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(Original Signature of Member)

110TH CONGRESS  
2D SESSION

# H. R.

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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

Mr. MARKEY (for himself, Mrs. WILSON of New Mexico, and [see ATTACHED LIST of cosponsors]) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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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 2008”.

7 (b) TABLE OF CONTENTS.—



1 given such term by section 9.3 of the Commission's  
2 rules (47 CFR 9.3).

3 “(55) IP-ENABLED COMMUNICATION SERV-  
4 ICE.—

5 “(A) The term ‘IP-enabled communication  
6 service’ means a transmission service between  
7 or among points specified by the user, of infor-  
8 mation of the user’s choosing, using the Inter-  
9 net protocol (or a successor protocol) if such  
10 transmission is for the purpose of enabling bi-  
11 lateral or multilateral voice, text, or video com-  
12 munication, utilization of interactive voice re-  
13 sponse or voice mail systems, or other similar  
14 communications-based applications, and uses—

15 “(i) an Internet connection from the  
16 user’s location; and

17 “(ii) customer premises equipment  
18 that is compatible with the Internet pro-  
19 tocol (or a successor protocol).

20 “(B) Such term includes any service that  
21 is an interconnected VoIP service.”; and

22 (2) by reordering paragraphs (1) through (52)  
23 and the paragraphs added by paragraph (1) of this  
24 section in alphabetical order based on the headings

1 of such paragraphs, and renumbering such para-  
2 graphs as so reordered.

3 **SEC. 102. HEARING AID COMPATIBILITY.**

4 (a) AMENDMENT.—Section 710(b)(1) of the Commu-  
5 nications Act of 1934 (47 U.S.C. 610(b)(1)) is amended—

6 (1) by striking “and” at the end of subpara-  
7 graph (A);

8 (2) by inserting “and” after the comma at the  
9 end of subparagraph (B); and

10 (3) by inserting after subparagraph (B) the fol-  
11 lowing new subparagraph:

12 “(C) all customer premises equipment used to  
13 provide an IP-enabled communication service that  
14 provides voice communication via a built-in speaker  
15 (typically held to the ear) and that are manufac-  
16 tured in the United States (other than for export)  
17 more than one year after the date of enactment of  
18 the Twenty-first Century Communications and Video  
19 Accessibility Act of 2008, or are shipped in inter-  
20 state commerce in the United States more than one  
21 year after such date,”.

22 **SEC. 103. RELAY SERVICES.**

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

1           “(3) TELECOMMUNICATIONS RELAY SERV-  
2           ICES.—The term ‘telecommunications relay services’  
3           means telephone transmission that provides the abil-  
4           ity for an individual who is deaf or hard of hearing  
5           or who has a speech disability to engage in commu-  
6           nication by wire or radio with one or more individ-  
7           uals, in a manner that is functionally equivalent to  
8           the ability of a hearing individual who does not have  
9           a speech disability to communicate using voice com-  
10          munication services by wire or radio.”.

11          (b) INTERNET-BASED TELECOMMUNICATIONS  
12 RELAY SERVICES.—Section 225 of such Act is further  
13 amended—

14           (1) by inserting “BY COMMON CARRIERS” after  
15           “PROVISION OF SERVICES” in the heading of sub-  
16           section (c);

17           (2) by redesignating subsections (e), (f), and  
18           (g) as subsections (f), (g), and (h), respectively;

19           (3) by inserting after subsection (d) the fol-  
20           lowing new subsection:

21          “(e) INTERNET-BASED TELECOMMUNICATIONS  
22 RELAY SERVICES.—Within one year after the date of en-  
23 actment of the Twenty-first Century Communications and  
24 Video Accessibility Act of 2008, each interconnected VoIP  
25 service provider and each provider of voice communica-

1 tions using an IP-enabled communication service shall  
2 participate in and contribute to the Telecommunications  
3 Relay Services Fund established in section  
4 64.404(c)(5)(iii) of the Commission's regulations (47 CFR  
5 64.404(c)(5)(iii)), as in effect on the date of enactment  
6 of such Act, in a manner prescribed by the Commission  
7 by regulation to provide for obligations of such providers  
8 that are consistent with and comparable to the obligations  
9 of other contributors to such Fund.”;

10 (4) in subsection (f)(1) (as redesignated by  
11 paragraph (2) of this subsection), by striking “sub-  
12 sections (f) and (g)” and inserting “subsections (g)  
13 and (h)”;

14 (5) in subsections (h)(1) and (h)(2)(B) (as so  
15 redesignated), by striking “subsection (f)” each  
16 place it appears and inserting “subsection (g)”.

