

111TH CONGRESS
2D SESSION

H. R. 3101

AN ACT

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,*

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.
- Sec. 3. Proprietary technology.

TITLE I—COMMUNICATIONS ACCESS

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

TITLE II—VIDEO PROGRAMMING

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

TITLE III—PAYGO COMPLIANCE

- Sec. 301. PAYGO Compliance.

6 **SEC. 2. LIMITATION ON LIABILITY.**

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

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

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

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

20 **SEC. 3. PROPRIETARY TECHNOLOGY.**

21 No action taken by the Commission to implement the
22 requirements of this Act or the amendments made by this
23 Act shall mandate the use or incorporation of proprietary
24 technology.

1 **TITLE I—COMMUNICATIONS**
2 **ACCESS**

3 **SEC. 101. DEFINITIONS.**

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

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

8 “(53) ADVANCED COMMUNICATIONS SERV-
9 ICES.—The term ‘advanced communications services’
10 means—

11 “(A) interconnected VoIP service;

12 “(B) non-interconnected VoIP service;

13 “(C) electronic messaging service; and

14 “(D) video conferencing service.

15 “(54) DISABILITY.—The term ‘disability’ has
16 the meaning given such term under section 3 of the
17 Americans with Disabilities Act of 1990 (42 U.S.C.
18 12102).

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

23 “(56) INTERCONNECTED VOIP SERVICE.—The
24 term ‘interconnected VoIP service’ has the meaning
25 given such term under section 9.3 of title 47, Code

1 of Federal Regulations, as such section may be
2 amended from time to time.

3 “(57) NON-INTERCONNECTED VOIP SERVICE.—

4 The term ‘non-interconnected VoIP service’—

5 “(A) means a service that—

6 “(i) enables real-time voice commu-
7 nications that originate from or terminate
8 to the user’s location using Internet pro-
9 tocol or any successor protocol; and

10 “(ii) requires Internet protocol com-
11 patible customer premises equipment; and

12 “(B) does not include any service that is
13 an interconnected VoIP service.

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

19 (2) by reordering paragraphs (1) through (52)
20 and the paragraphs added by paragraph (1) of this
21 section in alphabetical order based on the headings
22 of such paragraphs and renumbering such para-
23 graphs as so reordered.

24 **SEC. 102. HEARING AID COMPATIBILITY.**

25 (a) COMPATIBILITY REQUIREMENTS.—

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

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

13 “(A) All essential telephones.

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

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

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

4 (A) in paragraph (2)—

5 (i) in subparagraph (A)—

6 (I) in the matter preceding clause

7 (i)—

8 (aa) by striking “initial”;

9 (bb) by striking “of this
10 subsection after the date of en-
11 actment of the Hearing Aid Com-
12 patibility Act of 1988”; and

13 (cc) by striking “paragraph
14 (1)(B) of this subsection” and in-
15 serting “subparagraphs (B) and
16 (C) of paragraph (1)”;

17 (II) by inserting “and” at the
18 end of clause (ii);

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

20 (IV) by redesignating clause (iv)
21 as clause (iii);

22 (ii) by striking subparagraph (B) and
23 redesignating subparagraph (C) as sub-
24 paragraph (B); and

1 (iii) in subparagraph (B) (as so rededesignated)—

3 (I) by striking the first sentence
4 and inserting “The Commission shall
5 periodically assess the appropriateness
6 of continuing in effect the exemptions
7 for telephones and other customer
8 premises equipment described in sub-
9 paragraph (A) of this paragraph.”;
10 and

11 (II) in each of clauses (iii) and
12 (iv), by striking “paragraph (1)(B)”
13 and inserting “subparagraph (B) or
14 (C) of paragraph (1)”;

15 (B) in paragraph (4)(B)—

16 (i) by striking “public mobile” and in-
17 serting “telephones used with public mo-
18 bile”;

19 (ii) by inserting “telephones and other
20 customer premises equipment used in
21 whole or in part with” after “means”;

22 (iii) by striking “and” after “public
23 land mobile telephone service,” and insert-
24 ing “or”;

25 (iv) by striking “part 22 of”; and

1 (v) by inserting after “Regulations”
2 the following: “, or any functionally equiva-
3 lent unlicensed wireless services”; and
4 (C) in paragraph (4)(C)—

5 (i) by striking “term ‘private radio
6 services’” and inserting “term ‘telephones
7 used with private radio services’”; and

