (C) of paragraph (1)”;

5 (B) in paragraph (4)(B)—

6 (i) by striking “public mobile” and in-  
7 serting “telephones used with public mo-  
8 bile”;

9 (ii) by inserting “telephones and other  
10 customer premises equipment used in  
11 whole or in part with” after “means”;

12 (iii) by striking “and” after “public  
13 land mobile telephone service,” and insert-  
14 ing “or”;

15 (iv) by striking “part 22 of”; and

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

19 (C) in paragraph (4)(C)—

20 (i) by striking “term ‘private radio  
21 services’” and inserting “term ‘telephones  
22 used with private radio services’”; and

23 (ii) by inserting “telephones and other  
24 customer premises equipment used in  
25 whole or in part with” after “means”.



1 (b) TECHNICAL STANDARDS.—Section 710(c) of the  
2 Communications Act of 1934 (47 U.S.C. 610(c)) is  
3 amended by adding at the end the following: “A telephone  
4 or other customer premises equipment that is compliant  
5 with relevant technical standards developed by the Com-  
6 mission through a public participation process and in con-  
7 sultation with interested consumer stakeholders (des-  
8 ignated by the Commission for the purposes of this sec-  
9 tion) will be considered hearing aid compatible for pur-  
10 poses of this section, until such time as the Commission  
11 may determine otherwise. The Commission shall consult  
12 with the public, including people with hearing loss, in es-  
13 tablishing or approving such technical standards. The  
14 Commission may delegate this authority to an employee  
15 pursuant to section 5(c). The Commission shall remain the  
16 final arbiter as to whether the standards meet the require-  
17 ments of this section.”.

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

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

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

23 “In implementing the provisions of subsection  
24 (b)(1)(C), the Commission shall use appropriate  
25 timetables or benchmarks to the extent necessary (1)

1       due to technical feasibility, or (2) to ensure the mar-  
2       ketability or availability of new technologies to  
3       users.”.

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

7       “(h) RULE OF CONSTRUCTION.—Nothing in the  
8       Twenty-First Century Communications and Video Accessi-  
9       bility Act of 2010 shall be construed to modify the Com-  
10      mission’s regulations set forth in section 20.19 of title 47  
11      of the Code of Federal Regulations, as in effect on the  
12      date of enactment of such Act.”.

13   **SEC. 103. RELAY SERVICES.**

14      (a) DEFINITION.—Paragraph (3) of section 225(a) of  
15      the Communications Act of 1934 (47 U.S.C. 225(a)(3))  
16      is amended to read as follows:

17           “(3) TELECOMMUNICATIONS RELAY SERV-  
18      ICES.—The term ‘telecommunications relay services’  
19      means telephone transmission services that provide  
20      the ability for an individual who is deaf, hard of  
21      hearing, deaf-blind, or who has a speech disability to  
22      engage in communication by wire or radio with one  
23      or more individuals, in a manner that is functionally  
24      equivalent to the ability of a hearing individual who  
25      does not have a speech disability to communicate

1 using voice communication services by wire or  
2 radio.”.

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

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

19 **SEC. 104. ACCESS TO ADVANCED COMMUNICATIONS SERV-**  
20 **ICES AND EQUIPMENT.**

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

1   **“SEC. 716. ACCESS TO INTERNET-BASED SERVICES AND**  
2                   **EQUIPMENT.**

3           “(a) **MANUFACTURING.**—With respect to equipment  
4 manufactured after the effective date of the regulations  
5 established pursuant to subsection (e), and subject to  
6 those regulations, a manufacturer of equipment used for  
7 advanced communications services, including end user  
8 equipment, network equipment, and software, shall ensure  
9 that the equipment and software that such manufacturer  
10 designs, develops, and fabricates shall be accessible to and  
11 usable by individuals with disabilities, unless the require-  
12 ment of this subsection is not achievable.

13          “(b) **SERVICE PROVIDERS.**—With respect to services  
14 provided after the effective date of the regulations estab-  
15 lished pursuant to subsection (e), and subject to those reg-  
16 ulations, a provider of advanced communications services  
17 shall ensure that such services offered by such provider  
18 are accessible to and usable by individuals with disabil-  
19 ities, unless the requirement of this subsection is not  
20 achievable.

21          “(c) **COMPATIBILITY.**—Whenever the requirements of  
22 subsections (a) or (b) are not achievable, a manufacturer  
23 or provider shall ensure that its equipment or service is  
24 compatible with existing peripheral devices or specialized  
25 customer premises equipment commonly used by individ-

1 uals with disabilities to achieve access, unless the require-  
2 ment of this subsection is not achievable.

3 “(d) NETWORK FEATURES, FUNCTIONS, AND CAPA-  
4 BILITIES.—Each provider of advanced communications  
5 services has the duty not to install network features, func-  
6 tions, or capabilities that do not impede accessibility or  
7 usability.

8 “(e) REGULATIONS.—Within one year after the date  
9 of enactment of the Twenty-First Century Communica-  
10 tions and Video Accessibility Act of 2010, the Commission  
11 shall promulgate such regulations as are necessary to im-  
12 plement this section. In prescribing the regulations, the  
13 Commission shall—

14 “(1) include performance requirements to en-  
15 sure the accessibility, usability, and compatibility of  
16 advanced communications services and the equip-  
17 ment used for advanced communications services by  
18 individuals with disabilities;

19 “(2) provide that advanced communications  
20 services, the equipment used for advanced commu-  
21 nications services, and networks used to provide ad-  
22 vanced communications services may not impair or  
23 impede the accessibility of information content when  
24 accessibility has been incorporated into that content  
25 for transmission through advanced communications

1 services, equipment used for advanced communica-  
2 tions services, or networks used to provide advanced  
3 communications services;

4 “(3) determine the obligations under this sec-  
5 tion of manufacturers, service providers, and pro-  
6 viders of applications or services accessed over serv-  
7 ice provider networks;

8 “(4) not mandate technical standards, except  
9 that the Commission may adopt technical standards  
10 as a safe harbor for such compliance if necessary to  
11 facilities the manufacturers’ and service providers’  
12 compliance with sections (a) through (c); and

13 “(5) not mandate the use or incorporation of  
14 specific proprietary technology.