17 **SEC. 104. ACCESS TO INTERNET-BASED SERVICES AND**  
18 **EQUIPMENT.**

19 (a) AMENDMENT.—Title II of the Communications  
20 Act of 1934 (47 U.S.C. 201 et seq.) is amended by insert-  
21 ing after section 255 the following new sections:

22 **“SEC. 255A. ACCESS TO INTERNET-BASED SERVICES AND**  
23 **EQUIPMENT.**

24 “(a) MANUFACTURING.—A manufacturer of equip-  
25 ment used for IP-enabled communication services, includ-

1 ing end user equipment, network equipment, and software,  
2 shall ensure that the equipment is designed, developed,  
3 and fabricated to be accessible to and usable by individuals  
4 with disabilities, unless the requirement of this subsection  
5 would result in an undue burden.

6 “(b) SERVICE PROVIDERS.—A provider of IP-enabled  
7 communication service shall ensure that its service is ac-  
8 cessible to and usable by individuals with disabilities, un-  
9 less the requirement of this subsection would result in an  
10 undue burden.

11 “(c) COMPATIBILITY.—Whenever the requirements of  
12 subsections (a) and (b) constitute an undue burden, such  
13 manufacturer or provider shall ensure that the equipment  
14 or service is compatible with existing peripheral devices  
15 or specialized customer premises equipment commonly  
16 used by individuals with disabilities to achieve access, un-  
17 less the requirement of this subsection would result in an  
18 undue burden.

19 “(d) NETWORK FEATURES, FUNCTIONS, AND CAPA-  
20 BILITIES.—Each provider of IP-enabled communication  
21 service has the duty not to install network features, func-  
22 tions, or capabilities that do not comply with the regula-  
23 tions established pursuant to this section.

24 “(e) REGULATIONS.—Within one year after the date  
25 of enactment of the Twenty-first Century Communications

1 and Video Accessibility Act of 2008, the Commission shall  
2 prescribe such regulations as are necessary to implement  
3 this section. In prescribing the regulations, the Commis-  
4 sion shall—

5 “(1) include standards to ensure the accessi-  
6 bility, usability, and compatibility of IP-enabled  
7 communication services and the equipment used for  
8 such services by individuals with disabilities; and

9 “(2) provide that IP-enabled communication  
10 services, the equipment used for such services, and  
11 IP-enabled communication service networks may not  
12 impair or impede the accessibility of information  
13 content when accessibility has been incorporated into  
14 that content for transmission through IP-enabled  
15 communication services, equipment, or networks.

16 “(f) REMEDIES.—The limitations on actions in sec-  
17 tion 255(f) shall not apply to this section.

18 “(g) DEFINITION.—For purposes of this section, the  
19 term ‘undue burden’ means significant difficulty or ex-  
20 pense. In determining whether the requirements of any  
21 provision of this section would result in an undue burden,  
22 the factors to be considered include—

23 “(1) the nature and cost of the steps required  
24 for the manufacturer or provider;

1           “(2) the impact on the operation of the manu-  
2           facturer or provider;

3           “(3) the financial resources of the manufacturer  
4           or provider; and

5           “(4) the type of operations of the manufacturer  
6           or provider.

7   **“SEC. 255B. ENFORCEMENT AND REPORTING OBLIGATIONS.**

8           “(a) COMPLAINT AND ENFORCEMENT PROCE-  
9   DURES.—Within one year after the date of enactment of  
10 the Twenty-first Century Communications and Video Ac-  
11 cessibility Act of 2008, the Commission shall establish reg-  
12 ulations that facilitate the filing of complaints that allege  
13 a violation of section 255 or 255A, establish procedures  
14 for enforcement actions by the Commission with respect  
15 to such violations, and create reporting obligations 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 or 255A.