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

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

1 Commission shall remain the final arbiter as to whether
2 the standards meet the requirements of this section.”.

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

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

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

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

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

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

1 **SEC. 103. RELAY SERVICES.**

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

5 “(3) TELECOMMUNICATIONS RELAY SERV-
6 ICES.—The term ‘telecommunications relay services’
7 means telephone transmission services that provide
8 the ability for an individual who is deaf, hard of
9 hearing, deaf-blind, or who has a speech disability to
10 engage in communication by wire or radio with one
11 or more individuals, in a manner that is functionally
12 equivalent to the ability of a hearing individual who
13 does not have a speech disability to communicate
14 using voice communication services by wire or
15 radio.”.

16 (b) INTERNET PROTOCOL-BASED RELAY SERV-
17 ICES.—Title VII of such Act (47 U.S.C. 601 et seq.) is
18 amended by adding at the end the following new section:

19 **“SEC. 715. INTERNET PROTOCOL-BASED RELAY SERVICES.**

20 “Within one year after the date of enactment of the
21 Twenty-First Century Communications and Video Accessi-
22 bility Act of 2010, each interconnected VoIP service pro-
23 vider and each provider of non-interconnected VoIP serv-
24 ice shall participate in and contribute to the Telecommuni-
25 cations Relay Services Fund established in section
26 64.604(c)(5)(iii) of title 47, Code of Federal Regulations,

1 as in effect on the date of enactment of such Act, in a
2 manner prescribed by the Commission by regulation to
3 provide for obligations of such providers that are con-
4 sistent with and comparable to the obligations of other
5 contributors to such Fund.”.

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

10 “(h) TELECOMMUNICATIONS RELAY SERVICES POL-
11 ICY ADVISORY COUNCIL.—

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

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

23 “(B) to make a complete and comprehen-
24 sive record of such proceedings publicly avail-
25 able;

1 “(C) to establish safeguards to identify
2 and mitigate conflicts of interest with respect to
3 members of the Policy Advisory Council; and

4 “(D) to advise the Commission in the de-
5 velopment or proposal of any major changes or
6 new rules relating to telecommunications relay
7 services.

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

17 “(A) Individuals who are consumers of
18 telecommunications relay services.

19 “(B) Representatives of State commissions
20 with jurisdiction over intrastate telecommuni-
21 cations relay services.

22 “(C) Representatives of providers of tele-
23 communications relay services.

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

1 “(A) shall seek the advice of the Policy Ad-
2 visory Council in assisting the Commission in
3 developing or proposing any major changes or
4 issuing any new rules relating to telecommuni-
5 cations relay services; and

6 “(B) shall, with the advice of the Policy
7 Advisory Council, make all regulations, rules,
8 and orders relating to telecommunications relay
9 services fully and easily accessible to consumers
10 of such services.

11 “(4) FEDERAL ADVISORY COMMITTEE ACT.—
12 The Federal Advisory Committee Act (5 U.S.C.
13 App.) shall not apply to the Policy Advisory Coun-
14 cil.”.

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

19 “(i) FOLLOWUP PROCEEDING.—

20 “(1) IN GENERAL.—Not later than 30 months
21 after the date of enactment of the Twenty-First
22 Century Communications and Video Accessibility
23 Act of 2010, the Commission, in consultation with
24 all relevant Federal agencies, shall submit to the
25 Committee on Commerce, Science, and Transpor-

1 tation of the Senate and the Committee on Energy
2 and Commerce of the House of Representatives a re-
3 port—

4 “(A) concerning how the Commission is
5 ensuring that telecommunications relay service
6 customers have access to improved technologies,
7 interoperability, and functionalities; and

8 “(B) identifying impediments to the broad
9 and efficient use of telecommunications relay
10 services in the workplace.

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

19 **SEC. 104. ACCESS TO INTERNET-BASED SERVICES AND**
20 **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 EQUIPMENT AND**
2 **SERVICES.**

3 “(a) ACCESS TO EQUIPMENT.—

4 “(1) RIGHT TO ACCESSIBLE EQUIPMENT.—

5 With respect to equipment manufactured after the
6 effective date of the regulations established pursuant
7 to this section, and subject to those regulations, a
8 manufacturer of equipment used for advanced com-
9 munications, including end user equipment, network
10 equipment, and software, shall ensure that such
11 equipment that such manufacturer offers for sale or
12 otherwise distributes in interstate commerce shall be
13 accessible to and usable by individuals with disabili-
14 ties, unless doing so is not achievable.