15 “(f) SERVICES AND EQUIPMENT SUBJECT TO SEC-  
16 TION 255.—The requirements of this section shall not  
17 apply to any equipment or services, including inter-  
18 connected VoIP service, that are subject to the require-  
19 ments of section 255 on the day before the date of enact-  
20 ment of the Twenty-First Century Communications and  
21 Video Accessibility Act of 2010. Such services and equip-  
22 ment shall remain subject to the requirements of section  
23 255.

24 “(g) ACHIEVABLE DEFINED.—For purposes of this  
25 section, the term ‘achievable’ means with reasonable effort

1 or expense, as determined by the Commission. In deter-  
2 mining whether the requirements of a provision are achiev-  
3 able, the Commission shall consider the following factors:

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

7 “(2) The impact on the operation of the manu-  
8 facturer or provider and on the operation of the spe-  
9 cific equipment or service in question, including on  
10 the development and deployment of new communica-  
11 tions technologies.

12 “(3) The financial resources of the manufac-  
13 turer or provider.

14 “(4) The type of operations of the manufac-  
15 turer or provider.

16 “(5) The extent to which the service provider or  
17 manufacturer in question offers accessible services  
18 or equipment containing varying degrees of  
19 functionality and features, and offered at differing  
20 price points.

21 “(h) COMMISSION FLEXIBILITY.—The Commission  
22 shall have the authority, on its own motion or in response  
23 to a petition by a manufacturer or provider, to waive the  
24 requirements of this section for any feature or function  
25 of equipment used to provide or access advanced commu-

1 nications services, or for any class of such equipment,  
2 that—

3 “(1) is capable of accessing an advanced com-  
4 munications service; and

5 “(2) is designed for multiple purposes, but is  
6 designed primarily for purposes other than using ad-  
7 vanced communications services.

8 **“SEC. 717. ENFORCEMENT AND RECORDKEEPING OBLIGA-**  
9 **TIONS.**

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

21 “(1) NO FEE.—The Commission shall not  
22 charge any fee to an individual who files a complaint  
23 alleging a violation of section 255 or 716. The proce-  
24 dures governing formal complaints shall otherwise be



1 consistent with the Commission's formal complaint  
2 rules pursuant to section 208 of this Act.

3 “(2) RECEIPT OF COMPLAINTS.—The Commis-  
4 sion shall establish separate and identifiable elec-  
5 tronic, telephonic, and physical receptacles for the  
6 receipt of complaints filed under section 255 or 716.

7 “(3) COMPLAINTS TO THE COMMISSION.—

8 “(A) IN GENERAL.—Any person alleging a  
9 violation of section 255 or 716 by a manufac-  
10 turer of equipment or provider of service sub-  
11 ject to such sections may file a formal or infor-  
12 mal complaint with the Commission.

13 “(B) INVESTIGATION OF INFORMAL COM-  
14 PLAINT.—The Commission shall investigate the  
15 allegations in an informal complaint and, within  
16 180 days after the date on which such com-  
17 plaint was filed with the Commission, issue an  
18 order concluding the investigation, unless such  
19 complaint is resolved before such time. The  
20 order shall include a determination whether any  
21 violation occurred.

22 “(i) VIOLATION.—If the Commission  
23 determines that a violation has occurred,  
24 the Commission may, in the order issued  
25 under this subparagraph or in a subse-

1                   quent order, require the manufacturer or  
2                   service provider to take such remedial ac-  
3                   tion as is necessary to comply with the re-  
4                   quirements of this section.

5                   “(ii) NO VIOLATION.—If a determina-  
6                   tion is made that a violation has not oc-  
7                   curred, the Commission shall provide the  
8                   basis for such determination.

9                   “(C) CONSOLIDATION OF COMPLAINTS.—  
10                  The Commission may consolidate for investiga-  
11                  tion and resolution complaints alleging substan-  
12                  tially the same violation.

13                  “(4) OPPORTUNITY TO RESPOND.—Before the  
14                  Commission makes a determination pursuant to  
15                  paragraph (3), the party that is the subject of the  
16                  complaint shall have a reasonable opportunity to re-  
17                  spond to such complaint, and may include in such  
18                  response any factors that are relevant to such deter-  
19                  mination.

20                  “(5) RECORDKEEPING.—(A) Beginning one  
21                  year after the effective date of regulations promul-  
22                  gated pursuant to section 716(e), each manufacturer  
23                  and provider subject to sections 255 and 716 shall  
24                  maintain, in the ordinary course of business and for  
25                  a reasonable period, records of the efforts taken by

1       such manufacturer or provider to implement sections  
2       255 and 716, including the following:

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

6               “(ii) Descriptions of the accessibility  
7               features of its products and services.

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

13              “(B) An officer of a manufacturer or provider  
14              shall submit to the Commission an annual certifi-  
15              cation that records are being kept in accordance  
16              with subparagraph (A).

17              “(C) After the filing of a formal or informal  
18              complaint against a manufacturer or provider in the  
19              manner prescribed in paragraph (3), the Commis-  
20              sion may request, and shall keep confidential, a copy  
21              of the records maintained by such manufacturer or  
22              provider pursuant to subparagraph (A) of this para-  
23              graph that are directly relevant to the equipment or  
24              service 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 or 716. Nothing in  
12      this paragraph affects or limits any action for man-  
13      damus under paragraph (6) or any appeal pursuant  
14      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 section 255 and 716.