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 or  
25           255A.

1           “(3) COMPLAINTS TO THE COMMISSION.—Any  
2           person alleging a violation of section 255 or 255A by  
3           a manufacturer of equipment or provider of service  
4           subject to such sections may file a complaint with  
5           the Commission. The Commission shall investigate  
6           the allegations in such complaint and issue a final  
7           order concluding the investigation within 90 days of  
8           the date on which such complaint was filed with the  
9           Commission, unless such complaint is resolved before  
10          such time. The Commission may consolidate for in-  
11          vestigation and resolution complaints alleging sub-  
12          stantially the same violation by the same manufac-  
13          turer or provider. Such final order shall include a  
14          determination as to whether any violation has oc-  
15          curred and, if the Commission determines that a vio-  
16          lation has occurred, address the manner in which  
17          the manufacturer or service provider will achieve ac-  
18          cessibility, compatibility, or usability required by sec-  
19          tion 255 or 255A. If a determination is made that  
20          a violation has occurred but the accessibility feature  
21          requested is not readily achievable under section 255  
22          or will create an undue burden under section 255A,  
23          the Commission shall provide the basis for such de-  
24          termination.

1           “(4) CEASE AND DESIST ORDERS.—If the Com-  
2 mission’s investigation pursuant to paragraph (3)  
3 determines that a manufacturer of equipment or  
4 provider of service is engaged in an act prohibited by  
5 section 255 or 255A, or is failing to perform any act  
6 required by section 255 or 255A, the Commission  
7 shall order such manufacturer or provider to cease  
8 from violating such section.

9           “(5) FORFEITURE PENALTIES.—A manufac-  
10 turer of equipment or provider of service subject to  
11 the requirements of section 255 or 255A shall be  
12 subject under section 503 to a civil penalty for viola-  
13 tion of section 255 or 255A in an amount deter-  
14 mined under section 503(b)(2)(B).

15           “(6) REPORTING.—Each manufacturer of  
16 equipment used for IP-enabled communication serv-  
17 ices and each provider of IP-enabled communication  
18 service shall—

19           “(A) file a report with the Commission, on  
20 an annual basis, that describes the steps that  
21 have been taken by such manufacturer or pro-  
22 vider during the preceding year to implement  
23 sections 255 and 255A, including—

1 “(i) information about the company’s  
2 efforts to consult with people with disabili-  
3 ties;

4 “(ii) descriptions of the accessibility  
5 features of its products and services; and

6 “(iii) information about the compat-  
7 ibility of their products and services with  
8 peripheral devices or specialized customer  
9 premise equipment commonly used by peo-  
10 ple with disabilities to achieve access; and

11 “(B) maintain, in the ordinary course of  
12 business, records of the efforts taken by such  
13 manufacturer or provider to implement sections  
14 255 and 255A.

15 “(b) REPORTS TO CONGRESS.—Every two years after  
16 the date of enactment of the Twenty-first Century Com-  
17 munications and Video Accessibility Act of 2008, the Com-  
18 mission shall submit a report to the Committee on Com-  
19 merce, Science, and Transportation of the Senate and the  
20 Committee on Energy and Commerce of the House of  
21 Representatives that assesses the level of compliance with  
22 section 255 or 255A and evaluates the extent to which  
23 any accessibility barriers still exist with respect to new  
24 technologies. Such report shall include—

1           “(1) the number and nature of complaints re-  
2           ceived pursuant to subsection (a) during the two  
3           years that are the subject of the report;

4           “(2) actions taken to resolve such complaints  
5           under this section, including cease and desist orders  
6           issued and forfeiture penalties assessed; and

7           “(3) the length of time that was taken by the  
8           Commission to resolve each such complaint.

9           “(c) CLEARINGHOUSE.—The Commission shall, in  
10          coordination with the Architectural and Transportation  
11          Barriers Compliance Board and the National Tele-  
12          communications and Information Administration, estab-  
13          lish a clearinghouse of information on the availability of  
14          accessible products and services and accessibility solutions  
15          required under sections 255 and 255A. Such information  
16          shall be made publicly available on the Commission’s  
17          website and by other means, and shall include an annually  
18          updated list of products and services with access features.