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

18 “(A) ensuring that the equipment that
19 such manufacturer offers is accessible to and
20 usable by individuals with disabilities without
21 the use of third party applications, peripheral
22 devices, software, hardware, or customer prem-
23 ises equipment; or

24 “(B) if such manufacturer chooses, using
25 third party applications, peripheral devices,
26 software, hardware, or customer premises

1 equipment that is available to the consumer at
2 nominal cost and that individuals with disabili-
3 ties can access.

4 “(b) ACCESS TO SERVICES.—

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

15 “(2) INDUSTRY FLEXIBILITY.—A provider of
16 services may satisfy the requirements of paragraph
17 (1) with respect to such services by—

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

24 “(B) if such provider chooses, using third
25 party applications, peripheral devices, software,

1 hardware, or customer premises equipment that
2 is available to the consumer at nominal cost
3 and that individuals with disabilities can access.

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

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

18 “(e) REGULATIONS.—

19 “(1) IN GENERAL.—Within one year after the
20 date of enactment of the Twenty-First Century
21 Communications and Video Accessibility Act of
22 2010, the Commission shall promulgate such regula-
23 tions as are necessary to implement this section. In
24 prescribing the regulations, the Commission shall—

1 “(A) include performance objectives to en-
2 sure the accessibility, usability, and compat-
3 ibility of advanced communications services and
4 the equipment used for advanced communica-
5 tions services by individuals with disabilities;

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

17 “(C) determine the obligations under this
18 section of manufacturers, service providers, and
19 providers of applications.

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

24 “(f) SERVICES AND EQUIPMENT SUBJECT TO SEC-
25 TION 255.—The requirements of this section shall not

1 apply to any equipment or services, including inter-
2 connected VoIP service, that are subject to the require-
3 ments of section 255 on the day before the date of enact-
4 ment of the Twenty-First Century Communications and
5 Video Accessibility Act of 2010. Such services and equip-
6 ment shall remain subject to the requirements of section
7 255.

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

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

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

22 “(3) The financial resources of the manufac-
23 turer or provider.

24 “(4) The type of operations of the manufac-
25 turer or provider.

1 “(5) The extent to which the service provider or
2 manufacturer in question offers accessible services
3 or equipment containing varying degrees of
4 functionality and features, and offered at differing
5 price points.

6 “(h) COMMISSION FLEXIBILITY.—

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

14 “(A) is capable of accessing an advanced
15 communications service; and

16 “(B) is designed for multiple purposes, but
17 is designed primarily for purposes other than
18 using advanced communications services.

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

22 “(i) CUSTOMIZED EQUIPMENT OR SERVICES.—The
23 provisions of this section shall not apply to customized
24 equipment or services that are not offered directly to the

1 public, or to such classes of users as to be effectively avail-
2 able directly to the public, regardless of the facilities used.

3 “(j) **RULE OF CONSTRUCTION.**—This section shall
4 not be construed to require a manufacturer of equipment
5 used for advanced communications or a provider of ad-
6 vanced communications services to make every feature and
7 function of every device or service accessible for every dis-
8 ability.

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

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

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

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

6 “(3) COMPLAINTS TO THE COMMISSION.—

7 “(A) IN GENERAL.—Any person alleging a
8 violation of section 255, 716, or 718 by a man-
9 ufacturer of equipment or provider of service
10 subject to such sections may file a formal or in-
11 formal complaint with the Commission.

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

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

1 service provider to take such action as is
2 necessary to comply with the requirements
3 of this section.

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

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

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

19 “(5) RECORDKEEPING.—

20 “(A) IN GENERAL.—Beginning one year
21 after the effective date of regulations promul-
22 gated pursuant to section 716(e), each manu-
23 facturer and provider subject to sections 255,
24 716, or 718 shall maintain, in the ordinary
25 course of business and for a reasonable period,

1 records of any efforts taken by such manufac-
2 turer or provider to implement sections 255,
3 716, or 718, including the following:

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

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

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

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

19 “(C) COMMISSION REQUEST FOR
20 RECORDS.—After the filing of a formal or infor-
21 mal complaint against a manufacturer or pro-
22 vider in the manner prescribed in paragraph
23 (3), the Commission may request, and shall
24 keep confidential, a copy of the records main-
25 tained by such manufacturer or provider pursu-

1 ant to subparagraph (A) of this paragraph that
2 are directly relevant to the equipment or service
3 that is the subject of such complaint.