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) Whether, and to what extent (if any),  
5           the requirements of this section have an effect  
6           on the development and deployment of new  
7           communications technologies.

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 and  
4 716. Such information shall be made publicly available on  
5 the Commission's website and by other means, and shall  
6 include an annually updated list of products and services  
7 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 and 716.”.

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

19 “(F) Subject to paragraph (5) of this sec-  
20 tion, if the violator is a manufacturer or service  
21 provider subject to the requirements of section  
22 255 or 716, and is determined by the Commis-  
23 sion to have violated any such requirement, the  
24 manufacturer or provider shall be liable to the  
25 United States for a forfeiture penalty of not



1 more than \$100,000 for each violation or each  
2 day of a continuing violation, except that the  
3 amount assessed for any continuing violation  
4 shall not exceed a total of \$1,000,000 for any  
5 single act or failure to act.”.

6 (c) REVIEW OF COMMISSION DETERMINATIONS.—  
7 Section 402(b) of such Act (47 U.S.C. 402(b)) is amended  
8 by adding the following new paragraph:

9 “(10) By any person who is aggrieved or whose  
10 interests are adversely affected by a determination  
11 made by the Commission under section 717(a)(3).”.

12 **SEC. 105. UNIVERSAL SERVICE.****Section 254 of the Communica-**  
13 **tions Act of 1934 (47 U.S.C. 254) is amended—**

14 (1) by redesignating subsections (i) through (l)  
15 as subsections (j) through (m), respectively; and

16 (2) by inserting after subsection (h) the fol-  
17 lowing:

18 “(i) INDIVIDUALS WHO ARE DEAF-BLIND.—

19 “(1) IN GENERAL.—Within 6 months after the  
20 date of enactment of the Equal Access to 21st Cen-  
21 tury Communications Act, the Commission shall es-  
22 tablish rules that define as eligible for relay service  
23 support those programs that are approved by the  
24 Commission for the distribution of specialized cus-  
25 tomer premises equipment designed to make tele-

1 communications service, Internet access service, and  
2 advanced communications, including interexchange  
3 services and advanced telecommunications and infor-  
4 mation services, accessible by individuals who are  
5 deaf-blind.

6 “(2) DEFINITION.—For purposes of this sub-  
7 section, the term ‘individuals who are deaf-blind’ has  
8 the same meaning given such term in the Helen Kel-  
9 ler National Center Act, as amended by the Reha-  
10 bilitation Act Amendments of 1992 (29 U.S.C.  
11 1905(2)).

12 “(3) ANNUAL AMOUNT.—The total amount of  
13 universal service support that may be obligated or  
14 expanded under this subsection for any fiscal year  
15 may not exceed \$10,000,000.”.

16 **SEC. 106. EMERGENCY ACCESS AND REAL-TIME TEXT ADVI-**  
17 **SORY COMMITTEE.**

18 (a) ESTABLISHMENT.—For the purpose of achieving  
19 equal access to emergency services by individuals with dis-  
20 abilities, as a part of the migration to a national Internet  
21 protocol-enabled emergency network, not later than 60  
22 days after the date of enactment of this Act, the Chairman  
23 of the Commission shall establish an advisory committee,  
24 to be known as the Emergency Access and Real-Time Text

1 Advisory Committee (referred to in this section as the  
2 “Advisory Committee”).

3 (b) MEMBERSHIP.—As soon as practicable after the  
4 date of enactment of this Act, the Chairman of the Com-  
5 mission shall appoint the members of the Advisory Com-  
6 mittee, ensuring a balance between potential real-time text  
7 consumers and other stakeholders, and shall designate two  
8 such members as the co-chairs of the Committee. Members  
9 of the Advisory Committee shall be selected from the fol-  
10 lowing groups:

11 (1) STATE AND LOCAL GOVERNMENT AND  
12 EMERGENCY RESPONDER REPRESENTATIVES.—Rep-  
13 resentatives of State and local governments and rep-  
14 resentatives of emergency response providers, se-  
15 lected from among individuals nominated by national  
16 organizations representing such governments and  
17 representatives.

18 (2) SUBJECT MATTER EXPERTS.—Individuals  
19 who have the technical knowledge and expertise to  
20 serve on the Advisory Committee in the fulfillment  
21 of its duties, including representatives of—

22 (A) providers of interconnected and non-  
23 interconnected VoIP services;

24 (B) vendors, developers, and manufactur-  
25 ers of systems, facilities, equipment, and capa-

1           bilities for the provision of interconnected and  
2           non-interconnected VoIP services;

3           (C) national organizations representing  
4           people with disabilities and senior citizens;

5           (D) Federal agencies or departments re-  
6           sponsible for the implementation of the Next  
7           Generation E 9-1-1 system;

8           (E) the National Institute of Standards  
9           and Technology; and

10          (F) other individuals with such technical  
11          knowledge and expertise.

12          (3) REPRESENTATIVES OF OTHER STAKE-  
13          HOLDERS AND INTERESTED PARTIES.—Representa-  
14          tives of such other stakeholders and interested and  
15          affected parties as the Chairman of the Commission  
16          determines appropriate.