19          “(d) OUTREACH AND EDUCATION.—Within one year  
20          after the date of enactment of the Twenty-first Century  
21          Communications and Video Accessibility Act of 2008, the  
22          Commission, in coordination with the National Tele-  
23          communications and Information Administration, shall  
24          conduct an informational and educational program de-  
25          signed to inform the public about the availability of the

1 clearinghouse, and the protections and remedies available  
2 under sections 255 and 255A.”.

3 (b) CONFORMING AMENDMENT.—Section 255(a) of  
4 the Communications Act of 1934 (47 U.S.C. 255(a)) is  
5 amended by adding at the end the following new para-  
6 graph:

7 “(3) TEXT MESSAGES.—The transmission and  
8 receipt of text messages sent by radio to and from  
9 mobile wireless devices (made available through  
10 short message service or similar means) are tele-  
11 communications services for purposes of this section  
12 and the enforcement of this section under section  
13 255B.”.

14 **SEC. 105. UNIVERSAL SERVICE.**

15 (a) CONSUMERS WITH DISABILITIES.—Section 254  
16 of the Communications Act of 1934 (47 U.S.C. 254) is  
17 amended—

18 (1) in subsection (b)—

19 (A) by redesignating paragraph (7) as  
20 paragraph (8); and

21 (B) by inserting after paragraph (6) the  
22 following new paragraph:

23 “(7) ACCESS BY CONSUMERS WITH DISABIL-  
24 ITIES.—Consumers with disabilities should have ac-  
25 cess to telecommunications services and IP-enabled

1 communication services, including interexchange  
2 services and advanced telecommunications and infor-  
3 mation services.”; and

4 (2) in subsection (c), by adding at the end the  
5 following new paragraph:

6 “(4) INDIVIDUALS WITH DISABILITIES.—Not-  
7 withstanding subsection (j), the Commission shall, in  
8 order to implement the principle established in sub-  
9 section (b)(7), designate as services supported by  
10 Lifeline and Link Up assistance programs and other  
11 Federal universal service support mechanisms those  
12 telecommunications services and IP-enabled commu-  
13 nication services that are needed by individuals with  
14 disabilities to engage in communication with one or  
15 more other individuals in a manner that is function-  
16 ally equivalent to the ability of individuals without  
17 disabilities to engage in such communication.”.

18 (b) ALLOCATION OF USF FOR SERVICES FOR INDI-  
19 VIDUALS WITH DISABILITIES.—Section 254 of the Com-  
20 munications Act of 1934 (47 U.S.C. 254) is further  
21 amended—

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

24 (2) by inserting after subsection (h) the fol-  
25 lowing new subsection:

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

2 “(1) IN GENERAL.—Within 6 months after the  
3 date of the enactment of the Twenty-first Century  
4 Communications and Video Accessibility Act of  
5 2008, the Commission shall establish rules that de-  
6 fine as eligible for universal service support those  
7 programs that are certified by a State commission or  
8 approved by the Commission for the distribution of  
9 specialized customer premises equipment designed to  
10 make telecommunications service and IP-enabled  
11 communication service, including interexchange serv-  
12 ices and advanced telecommunications and informa-  
13 tion services, accessible by individuals who are deaf-  
14 blind.

15 “(2) DEFINITION.—For the purposes of this  
16 subsection, the term ‘individuals who are deaf-blind’  
17 has the same meaning given such term in the Helen  
18 Keller National Center Act, as amended by the Re-  
19 habilitation Act Amendments of 1992 (29 U.S.C.  
20 1905(2)).

21 “(3) ANNUAL AMOUNT.—The total amount of  
22 universal service support that may be obligated or  
23 expended under this subsection for any fiscal year  
24 may not exceed \$10,000,000.”.