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

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

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

1 ties shall jointly request dismissal of the complaint
2 and the Commission shall grant such request.

3 “(b) REPORTS TO CONGRESS.—

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

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

14 “(B) An evaluation of the extent to which
15 any accessibility barriers still exist with respect
16 to new communications technologies.

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

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

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

1 “(F) The number, status, nature, and out-
2 come of any actions for mandamus filed pursu-
3 ant to subsection (a)(6) and the number, sta-
4 tus, nature, and outcome of any appeals filed
5 pursuant to section 402(b)(10).

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

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

14 “(c) COMPTROLLER GENERAL ENFORCEMENT
15 STUDY.—

16 “(1) IN GENERAL.—The Comptroller General
17 shall conduct a study to consider and evaluate the
18 following:

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

1 “(B) Whether the enforcement actions
2 taken by the Commission pursuant to this sec-
3 tion have been appropriate and effective in en-
4 suring compliance with this section.

5 “(C) Whether the enforcement provisions
6 under this section are adequate to ensure com-
7 pliance with this section.

8 “(D) An assessment of the effect of the re-
9 quirements of this section on the development
10 and deployment of new communications tech-
11 nologies.

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

23 “(d) CLEARINGHOUSE.—Within one year after the
24 date of enactment of the Twenty-First Century Commu-
25 nications and Video Accessibility Act of 2010, the Com-

1 mission shall, in consultation with the Architectural and
2 Transportation Barriers Compliance Board, the National
3 Telecommunications and Information Administration,
4 trade associations, and organizations representing individ-
5 uals with disabilities, establish a clearinghouse of informa-
6 tion on the availability of accessible products and services
7 and accessibility solutions required under sections 255,
8 716, and 718. Such information shall be made publicly
9 available on the Commission’s website and by other
10 means, and shall include an annually updated list of prod-
11 ucts and services with access features.

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

20 **“SEC. 718. INTERNET BROWSERS BUILT INTO TELEPHONES**
21 **USED WITH PUBLIC MOBILE SERVICES.**

22 “(a) ACCESSIBILITY.—If a manufacturer of a tele-
23 phone used with public mobile services (as such term is
24 defined in section 710(b)(4)(B)) includes an Internet
25 browser in such telephone, or if a provider of mobile serv-

1 ice arranges for the inclusion of a browser in telephones
2 to sell to customers, the manufacturer or provider shall
3 ensure that the functions of the included browser (includ-
4 ing the ability to launch the browser) are accessible to and
5 usable by individuals who are blind or have a visual im-
6 pairment, unless doing so is not achievable, except that
7 this subsection shall not impose any requirement on such
8 manufacturer or provider—

9 “(1) to make accessible or usable any Internet
10 browser other than a browser that such manufac-
11 turer or provider includes or arranges to include in
12 the telephone; or

13 “(2) to make Internet content, applications, or
14 services accessible or usable (other than enabling in-
15 dividuals with disabilities to use an included browser
16 to access such content, applications, or services).

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

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

1 “(2) using third party applications, peripheral
2 devices, software, hardware, or customer premises
3 equipment that is available to the consumer at nomi-
4 nal cost and that individuals with disabilities can ac-
5 cess.”.

6 (b) EFFECTIVE DATE FOR SECTION 718.—Section
7 718 of the Communications Act of 1934, as added by sub-
8 section (a), shall take effect 3 years after the date of en-
9 actment of this Act.

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

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

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

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

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

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

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

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

1 organizations representing such governments and
2 representatives.

3 (2) SUBJECT MATTER EXPERTS.—Individuals
4 who have the technical knowledge and expertise to
5 serve on the Advisory Committee in the fulfillment
6 of its duties, including representatives of—

7 (A) providers of interconnected and non-
8 interconnected VoIP services;

9 (B) vendors, developers, and manufactur-
10 ers of systems, facilities, equipment, and capa-
11 bilities for the provision of interconnected and
12 non-interconnected VoIP services;

13 (C) national organizations representing in-
14 dividuals with disabilities and senior citizens;

15 (D) Federal agencies or departments re-
16 sponsible for the implementation of the Next
17 Generation E 9–1–1 system;

18 (E) the National Institute of Standards
19 and Technology; and

20 (F) other individuals with such technical
21 knowledge and expertise.