17          (c) DEVELOPMENT OF RECOMMENDATIONS.—Within  
18          six months after the completion of the member appoint-  
19          ment process by the Chairman of the Commission pursu-  
20          ant to subsection (b), the Advisory Committee shall de-  
21          velop and submit to the Commission recommendations—

22               (1) with respect to the definition of “real-time  
23               text”;

24               (2) with respect to what actions are necessary  
25               as a part of the migration to a national Internet

1 protocol-enabled network to achieve reliable, inter-  
2 operable real-time text communication transmitted  
3 over such network that will ensure access to emer-  
4 gency services by people with disabilities;

5 (3) for protocols, technical capabilities, and  
6 technical requirements to ensure reliable, interoper-  
7 able real-time text communications necessary to en-  
8 sure access to emergency services by people with dis-  
9 abilities;

10 (4) for the establishment of technical standards  
11 for use by public safety answering points, designated  
12 default answering points, and local emergency au-  
13 thorities;

14 (5) for relevant technical standards and re-  
15 quirements for communication devices and equip-  
16 ment and technologies to enable the use of reliable,  
17 interoperable real-time text communications;

18 (6) for procedures to be followed by IP-enabled  
19 network providers to ensure that such providers do  
20 not install features, functions, or capabilities that  
21 would conflict with technical standards; and

22 (7) for deadlines by which providers of inter-  
23 connected and non-interconnected VoIP services and  
24 manufacturers of equipment used for such services  
25 shall achieve the actions required in paragraphs (1)

1 through (6), where achievable, and for the possible  
2 phase out of the use of current-generation TTY  
3 technology to the extent that this technology is re-  
4 placed with real-time text.

5 (d) MEETINGS.—

6 (1) INITIAL MEETING.—The initial meeting of  
7 the Advisory Committee shall take place not later  
8 than 45 days after the completion of the member ap-  
9 pointment process by the Chairman of the Commis-  
10 sion pursuant to subsection (b).

11 (2) OTHER MEETINGS.—After the initial meet-  
12 ing, the Advisory Committee shall meet at the call  
13 of the chairs, but no less than monthly until the rec-  
14 ommendations required pursuant to subsection (c)  
15 are completed and submitted.

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

20 (e) RULES.—

21 (1) QUORUM.—One-third of the members of the  
22 Advisory Committee shall constitute a quorum for  
23 conducting business of the Advisory Committee.

24 (2) SUBCOMMITTEES.—To assist the Advisory  
25 Committee in carrying out its functions, the chair

1       may establish appropriate subcommittees composed  
2       of members of the Advisory Committee and other  
3       subject matter experts as determined to be nec-  
4       essary.

5           (3) ADDITIONAL RULES.—The Advisory Com-  
6       mittee may adopt other rules as needed.

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

10       (g) IMPLEMENTING RECOMMENDATIONS.—The Com-  
11      mission shall have the authority to promulgate regulations  
12      to implement the recommendations proposed by the Advi-  
13      sory Committee, as well as any other regulations, technical  
14      standards, protocols, and procedures as are necessary to  
15      achieve reliable, interoperable real-time text communica-  
16      tion that ensures access by people with disabilities to an  
17      Internet protocol-enabled emergency network, where  
18      achievable.

19       (h) DEFINITIONS.—In this section—

20           (1) the term “Commission” means the Federal  
21      Communications Commission;

22           (2) the term “Chairman” means the Chairman  
23      of the Federal Communications Commission; and

24           (3) except as otherwise expressly provided,  
25      other terms have the meanings given such terms in

1 section 3 of the Communications Act of 1934 (47  
2 U.S.C. 153).

## 3 **TITLE II—VIDEO PROGRAMMING**

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

#### 5 **ADVISORY COMMITTEE.**

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

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

16 (1) Representatives of distributors of video pro-  
17 gramming or a national organization representing  
18 such distributors.

19 (2) Representatives of vendors, developers, and  
20 manufacturers of systems, facilities, equipment, and  
21 capabilities for the provision of video programming  
22 delivered using Internet protocol or a national orga-  
23 nization representing such vendors, developers, or  
24 manufacturers.



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

5           (4) Representatives of video programming pro-  
6           ducers or a national organization representing such  
7           producers.

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

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

14          (7) 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) A recommended schedule of deadlines  
5       for the provision of closed captioning service.

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

15              (C) An identification of additional proto-  
16      cols, technical capabilities, and technical proce-  
17      dures beyond those available as of the date of  
18      enactment of the Twenty-First Century Com-  
19      munications and Video Accessibility Act of  
20      2010 for the delivery of closed captions of video  
21      programming delivered using Internet protocol  
22      that are necessary to meet the performance re-  
23      quirements identified under subparagraph (B).

1 (D) A recommendation for technical stand-  
2 ards to address the performance requirements  
3 identified in subparagraph (B).

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

10 (2) VIDEO DESCRIPTION, EMERGENCY INFOR-  
11 MATION, USER INTERFACES, AND VIDEO PROGRAM-  
12 MING GUIDES AND MENUS.—Within 18 months after  
13 the date of enactment of this Act, the Advisory  
14 Committee shall develop and submit to the Commis-  
15 sion a report that includes the following:

16 (A) A recommended schedule of deadlines  
17 for the provision of video description and emer-  
18 gency information.

19 (B) An identification of the performance  
20 requirement for protocols, technical capabilities,  
21 and technical procedures needed to permit con-  
22 tent providers, content distributors, Internet  
23 service providers, software developers, and de-  
24 vice manufacturers to reliably encode, trans-  
25 port, receive, and render video descriptions of

1 video programming and emergency information  
2 delivered using Internet protocol or digital  
3 broadcast television.

4 (C) An identification of additional proto-  
5 cols, technical capabilities, and technical proce-  
6 dures beyond those available as of the date of  
7 enactment of the Twenty-First Century Com-  
8 munications and Video Accessibility Act of  
9 2010 for the delivery of video descriptions of  
10 video programming and emergency information  
11 delivered using Internet protocol that are nec-  
12 essary to meet the performance requirements  
13 identified under subparagraph (B).

14 (D) A recommendation for technical stand-  
15 ards to address the performance requirements  
16 identified in subparagraph (B).