1 **SEC. 106. EMERGENCY ACCESS AND REAL-TIME TEXT SUP-**  
2 **PORT.**

3 Title II of the Communications Act of 1934 (47  
4 U.S.C. 201 et seq.) is further amended by inserting after  
5 section 255B (as added by section 104 of this Act) the  
6 following new section:

7 **“SEC. 255C. EMERGENCY ACCESS AND REAL-TIME TEXT**  
8 **SUPPORT.**

9 “(a) DUTY OF PROVIDERS OF IP-ENABLED COMMU-  
10 NICATION SERVICE.—In order to ensure equal access to  
11 emergency services by individuals with disabilities, as part  
12 of the migration to a national Internet Protocol-enabled  
13 emergency network, it shall be the duty of every IP-en-  
14 abled communication service provider to ensure seamless  
15 real-time text communication between and among inter-  
16 connected VoIP services, IP-enabled communication serv-  
17 ices, and telecommunications services.

18 “(b) REGULATIONS.—Within one year after the date  
19 of enactment of the Twenty-first Century Communications  
20 and Video Accessibility Act of 2008, the Commission shall  
21 prescribe such regulations as are necessary to implement  
22 this section. In prescribing the regulations, the Commis-  
23 sion shall—

24 “(1) require that all IP-enabled communications  
25 services support a single real-time text standard, so  
26 that real-time text communication formats used on

1 the networks of each provider of interconnected  
2 VoIP services, IP-enabled communication services,  
3 and telecommunications services will interoperate  
4 with every other such network and with gateways to  
5 the public switched network;

6 “(2) require that—

7 “(A) all providers of IP-enabled commu-  
8 nication service that are required to be in com-  
9 pliance with this section shall transmit real-time  
10 text communication formats as text data, not  
11 audio tones; and

12 “(B) such transmission shall have less  
13 than one percent character error in order to en-  
14 sure accurate transmission; and

15 “(3) establish deadlines by which providers of  
16 IP-enabled communication service shall comply with  
17 the requirements under paragraphs (1) and (2)”.

## 18 **TITLE II—VIDEO PROGRAMMING**

### 19 **SEC. 201. COMMISSION INQUIRY ON CLOSED CAPTIONING** 20 **DECODER AND VIDEO DESCRIPTION CAPA-** 21 **BILITY, USER INTERFACES, AND VIDEO PRO-** 22 **GRAMMING GUIDES AND MENUS.**

23 (a) INQUIRY REQUIRED.—Within 180 days after the  
24 date of enactment of this Act, the Federal Communica-

1 tions Commission shall complete an inquiry on the fol-  
2 lowing subjects:

3 (1) CLOSED-CAPTIONING DECODER AND VIDEO  
4 DESCRIPTION CAPABILITY.—With respect to closed  
5 captioning decoder and video description capability,  
6 the Commission shall—

7 (A) identify—

8 (i) the formats and software com-  
9 monly used by video programming pro-  
10 viders or owners for exhibition on new  
11 technologies, including those used by IP-  
12 enabled communication services and digital  
13 wireless services; and

14 (ii) the related technical issues associ-  
15 ated with the implementation of closed  
16 captioning and video description by means  
17 of such new technologies;

18 (B) identify the technical standards, proto-  
19 cols, and procedures needed for the trans-  
20 mission of closed captioning and video descrip-  
21 tion by means of IP-enabled communication  
22 service and digital wireless services and equip-  
23 ment; and

24 (C) identify—

1 (i) technical standards, protocols, and  
2 procedures to enable video programming  
3 providers and owners to transmit emer-  
4 gency information in a manner that is ac-  
5 cessible to individuals who are blind or vis-  
6 ually impaired; and

7 (ii) the persons or parties obligated to  
8 create, receive, and transmit such emer-  
9 gency information in accordance with such  
10 standards, protocols, and procedures.