22 (3) REPRESENTATIVES OF OTHER STAKE-
23 HOLDERS AND INTERESTED PARTIES.—Representa-
24 tives of such other stakeholders and interested and

1 affected parties as the Chairman of the Commission
2 determines appropriate.

3 (c) DEVELOPMENT OF RECOMMENDATIONS.—Within
4 one year after the completion of the member appointment
5 process by the Chairman of the Commission pursuant to
6 subsection (b), the Advisory Committee shall develop and
7 submit to the Commission recommendations to implement
8 such technologies and methods, including recommenda-
9 tions—

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

16 (2) for protocols, technical capabilities, and
17 technical requirements to ensure reliability and
18 interoperability necessary to ensure access to emer-
19 gency services by individuals with disabilities;

20 (3) for the establishment of technical standards
21 for use by public safety answering points, designated
22 default answering points, and local emergency au-
23 thorities;

24 (4) for relevant technical standards and re-
25 quirements for communication devices and equip-

1 ment and technologies to enable the use of reliable
2 emergency access;

3 (5) for procedures to be followed by IP-enabled
4 network providers to ensure that such providers do
5 not install features, functions, or capabilities that
6 would conflict with technical standards;

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

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

1 (d) MEETINGS.—

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

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

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

16 (e) PROCEDURAL RULES.—

17 (1) QUORUM.—One-third of the members of the
18 Advisory Committee shall constitute a quorum for
19 conducting business of the Advisory Committee.

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

1 (3) ADDITIONAL PROCEDURAL RULES.—The
2 Advisory Committee may adopt other procedural
3 rules as needed.

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

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

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

24 (i) DEFINITIONS.—In this section—

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

3 (2) the term “Chairman” means the Chairman
4 of the Federal Communications Commission; and

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

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

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

13 **“SEC. 719. RELAY SERVICES FOR DEAF-BLIND INDIVID-**
14 **UALS.**

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

1 “(b) INDIVIDUALS WHO ARE DEAF-BLIND DE-
2 FINED.—For purposes of this section, the term ‘individ-
3 uals who are deaf-blind’ has the meaning given such term
4 in section 206 of the Helen Keller National Center Act
5 (29 U.S.C. 1905).

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

10 **TITLE II—VIDEO PROGRAMMING**

11 **SEC. 201. VIDEO PROGRAMMING AND EMERGENCY ACCESS**

12 **ADVISORY COMMITTEE.**

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

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

- 23 (1) Representatives of distributors and pro-
24 viders of video programming or national organiza-
25 tions representing such distributors and providers.

1 (2) Representatives of vendors, developers, and
2 manufacturers of systems, facilities, equipment, and
3 capabilities for the provision of video programming
4 delivered using Internet protocol or a national orga-
5 nization representing such vendors, developers, or
6 manufacturers.

7 (3) Representatives of manufacturers of con-
8 sumer electronics or information technology equip-
9 ment or a national organization representing such
10 manufacturers.

11 (4) Representatives of national organizations
12 representing accessibility advocates, including indi-
13 viduals with disabilities and the elderly.

14 (5) Representatives of the broadcast television
15 industry or a national organization representing
16 such industry.

17 (6) Other individuals with technical and engi-
18 neering expertise, as the Chairman determines ap-
19 propriate.

20 (c) COMMISSION OVERSIGHT.—The Chairman shall
21 appoint a member of the Commission’s staff to moderate
22 and direct the work of the Advisory Committee.

23 (d) TECHNICAL STAFF.—The Commission shall ap-
24 point a member of the Commission’s technical staff to pro-
25 vide technical assistance to the Advisory Committee.

1 (e) DEVELOPMENT OF RECOMMENDATIONS.—

2 (1) CLOSED CAPTIONING REPORT.—Within 6
3 months after the date of the first meeting of the Ad-
4 visory Committee, the Advisory Committee shall de-
5 velop and submit to the Commission a report that
6 includes the following:

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

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

24 (C) A recommendation for any regulations
25 that may be necessary to ensure compatibility

1 between video programming delivered using
2 Internet protocol and devices capable of receiv-
3 ing and displaying such programming in order
4 to facilitate access to closed captions.

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

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

21 (B) An identification of additional proto-
22 cols, technical capabilities, and technical proce-
23 dures beyond those available as of the date of
24 enactment of this Act for the delivery of video
25 descriptions of video programming and emer-

1 agency information delivered using Internet pro-
2 tocol that are necessary to meet the perform-
3 ance objectives identified under subparagraph
4 (A).