17 (E) A recommendation for any regulations  
18 that may be necessary to ensure compatibility  
19 between video programming delivered using  
20 Internet protocol and devices capable of receiv-  
21 ing and displaying such programming in order  
22 to facilitate access to video descriptions and  
23 emergency information.

24 (F) With respect to user interfaces, a rec-  
25 ommendation for the standards, protocols, and

1           procedures used to enable the functions of ap-  
2           paratus designed to receive or display video pro-  
3           gramming transmitted simultaneously with  
4           sound (including apparatus designed to receive  
5           or display video programming transmitted by  
6           means of services using Internet protocol) to be  
7           accessible to and usable by individuals with dis-  
8           abilities.

9           (G) With respect to user interfaces, a rec-  
10          ommendation for the standards, protocols, and  
11          procedures used to enable on-screen text menus  
12          and other visual indicators used to access the  
13          functions on an apparatus described in sub-  
14          paragraph (F) to be accompanied by audio out-  
15          put so that such menus or indicators are acces-  
16          sible to and usable by individuals with disabil-  
17          ities.

18          (H) With respect to video programming  
19          guides and menus, a recommendation for the  
20          standards, protocols, and procedures used to  
21          enable video programming information and se-  
22          lection provided by means of a navigation de-  
23          vice, guide, or menu to be accessible in real-  
24          time by individuals who are blind or visually im-  
25          paired.

1           (3) CONSIDERATION OF WORK BY STANDARD-  
2       SETTING ORGANIZATIONS.—The recommendations of  
3       the advisory committee shall, insofar as possible, in-  
4       corporate the standards, protocols, and procedures  
5       that have been adopted by recognized industry  
6       standard-setting organizations for each of the pur-  
7       poses described in paragraphs (1) and (2).

8       (f) MEETINGS.—

9           (1) INITIAL MEETING.—The initial meeting of  
10      the Advisory Committee shall take place not later  
11      than 180 days after the date of the enactment of  
12      this Act.

13          (2) OTHER MEETINGS.—After the initial meet-  
14      ing, the Advisory Committee shall meet at the call  
15      of the Chairman.

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

20      (g) PROCEDURAL RULES.—

21          (1) QUORUM.—The presence of one-third of the  
22      members of the Advisory Committee shall constitute  
23      a quorum for conducting the business of the Advi-  
24      sory Committee.

1           (2) SUBCOMMITTEES.—To assist the Advisory  
2       Committee in carrying out its functions, the Chair-  
3       man may establish appropriate subcommittees com-  
4       posed of members of the Advisory Committee and  
5       other subject matter experts.

6           (3) ADDITIONAL PROCEDURAL RULES.—The  
7       Advisory Committee may adopt other procedural  
8       rules as needed.

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

12          (i) ADOPTION OF STANDARDS, PROTOCOLS, PROCE-  
13      DURES, AND OTHER TECHNICAL REQUIREMENTS.—

14           (1) CLOSED CAPTIONING.—Not later than 6  
15      months after the date on which the Advisory Com-  
16      mittee transmits its report under subsection (e)(1)  
17      to the Commission, the Commission shall take all ac-  
18      tions necessary to adopt relevant technical stand-  
19      ards, protocols, procedures, and other technical re-  
20      quirements to ensure compatibility between video  
21      programming delivered using Internet protocol and  
22      devices capable of receiving and displaying such pro-  
23      gramming in order to facilitate access to closed cap-  
24      tions.

1           (2) VIDEO DESCRIPTION AND EMERGENCY IN-  
2           FORMATION.—Not later than 18 months after the  
3           date on which the Advisory Committee transmits its  
4           report under subsection (e)(2) to the Commission,  
5           the Commission shall take all actions necessary to  
6           adopt relevant technical standards, protocols, proce-  
7           dures, and other technical requirements to ensure  
8           compatibility between video programming delivered  
9           using Internet protocol or digital broadcast television  
10          and devices capable of receiving and displaying such  
11          programming in order to facilitate access to video  
12          descriptions and emergency information.

13       (j) COMMISSION AUTHORITY.—

14           (1) IN GENERAL.—The Commission shall adopt  
15           the recommendations contained in the reports re-  
16           quired under paragraphs (1) and (2) of subsection  
17           (e) if the Commissions finds that the recommenda-  
18           tions are sufficient to meet the objectives of this Act.

19           (2) ALTERNATIVE ADOPTION OF REQUIRE-  
20           MENTS.—If the Commission finds that the rec-  
21           ommendations are, in whole or in part, insufficient  
22           to meet the objectives of this Act, the Commission  
23           shall adopt the standards, protocols, procedures, or  
24           other technical requirements that it determines are  
25           necessary to meet the objectives of this Act.



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

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

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

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

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

9           “(f) VIDEO DESCRIPTION.—

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

19               “(2) MODIFICATIONS TO REINSTATED REGULA-  
20   TIONS.—Such regulations shall be modified only as  
21   follows:

22                       “(A) The regulations shall apply to video  
23   programming, as defined in subsection (h), that  
24   is transmitted for display on television in digital  
25   format.

1           “(B) The regulations may permit a pro-  
2           vider of video programming or a program owner  
3           to petition the Commission for an exemption  
4           from the requirements of this section upon a  
5           showing that the requirements contained in this  
6           section be economically burdensome or are tech-  
7           nically infeasible.

8           “(C) The Commission may exempt from  
9           the regulations established pursuant to para-  
10          graph (1) a service, class of services, program,  
11          class of programs, equipment, or class of equip-  
12          ment for which the Commission has determined  
13          that the application of such regulations would  
14          be economically burdensome or is technically in-  
15          feasible for the provider of such service, pro-  
16          gram, or equipment.

17          “(D) The regulations shall not apply to  
18          live or near-live programming.