11 (2) USER INTERFACES.—With respect to user  
12 interfaces, the Commission shall—

13 (A) identify the technical standards, proto-  
14 cols, and procedures needed to enable apparatus  
15 designed to receive or display video program-  
16 ming transmitted simultaneously with sound  
17 (including apparatus designed to receive or dis-  
18 play video programming transmitted by means  
19 of IP-enabled communication services) to be ca-  
20 pable of making its apparatus functions, includ-  
21 ing the receipt, display, navigation, or selection  
22 of video programming (and any other functions  
23 shared by, related to, or necessary to access  
24 such apparatus functions), accessible to and us-  
25 able by individuals with disabilities; and

1 (B) identify the technical standards, proto-  
2 cols, and procedures needed to enable on-screen  
3 text menus and other visual indicators used to  
4 access the functions described in subparagraph  
5 (A) to be accompanied by audio output so that  
6 such menus or indicators are accessible to and  
7 usable by individuals who are blind or visually  
8 impaired.

9 (3) VIDEO PROGRAMMING GUIDES AND  
10 MENUS.—With respect to video programming guides  
11 and menus, the Commission shall identify the tech-  
12 nical standards, protocols, and procedures needed to  
13 enable video programming information and selection  
14 provided by means of a navigational device, guide, or  
15 menu to be accessible in real-time by individuals  
16 with disabilities who are unable to read the visual  
17 display.

18 (b) REPORT ON INQUIRY.—Within one year after the  
19 date of enactment of this Act, the Commission shall sub-  
20 mit to the Congress a report on the results of such inquiry.

21 (c) DEFINITIONS.—For purposes of this section—

22 (1) the term “IP-enabled communication serv-  
23 ice” has the meaning provided in section 3 of the  
24 Communications Act of 1934 (47 U.S.C. 153); and

1           (2) the terms “video description” and “video  
2           programming” have the meanings provided by sec-  
3           tion 713(g) of such Act (47 U.S.C. 613(g)).

4   **SEC. 202. CLOSED CAPTIONING DECODER AND VIDEO DE-**  
5                           **SCRIPTION CAPABILITY.**

6           (a) **AUTHORITY TO REGULATE.**—Section 303(u) of  
7           the Communications Act of 1934 (47 U.S.C. 303(u)) is  
8           amended to read as follows:

9           “(u) Require that every apparatus designed to receive  
10          or display video programming (as such term is defined in  
11          section 713(g)) transmitted simultaneously with sound, in-  
12          cluding apparatus designed to receive or display video pro-  
13          gramming transmitted by means of IP-enabled commu-  
14          nication services, that are shipped in interstate commerce  
15          or manufactured in the United States—

16                 “(1) be equipped with built-in closed caption  
17          decoding capability designed to display closed-cap-  
18          tioned video programming;

19                 “(2) have sufficient capacity to make available  
20          the transmission and delivery of video description  
21          services as required by section 713(f); and

22                 “(3) have the capability to convey emergency  
23          information (as that term is defined in section 79.2  
24          of the Commission’s regulations (47 CFR 79.2)), in-  
25          cluding Emergency Alert System messages, in a

1 manner that is accessible to individuals who are  
2 blind or visually-impaired.”.

3 (b) SHIPMENT IN COMMERCE.—Section 330(b) of the  
4 Communications Act of 1934 (47 U.S.C. 330) is amend-  
5 ed—

6 (1) by striking the second sentence and insert-  
7 ing the following: “Such rules shall provide perform-  
8 ance and display standards for such built-in decoder  
9 circuitry, the transmission and delivery of video de-  
10 scription (as such term is defined in section 713(g))  
11 services over technologies that are based in digital  
12 signals, IP-enabled communication services, wireless  
13 devices, or other methods, and the transmission of  
14 closed captioning over technologies that are based in  
15 IP-enabled communication services, wireless devices,  
16 or other technologies.”; and

17 (2) in the fourth sentence, by inserting “and  
18 video description service” after “closed-captioning  
19 service”.

20 (c) IMPLEMENTING REGULATIONS.—Within 18  
21 months after the date of enactment of this Act, the Fed-  
22 eral Communications Commission shall prescribe such reg-  
23 ulations as are necessary to implement, and are technically  
24 feasible for implementing, the amendments made by sub-  
25 sections (a) and (b).