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

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

21 (E) With respect to user interfaces, a rec-
22 ommendation for the standards, protocols, and
23 procedures used to enable on-screen text menus
24 and other visual indicators used to access the
25 functions on an apparatus described in sub-

1 paragraph (D) to be accompanied by audio out-
2 put so that such menus or indicators are acces-
3 sible to and usable by individuals with disabil-
4 ities.

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

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

20 (f) MEETINGS.—

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

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

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

8 (g) PROCEDURAL RULES.—

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

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

18 (3) ADDITIONAL PROCEDURAL RULES.—The
19 Advisory Committee may adopt other procedural
20 rules as needed.

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

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 (i), inso-
24 far as such programming is transmitted for dis-
25 play on television in digital format.

1 “(B) The Commission shall update the list
2 of the top 25 Designated Market Areas, the list
3 of the top 5 national nonbroadcast networks
4 that have at least 50 hours per quarter of
5 prime time programming that is not exempt
6 under this paragraph, and the designation of
7 the beginning calendar quarter for which com-
8 pliance shall be calculated.

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

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

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

1 “(F) The regulations shall provide for an
2 appropriate phased schedule of deadlines for
3 compliance.

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

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

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

24 “(4) CONTINUING COMMISSION AUTHORITY.—

1 “(A) IN GENERAL.—The Commission may
2 issue additional regulations if the Commission
3 determines, at least 2 years after completing
4 the reports required in paragraph (3), that the
5 need for and benefits of providing video descrip-
6 tions for video programming, insofar as such
7 programming is transmitted for display on tele-
8 vision, are greater than the technical and eco-
9 nomic costs of providing such additional pro-
10 gramming. If the Commission makes such a de-
11 termination and issues additional regulations,
12 the Commission may increase, in total, the
13 hours requirement for described video program-
14 ming, insofar as such programming is trans-
15 mitted for display on television, up to 75 per-
16 cent of the requirement in the regulations rein-
17 stated under paragraph (1).

18 “(B) FURTHER REQUIREMENTS.—

19 “(i) REPORT.—Nine years after the
20 date of enactment of the Twenty-First
21 Century Communications and Video Acces-
22 sibility Act of 2010, the Commission shall
23 submit to the Committee on Energy and
24 Commerce of the House of Representatives
25 and the Committee on Commerce, Science,

1 and Transportation of the Senate a report
2 assessing—

3 “(I) the types of described video
4 programming that is available to con-
5 sumers;

6 “(II) consumer use of such pro-
7 gramming;

8 “(III) the costs to program own-
9 ers, providers, and distributors of cre-
10 ating such programming;

11 “(IV) the benefits to consumers
12 of such programming;

13 “(V) the amount of such pro-
14 gramming currently available; and

15 “(VI) the need for additional de-
16 scribed programming.

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

1 “(C) APPLICATION TO DESIGNATED MAR-
2 KET AREAS.—

3 “(i) IN GENERAL.—After the Commis-
4 sion completes the study on video descrip-
5 tion, the Commission shall phase in the
6 video description regulations for all des-
7 ignated market areas, except that the
8 Commission may grant waivers to entities
9 in specific designated market areas where
10 it deems appropriate.

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

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

23 “(1) identify methods to convey emergency in-
24 formation (as that term is defined in section 79.2 of
25 title 47, Code of Federal Regulations) in a manner

1 accessible to individuals who are blind or have a vis-
2 ual impairment; and

3 “(2) promulgate regulations that require certain
4 designated video programming providers and video
5 programming distributors (as those terms are de-
6 fined in section 79.1 of title 47, Code of Federal
7 Regulations) and program owners to convey such
8 emergency information in a manner accessible to in-
9 dividuals who are blind or have a visual impairment.

10 “(h) RESPONSIBILITIES.—

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

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

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

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

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

9 (b) CLOSED CAPTIONING ON VIDEO PROGRAMMING
 10 DELIVERED USING INTERNET PROTOCOL.—Section 713
 11 of such Act is further amended by striking subsection (c)
 12 and inserting the following:

13 “(c) DEADLINES FOR CAPTIONING.—

14 “(1) IN GENERAL.—The regulations prescribed
 15 pursuant to subsection (b) shall include an appro-
 16 priate schedule of deadlines for the provision of
 17 closed captioning of video programming published or
 18 exhibited on television.