19          “(E) The regulations shall provide for an  
20          appropriate phased schedule of deadlines for  
21          compliance.

22          “(F) The Commission shall consider ex-  
23          tending the exemptions and limitations in the  
24          reinstated regulations for technical capability

1 reasons to all providers and owners of video  
2 programming.

3 “(3) INQUIRIES ON FURTHER VIDEO DESCRIP-  
4 TION REQUIREMENTS.—The Commission shall com-  
5 mence the following inquiries not later than 1 year  
6 after the completion of the phase-in of the reinstated  
7 regulations and shall report to Congress 1 year  
8 thereafter on the findings for each of the following:

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

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

23 “(4) UPDATE DMA LIST.—The Commission  
24 shall update the list of the top 25 , the list of the  
25 top national nonbroadcast networks, and the begin-

1       ning calendar quarter for which compliance shall be  
2       calculated. After the Commission completes the  
3       study on video description, the video description reg-  
4       ulations shall apply to all designated market areas,  
5       except that the Commission may grant exemptions  
6       in specific designated market areas where it deems  
7       appropriate. I20       “(g) EMERGENCY INFORMA-  
8       TION.—Not later than 1 year after the Advisory  
9       Committee report under subsection (e)(2) is sub-  
10      mitted to the Commission, the Commission shall  
11      complete a proceeding to—

12           “(1) identify methods to convey emergency in-  
13      formation (as that term is defined in section 79.2 of  
14      title 47, Code of Federal Regulations) in a manner  
15      accessible to individuals who are blind or visually im-  
16      paired; and

17           “(2) promulgate regulations that require video  
18      programming providers and video programming dis-  
19      tributors (as those terms are defined in section 79.1  
20      of title 47, Code of Federal Regulations) and pro-  
21      gram owners to convey such emergency information  
22      in a manner accessible to individuals who are blind  
23      or visually impaired.

24      “(h) RESPONSIBILITIES.—

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

7           “(2) VIDEO PROGRAMMING PROVIDER OR DIS-  
8           TRIBUTOR.—A video programming provider or video  
9           programming distributor shall be deemed in compli-  
10          ance with this section and the rules and regulation  
11          promulgated thereunder if such entity enables the  
12          rendering or the pass through of closed captions and  
13          video description signals.

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

16               “(1) VIDEO DESCRIPTION.—The term ‘video de-  
17               scription’ means the insertion of audio narrated de-  
18               scriptions of a television program’s key visual ele-  
19               ments into natural pauses between the program’s  
20               dialogue.

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

24          (b) CLOSED CAPTIONING ON VIDEO PROGRAMMING  
25          DELIVERED USING INTERNET PROTOCOL.—Section 713

1 of such Act is further amended by striking subsection (c)  
2 and inserting the following:

3 “(c) DEADLINES FOR CAPTIONING.—

4 “(1) IN GENERAL.—The regulations prescribed  
5 pursuant to subsection (b) shall include an appro-  
6 priate schedule of deadlines for the provision of  
7 closed captioning of video programming once pub-  
8 lished or exhibited on television.

9 “(2) DEADLINES FOR PROGRAMMING DELIV-  
10 ERED USING INTERNET PROTOCOL.—

11 “(A) REGULATIONS ON CLOSED CAP-  
12 TIONING ON VIDEO PROGRAMMING DELIVERED  
13 USING INTERNET PROTOCOL.—Not later than 6  
14 months after the submission of the report to  
15 the Commission required by subsection (e)(1) of  
16 the Twenty-First Century Communications and  
17 Video Accessibility Act of 2010, the Commis-  
18 sion shall revise its regulations to require the  
19 provision of closed captioning on video program-  
20 ming delivered using Internet protocol.

21 “(B) SCHEDULE.—The regulations pre-  
22 scribed under this paragraph shall include an  
23 appropriate schedule of decoding for the provi-  
24 sion of closed captioning, taking into account  
25 whether such programming is prerecorded and

1 edited for Internet distribution, or whether such  
2 programming is live or near-live and not edited  
3 for Internet distribution.

4 “(C) COST.—The Commission may delay  
5 or waive the regulation promulgated under sub-  
6 paragraph (A) to the extent the Commission  
7 finds that the application of the regulation to  
8 live video programming delivered using Internet  
9 protocol with captions after the effective date of  
10 such regulations would be economically burden-  
11 some to providers of video programming or pro-  
12 gram owners.

13 “(D) REQUIREMENTS FOR REGULA-  
14 TIONS.—The regulations prescribed under this  
15 paragraph—

16 “(i) shall contain a definition of ‘near-  
17 live programming’ and ‘edited for Internet  
18 distribution’; and

19 “(ii) may exempt any service, class of  
20 service, program, class of program, equip-  
21 ment, or class of equipment for which the  
22 Commission has determined that the appli-  
23 cation of such regulations would cause fi-  
24 nancial hardship to the provider of such  
25 service, program, or equipment.”.

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 provider of video programming or pro-  
5 gram owner may petition the Commission for an ex-  
6 emption from the requirements of this section, and  
7 the Commission may grant such petition upon a  
8 showing that the requirements contained in this sec-  
9 tion would be economically burdensome. During the  
10 pendency of such a petition, such provider or owner  
11 shall be exempt from the requirements of this sec-  
12 tion. The Commission shall act to grant or deny any  
13 such petition, in whole or in part, within 6 months  
14 after the Commission receives such petition, unless  
15 the Commission finds that an extension of the 6-  
16 month period is necessary to determine whether such  
17 requirements are economically burdensome.”.