1 **SEC. 203. 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 by  
4 striking subsections (f) and (g) and inserting the fol-  
5 lowing:

6 “(f) VIDEO DESCRIPTION.—

7 “(1) REINSTATEMENT OF RULES.—The video  
8 description regulations of the Commission contained  
9 in the report and order identified as Implementation  
10 of Video Description of Video Programming, Report  
11 and Order (15 F.C.C.R. 15.230 (2000)), shall—

12 “(A) be considered to be in full force and  
13 effect and ratified by law; and

14 “(B) apply to video programming (as such  
15 term is defined in subsection (g)) that is first  
16 published or exhibited after the date of enact-  
17 ment of the Twenty-first Century Communica-  
18 tions and Video Accessibility Act of 2008.

19 “(2) CONTINUING AUTHORITY OF THE COMMIS-  
20 SION.—The Commission—

21 “(A) shall, within 45 days after the date of  
22 enactment of the Twenty-first Century Commu-  
23 nications and Video Accessibility Act of 2008—

24 “(i) publish its video description regu-  
25 lations contained in the report and order  
26 identified as Implementation of Video De-

1           description of Video Programming, Report  
2           and Order (15 F.C.C.R. 15,230 (2000));  
3           and

4           “(ii) apply the requirements of such  
5           report and order to video programming (as  
6           such term is defined in subsection (g));

7           “(B) shall initiate a proceeding, to be com-  
8           pleted within 18 months after such date of en-  
9           actment, to—

10           “(i) identify methods to convey emer-  
11           gency information (as that term is defined  
12           in section 79.2 of the Commission’s regula-  
13           tions (47 CFR 79.2)) in a manner acces-  
14           sible to individuals who are blind or vis-  
15           ually-impaired; and

16           “(ii) promulgate regulations that re-  
17           quire video programming distributors (as  
18           that term is defined in section 79.1 of the  
19           Commission’s regulations (47 CFR 79.1))  
20           to convey such emergency information in a  
21           manner accessible to individuals who are  
22           blind or visually-impaired, consistent with  
23           the requirements of such section of such  
24           regulations; and

1           “(C) shall promulgate any other regulation  
2           that the Commission may find necessary to im-  
3           plement, enforce, or otherwise carry out the  
4           provisions of this section, including regulations  
5           to increase the amount of video description re-  
6           quired to achieve full access to video program-  
7           ming for individuals who are blind or visually-  
8           impaired.

9           “(3) REQUIREMENTS FOR RULES.—

10           “(A) Such regulations shall include an ap-  
11           propriate schedule of deadlines for the provision  
12           of video description of video programming.

13           “(B) Such regulations may permit a pro-  
14           vider of video programming or program owner  
15           to petition the Commission for an exemption  
16           from the requirements of this section upon a  
17           showing that the requirements contained in this  
18           section would result in an undue burden (as de-  
19           fined in subsection (e)). A provider shall be ex-  
20           empt from such requirements only after the  
21           Commission decides to grant any such petition.

22           “(C) The Commission may exempt from  
23           the regulations established pursuant to para-  
24           graph (2)(C) services, classes of services, pro-  
25           grams, classes of programs, equipment, or

1 classes of equipment for which the Commission  
2 has determined that the application of such reg-  
3 ulations would be economically burdensome to  
4 the providers of such services.

5 “(g) DEFINITIONS.—For purposes of this section:

6 “(1) VIDEO DESCRIPTION.—The term ‘video de-  
7 scription’ means the insertion of audio narrated de-  
8 scriptions of the video programming’s key visual ele-  
9 ments into natural pauses between the program’s  
10 dialogue.

11 “(2) VIDEO PROGRAMMING.—The term ‘video  
12 programming’ means programming provided by, or  
13 generally considered comparable to programming  
14 provided by, a television broadcast station, even if  
15 such programming is distributed over the Internet or  
16 by some other means.”.

17 (b) CLOSED CAPTIONING ON VIDEO PROGRAMMING  
18 DISTRIBUTED OVER THE INTERNET.—Section 713 of  
19 such Act is further amended by striking subsection (c) and  
20 inserting the following:

21 “(c) DEADLINES FOR CAPTIONING.—

22 “(1) IN GENERAL.—Such regulations shall in-  
23 clude an appropriate schedule of deadlines for the  
24 provision of closed captioning of video programming.