19 “(2) DEADLINES FOR PROGRAMMING DELIV-
 20 ERED USING INTERNET PROTOCOL.—

21 “(A) REGULATIONS ON CLOSED CAP-
 22 TIONING ON VIDEO PROGRAMMING DELIVERED
 23 USING INTERNET PROTOCOL.—Not later than 6
 24 months after the submission of the report to
 25 the Commission required by section 201(e)(1)

1 of the Twenty-First Century Communications
2 and Video Accessibility Act of 2010, the Com-
3 mission shall promulgate regulations to require
4 the provision of closed captioning on video pro-
5 gramming delivered using Internet protocol.

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

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

22 “(D) REQUIREMENTS FOR REGULA-
23 TIONS.—

24 “(i) IN GENERAL.—The regulations
25 prescribed under this paragraph—

1 “(I) shall contain a definition of
2 ‘near-live programming’ and ‘edited
3 for Internet distribution’;

4 “(II) may exempt any service,
5 class of service, program, class of pro-
6 gram, equipment, or class of equip-
7 ment for which the Commission has
8 determined that the application of
9 such regulations would be economi-
10 cally burdensome to the provider of
11 such service, program, or equipment;

12 “(III) shall provide that de mini-
13 mis failure to comply with such regu-
14 lations by a provider of video pro-
15 gramming or program owner shall not
16 be treated as a violation of the regula-
17 tions; and

18 “(IV) shall only apply to video
19 programming that is transmitted for
20 display on television with closed cap-
21 tioning after the effective date of the
22 regulations issued pursuant to this
23 section.

24 “(ii) ALTERNATE MEANS.—An entity
25 may meet the requirements of this section

1 through alternate means than those pre-
2 scribed by regulations pursuant to para-
3 graph (1) if the requirements of this sec-
4 tion are met, as determined by the Com-
5 mission.”.

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

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

12 “(B) the Commission may grant such peti-
13 tion upon a showing that the requirements con-
14 tained in this section would be economically
15 burdensome;

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

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

1 (d) REPORTING REQUIREMENT.—Two years after
2 the effective date of the regulations issued pursuant to this
3 section, and biennially thereafter, each broadcast tele-
4 vision network and each cable television network shall sub-
5 mit to the Commission a report containing the number
6 of hours, in the applicable 2-year period, of video program-
7 ming not published or exhibited on television after the date
8 of enactment of this Act that was provided on the Internet
9 with closed captioning.

10 (e) REPORT TO CONGRESS.—

11 (1) IN GENERAL.—Three years after the date of
12 enactment of this Act, the Commission shall submit
13 a report to the Committee on Energy and Commerce
14 of the House of Representatives and the Committee
15 on Commerce, Science, and Transportation of the
16 Senate—

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

1 (B) assessing the benefits to and use by
2 consumers of closed captioning of video pro-
3 gramming that is distributed only over the
4 Internet for consumers; and

5 (C) making recommendations, if any, of
6 whether Congress should adopt or the Commis-
7 sion should implement a closed captioning re-
8 quirement for such programming.

9 (2) UPDATES.—The Commission shall periodi-
10 cally update the report to the Committees as it de-
11 termines appropriate.

12 **SEC. 203. CLOSED CAPTIONING DECODER AND VIDEO DE-**
13 **SCRIPTION CAPABILITY.**

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

17 “(u) Require that—

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

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

1 “(B) have the capability to decode and
2 make available the transmission and delivery of
3 video description services as required by regula-
4 tions reinstated and modified pursuant to sec-
5 tion 713(f); and

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

12 “(2) notwithstanding paragraph (1) of this sub-
13 section—

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

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

24 “(C) the Commission shall have the au-
25 thority to waive the requirements of this sub-

1 section for any apparatus or class of appa-
2 ratus.”.