18 **SEC. 203. CLOSED CAPTIONING DECODER AND VIDEO DE-**  
19 **SCRIPTION CAPABILITY.**

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

23 “(u) Require that—

24 “(1) apparatus designed to receive or play  
25 back video programming transmitted simulta-



1           neously with sound, if such apparatus is manu-  
2           factured in the United States or imported for  
3           use in the United States and uses a picture  
4           screen of any size—

5                   “(A) be equipped with built-in closed  
6                   caption decoder circuitry or capability de-  
7                   signed to display closed-captioned video  
8                   programming;

9                   “(B) have the capability to decode  
10                  and make available the transmission and  
11                  delivery of video description services as re-  
12                  quired by regulations reinstated and modi-  
13                  fied pursuant to section 713(f); and

14                  “(C) have the capability to decode and  
15                  make available emergency information (as  
16                  that term is defined in section 79.2 of the  
17                  Commission’s regulations (47 CFR 79.2))  
18                  in a manner that is accessible to individ-  
19                  uals who are blind or visually impaired;  
20                  and

21                  “(2) notwithstanding paragraph (1) of this  
22                  subsection—

23                           “(A) apparatus described in such  
24                           paragraph that use a picture screen that is  
25                           less than 13 inches in size meet the re-

1                   quirements of subparagraph (A), (B), or  
2                   (C) of such paragraph only if the require-  
3                   ments of such subparagraphs are achiev-  
4                   able (as defined in section 716);

5                   “(B) any apparatus or class of appa-  
6                   ratus that are display-only video monitors  
7                   with no playback capability are exempt  
8                   from the requirements of such paragraph;  
9                   and

10                  “(C) the Commission shall have the  
11                  authority to waive the requirements of this  
12                  subsection for any apparatus or class of  
13                  apparatus.”.

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

17                  “(z) Require that—

18                         “(1) if achievable (as defined in section  
19                         716), apparatus designed to record video pro-  
20                         gramming transmitted simultaneously with  
21                         sound, if such apparatus is manufactured in the  
22                         United States or imported for use in the United  
23                         States, enable the rendering or the pass  
24                         through of closed captions, video description  
25                         signals, and emergency information (as that

1 term is defined in section 79.2 of title 47, Code  
2 of Federal Regulations) such that viewers are  
3 able to activate and de-activate the closed cap-  
4 tions and video description as the video pro-  
5 gramming is played back on a picture screen of  
6 any size; and

7 “(2) interconnection mechanisms and  
8 standards for digital video source devices are  
9 available to carry from the source device to the  
10 consumer equipment the information necessary  
11 to permit the display of closed captions and to  
12 make encoded video description and emergency  
13 information audible.”.

14 (c) SHIPMENT IN COMMERCE.—Section 330(b) of the  
15 Communications Act of 1934 (47 U.S.C. 330(b)) is  
16 amended—

17 (1) by striking “303(u)” in the first sentence  
18 and inserting “303(u) and (z)”;

19 (2) by striking the second sentence and insert-  
20 ing the following: “Such rules shall provide perform-  
21 ance and display standards for such built-in decoder  
22 circuitry or capability designed to display closed cap-  
23 tioned video programming, the transmission and de-  
24 livery of video description services, and the convey-

1       ance of emergency information as required by sec-  
2       tion 303 of this Act.”; and

3           (3) in the fourth sentence, by striking “closed-  
4       captioning service continues” and inserting “closed-  
5       captioning service and video description service con-  
6       tinue”.

7       (d) IMPLEMENTING REGULATIONS.—The Federal  
8       Communications Commission shall prescribe such regula-  
9       tions as are necessary to implement the requirements of  
10      sections 303(u), 303(z), and 330(b) of the Communica-  
11      tions Act of 1934, as amended by this section, including  
12      any technical standards, protocols, and procedures needed  
13      for the transmission of—

14           (1) closed captioning within 6 months after the  
15      submission to the Commission of the Advisory Com-  
16      mittee report required by section 201(e)(1); and

17           (2) video description and emergency informa-  
18      tion within 18 months after the submission to the  
19      Commission of the Advisory Committee report re-  
20      quired by section 201(e)(2).

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

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

1           “(aa) Require—

2                   “(1) if achievable (as defined in section  
3           716) that digital apparatus designed to receive  
4           or play back video programming transmitted in  
5           digital format simultaneously with sound, in-  
6           cluding apparatus designed to receive or display  
7           video programming transmitted in digital for-  
8           mat using Internet protocol, be designed, devel-  
9           oped, and fabricated so that control of all built-  
10          in apparatus functions are accessible to and us-  
11          able by individuals who are blind or visually im-  
12          paired, except that the Commission may not  
13          specify the technical standards, protocols, pro-  
14          cedures, and other technical requirements for  
15          meeting this requirement;

16                   “(2) that if on-screen text menus or other  
17          visual indicators built in to the digital appa-  
18          ratus are used to access the functions of the ap-  
19          paratus described in paragraph (1), such func-  
20          tions shall be accompanied by audio output that  
21          is either integrated or peripheral to the appa-  
22          ratus, so that such menus or indicators are ac-  
23          cessible to and usable by individuals who are  
24          blind or visually impaired in real-time;

1           “(3) that for such apparatus equipped with  
2           the functions described in paragraphs (1) and  
3           (2) built in access to those closed captioning  
4           and video description features through a mecha-  
5           nism that is reasonably comparable to a button,  
6           key, or icon designated by activating the closed  
7           captioning or accessibility features; and

8           “(4) that in applying this subsection the  
9           term ‘apparatus’ does not include a navigation  
10          device, as such term is defined in section  
11          76.1200 of the Commission’s rules (47 CFR  
12          76.1200).”.

13          (b) IMPLEMENTING REGULATIONS.—Within 18  
14 months after the submission to the Commission of the Ad-  
15 visory Committee report required by section 201(e)(2), the  
16 Commission shall prescribe such regulations as are nec-  
17 essary to implement the amendments made by subsection  
18 (a).