1           “(2) DEADLINES FOR INTERNET-DISTRIBUTED  
2 PROGRAMMING.—

3           “(A) Within 18 months after the date of  
4 date of enactment of the Twenty-first Century  
5 Communications and Video Accessibility Act of  
6 2008, the Commission shall prescribe regula-  
7 tions that include an appropriate schedule of  
8 deadlines for the provision of closed captioning  
9 of video programming distributed to the public  
10 over the Internet.

11           “(B) Consistent with the regulations pro-  
12 mulgated under subsection (b), the regulations  
13 prescribed under this paragraph shall ensure  
14 the accessibility of video programming through  
15 the provision of captions on—

16           “(i) pre-produced video programming  
17 that was previously captioned for television  
18 viewing;

19           “(ii) live video programming; and

20           “(iii) video programming first pub-  
21 lished or exhibited after the effective date  
22 of such regulations provided by or gen-  
23 erally considered to be comparable to pro-  
24 gramming provided by multichannel pro-  
25 gramming distributors.”.

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,  
7 and—

8 “(A) the Commission may grant such peti-  
9 tion upon a showing that the requirements con-  
10 tained in this section would result in an undue  
11 burden; and

12 “(B) such exemption shall be effective only  
13 after the Commission grants such petition.”.

14 **SEC. 204. USER INTERFACES REGULATIONS.**

15 (a) AMENDMENT.—Section 303 of the Communica-  
16 tions Act of 1934 (47 U.S.C. 303) is further amended by  
17 adding at the end the following new subsection:

18 “(z)(1) Require—

19 “(A) that every apparatus designed to receive  
20 or display video programming transmitted simulta-  
21 neously with sound, including apparatus designed to  
22 receive or display video programming transmitted by  
23 means of IP-enabled communication services, be de-  
24 signed, developed, and fabricated so that control of  
25 all apparatus functions enabling the receipt, display,

1 navigation, or selection of video programming (and  
2 any other functions shared by, related to, or nec-  
3 essary to access such apparatus functions), are ac-  
4 cessible to and usable by individuals with disabilities;

5 “(B) that where on-screen text menus or other  
6 visual indicators are used to access the functions de-  
7 scribed in subparagraph (A), such apparatus be ac-  
8 companied by audio output, so that such menus or  
9 indicators are accessible to and usable by individuals  
10 who are blind or visually impaired; and

11 “(C) a conspicuous means of accessing closed  
12 captioning and video description, including—

13 “(i) the inclusion of a button on the re-  
14 mote control of such apparatus designated for  
15 activating the closed caption function; and

16 “(ii) the inclusion of ‘closed captions’ and  
17 ‘video description’ on the top tier of the on-  
18 screen menu of such apparatus.

19 “(2) For purposes of this subsection, the terms ‘video  
20 description’ and ‘video programming’ have the meanings  
21 given such terms in section 713(g).”.

22 (b) IMPLEMENTING REGULATIONS.—Within 18  
23 months after the date of enactment of this Act, the Fed-  
24 eral Communications Commission shall prescribe such reg-  
25 ulations as are necessary to implement, and are technically

1 feasible for implementing, the amendments made by sub-  
2 section (a).

3 **SEC. 205. ACCESS TO VIDEO PROGRAMMING GUIDES AND**  
4 **MENUS.**

5 (a) AMENDMENT.—Section 303 of the Communica-  
6 tions Act of 1934 (47 U.S.C. 303) is further amended by  
7 adding at the end the following new subsection:

8 “(aa) Require each provider or owner of video pro-  
9 gramming (as such term is defined in section 713(g)) and  
10 each multichannel programming distributor to ensure that  
11 video programming information and selection provided by  
12 means of a navigational device, guide, or menu is acces-  
13 sible in real-time by individuals with disabilities who are  
14 unable to read the visual display.”.

15 (b) IMPLEMENTING REGULATIONS.—Within 18  
16 months after the date of enactment of this Act, the Fed-  
17 eral Communications Commission shall prescribe such reg-  
18 ulations as are necessary to implement, and are technically  
19 feasible for implementing, the amendments made by sub-  
20 section (a).