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

6 “(z) Require that—

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

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

1 (c) SHIPMENT IN COMMERCE.—Section 330(b) of the
2 Communications Act of 1934 (47 U.S.C. 330(b)) is
3 amended—

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

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

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

19 (d) IMPLEMENTING REGULATIONS.—

20 (1) IN GENERAL.—The Federal Communica-
21 tions Commission shall, after consideration of the
22 Advisory Committee reports required by section
23 201(e), prescribe such regulations as are necessary
24 to implement the requirements of sections 303(u),
25 303(z), and 330(b) of the Communications Act of

1 1934, as amended by this section, needed for the
2 transmission of—

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

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

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

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

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

23 “(aa) Require—

24 “(1) if achievable (as defined in section 716),
25 that digital apparatus designed to receive or play

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

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

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

22 “(A) if a remote control is provided with
23 the apparatus—

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

4 “(ii) any other mechanism that pro-
5 vides a substantially equivalent level of ac-
6 cessibility; and

7 “(B) if on-screen menus are displayed on
8 such apparatus—

9 “(i) the inclusion of ‘closed captions’
10 and ‘video description’ on the first menu
11 that appears; or

12 “(ii) any other mechanism that pro-
13 vides a substantially equivalent level of ac-
14 cessibility; and

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

19 (b) IMPLEMENTING REGULATIONS.—

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

1 (2) ALTERNATE MEANS.—An entity may meet
 2 the requirements of sections 303(aa) of the Commu-
 3 nications Act of 1934 through alternate means than
 4 those prescribed by regulations pursuant to para-
 5 graph (1) if the requirements of such section are
 6 met, as determined by the Commission.

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

16 **SEC. 205. ACCESS TO VIDEO PROGRAMMING GUIDES AND**
 17 **MENUS PROVIDED ON NAVIGATION DEVICES.**

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

22 “(bb) Require—

23 “(1) if achievable (as defined in section 716),
 24 that the on-screen text menus and guides provided
 25 by navigation devices (as such term is defined in sec-

tion 76.1200 of title 47, Code of Federal Regulations) for the display or selection of multichannel video programming are audibly accessible in real-time upon request by individuals who are blind or have a visual impairment, except that the Commission may not specify the technical standards, protocols, procedures, and other technical requirements for meeting this requirement; and

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

(b) IMPLEMENTING REGULATIONS.—

(1) IN GENERAL.—Within 12 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(2), the Commission shall prescribe such regulations as are necessary to implement the amendment made by subsection (a).

(2) EXEMPTION.—Such regulations may provide an exemption from the regulations for cable systems serving 50,000 or fewer subscribers.

1 (3) RESPONSIBILITY.—An entity shall only be
2 responsible for compliance with the requirements
3 added by this section with respect to navigation de-
4 vices that such entity provides to a requesting indi-
5 vidual who is blind or has a visual impairment and
6 shall make reasonable efforts to make such require-
7 ments known to consumers.

8 (4) SEPARATE EQUIPMENT OR SOFTWARE.—

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

21 (B) REQUIREMENTS.—If an entity com-
22 plies with section 303(bb)(1) of the Commu-
23 nications Act of 1934 (as added by subsection
24 (a) of this section) under subparagraph (A) of
25 this paragraph, such entity shall provide any

1 such software, peripheral device, equipment,
2 service, or solution at no additional charge and
3 within a reasonable time to such individual.

4 (5) USER CONTROLS FOR CLOSED CAP-
5 TIONING.—Such regulations shall permit the entity
6 providing the navigation device maximum flexibility
7 in the selection of means for compliance with section
8 303(bb)(2) of the Communications Act of 1934 (as
9 added by subsection (a) of this section).

10 (6) PHASE-IN.—

11 (A) IN GENERAL.—The Commission shall
12 provide affected entities with—

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

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

1 (B) APPLICATION.—Such regulations shall
2 apply only to devices manufactured or imported
3 on or after the respective effective dates estab-
4 lished in subparagraph (A).

5 **SEC. 206. DEFINITIONS.**

6 In this title:

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

10 (2) CHAIRMAN.—The term “Chairman” means
11 the Chairman of the Federal Communications Com-
12 mission.

13 (3) COMMISSION.—The term “Commission”
14 means the Federal Communications Commission.

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

19 (5) INTERNET PROTOCOL.—The term “Internet
20 protocol” includes Transmission Control Protocol
21 and a successor protocol or technology to Internet
22 protocol.

23 (6) NAVIGATION DEVICE.—The term “naviga-
24 tion device” has the meaning given such term in sec-

1 tion 76.1200 of title 47, Code of Federal Regula-
2 tions.

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

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

11 **TITLE III—PAYGO COMPLIANCE**

12 **SEC. 301. PAYGO COMPLIANCE.**

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

 Passed the House of Representatives July 26, 2010.

 Attest:

Clerk.

111TH CONGRESS
2^D SESSION

H. R. 3101

AN ACT

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