19          (c) DEFERRAL OF COMPLIANCE WITH ATSC MOBILE  
20 DTV STANDARD A/153.—The regulations prescribed  
21 under subsection (b) may not require compliance with the  
22 Advanced Television Systems Committee Mobile DTV  
23 Standard A/153 for any apparatus manufactured less than  
24 24 months after the date on which the final regulations  
25 are published in the Federal Register.

1   **SEC. 205. ACCESS TO VIDEO PROGRAMMING GUIDES AND**  
2                   **MENUS PROVIDED ON NAVIGATION DEVICES.**

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

7           “(bb) Require—

8                   “(1) if achievable (as defined in section 716),  
9           that the on-screen text menus and guides provided  
10          by navigation devices (as such term is defined in sec-  
11          tion 76.1200 of title 47, Code of Federal Regula-  
12          tions) for the display or selection of multichannel  
13          video programming are audibly accessible in real-  
14          time upon request by individuals who are blind or  
15          visually impaired, except that the Commission may  
16          not specify the technical standards, protocols, proce-  
17          dures, and other technical requirements for meeting  
18          this requirement; and

19                   “(2) for navigation devices with built-in closed  
20          captioning capability, that access to that capability  
21          through a mechanism is reasonably comparable to a  
22          button, key, or icon designated for activating the  
23          closed captioning, video description, or accessibility  
24          features.

25   With respect to apparatus features and functions delivered  
26   in software, the requirements set forth in this subsection

1 shall apply to the manufacturer of such software. With  
2 respect to apparatus features and functions delivered in  
3 hardware, the requirements set forth in this subsection  
4 shall apply to the manufacturer of such hardware.”.

5 (b) IMPLEMENTING REGULATIONS.—

6 (1) IN GENERAL.—Within 18 months after the  
7 submission to the Commission of the Advisory Com-  
8 mittee report required by section 201(e)(2), the  
9 Commission shall prescribe such regulations as are  
10 necessary to implement the amendment made by  
11 subsection (a).

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

15 (3) RESPONSIBILITY.—An entity shall only be  
16 responsible for compliance with the requirements  
17 added by this section with respect to navigation de-  
18 vices that it provides to a requesting blind or vis-  
19 ually impaired individual.

20 (3) SEPARATE EQUIPMENT OR SOFTWARE.—

21 (A) IN GENERAL.—Such regulations shall  
22 permit but not require compliance with section  
23 303(bb)(1) of the Communications Act of 1934  
24 through the use of software, a peripheral device,



1 specialized consumer premises equipment, a  
2 network-based service or other solution.

3 (B) REQUIREMENTS.—If an entity com-  
4 plies with section 303(bb)(1) of the Commu-  
5 nications Act of 1934 under subparagraph (A),  
6 the entity providing the navigation device to the  
7 requesting blind or visually impaired individual  
8 shall provide any such software, peripheral de-  
9 vice, equipment, service, or solution at no addi-  
10 tional charge and within a reasonable time to  
11 such individual and shall ensure that such soft-  
12 ware, device, equipment, service, or solution is  
13 compatible with interconnection mechanisms as  
14 provided for in such regulations.

15 (4) USER CONTROLS FOR CLOSED CAP-  
16 TIONING.—Such regulations shall permit maximum  
17 flexibility in the selection of means for compliance  
18 with section 303(bb)(2) of the Communications Act  
19 of 1934 (as added by subsection (a) of this section)  
20 as long as such means for compliance are compatible  
21 with interconnection mechanisms as provided for in  
22 such regulations.

23 (5) PHASE-IN.—

24 (A) IN GENERAL.—The Commission shall  
25 provide affected entities with—

1 (i) not less than 2 years after the  
2 adoption of such regulations to begin plac-  
3 ing in service devices that comply with the  
4 requirements of section 303(bb)(2) of the  
5 Communications Act of 1934 (as added by  
6 subsection (a) of this section); and

7 (ii) not less than 3 years after the  
8 adoption of such regulations to begin plac-  
9 ing in service devices that comply with the  
10 requirements of section 303(bb)(1) of the  
11 Communications Act of 1934 (as added by  
12 subsection (a) of this section).

13 (B) APPLICATION.—Such regulations shall  
14 apply only to devices manufactured or imported  
15 on or after the respective effective dates estab-  
16 lished in subparagraph (A).

17 **SEC. 206. DEFINITIONS.**

18 In this title:

19 (1) ADVISORY COMMITTEE.—The term “Advi-  
20 sory Committee” means the advisory committee es-  
21 tablished in section 201.

22 (2) CHAIRMAN.—The term “Chairman” means  
23 the Chairman of the Federal Communications Com-  
24 mission.

1           (3) COMMISSION.—The term “Commission”  
2 means the Federal Communications Commission.

3           (4) EMERGENCY INFORMATION.—The term  
4 “emergency information” has the meaning given  
5 such term in section 79.2 of title 47, Code of Fed-  
6 eral Regulations.

7           (5) INTERNET PROTOCOL.—The term “Internet  
8 protocol” includes Transmission Control Protocol  
9 and a successor protocol or technology to Internet  
10 protocol.

11          (6) NAVIGATION DEVICE.—The term “naviga-  
12 tion device” has the meaning given such term in sec-  
13 tion 76.1200 of title 47, Code of Federal Regula-  
14 tions.

15          (7) VIDEO DESCRIPTION.—The term “video de-  
16 scription” has the meaning given such term in sec-  
17 tion 713 of the Communications Act of 1934 (47  
18 U.S.C. 613).

19          (8) VIDEO PROGRAMMING.—The term “video  
20 programming” has the meaning given such term in  
21 section 713 of the Communications Act of 1934 (47  
22 U.S.C. 613).

