

111TH CONGRESS  
2D SESSION

# S. 3304

To increase the access of persons with disabilities to modern communications,  
and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 4, 2010

Mr. PRYOR (for himself, Mr. KERRY, Mr. CONRAD, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To increase the access of persons with disabilities to modern  
communications, and for other purposes.

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 “Equal Access to 21st Century Communications Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—INCREASING ACCESS**

Sec. 101. Definitions.

Sec. 102. Hearing aid compatibility.

- Sec. 103. Relay services.
- Sec. 104. Access to Internet-based services and equipment.
- Sec. 105. Universal service.
- Sec. 106. Emergency access and real-time text support.
- Sec. 107. Internet access service interface.

## TITLE II—VIDEO DESCRIPTIONS AND CLOSED CAPTIONING

- Sec. 201. Commission inquiry on closed captioning decoder and video description capability, user interfaces, and video programming guides and menus.
- Sec. 202. Commission inquiry on the definition of consumer generated media.
- Sec. 203. Closed captioning decoder and video description capability.
- Sec. 204. Video description and closed captioning.
- Sec. 205. User interface regulations.
- Sec. 206. Access to video programming guides and menus.

# 1     **TITLE I—INCREASING ACCESS**

## 2     **SEC. 101. DEFINITIONS.**

3           Section 3 of the Communications Act of 1934 (47  
4 U.S.C. 153) is amended by adding at the end the fol-  
5 lowing:

6                   “(54) **ADVANCED COMMUNICATIONS.**—The term  
7           ‘advanced communications’ means Internet-based  
8           protocol, or any successor protocol, based devices  
9           and services that transmit voice, video conferencing,  
10          and text communications, and any application or  
11          service accessed over the Internet that provides for  
12          voice, video conferencing, or text communications, as  
13          determined necessary by the Federal Communica-  
14          tions Commission.

15                   “(55) **DISABILITY.**—The term ‘disability’ has  
16          the meaning given such term under section 3(2)(A)  
17          of the Americans with Disabilities Act of 1990 (42  
18          U.S.C. 12102(2)(A)).

1           “(56) INTERCONNECTED VOIP SERVICE.—The  
2 term ‘interconnected VoIP service’ has the meaning  
3 given such term under section 9.3 of the Commis-  
4 sion’s regulations (47 C.F.R. 9.3).

5           “(57) INTERNET ACCESS EQUIPMENT.—The  
6 term ‘internet access equipment’ means equipment  
7 that is used to combine computer processing, infor-  
8 mation provision, and computer interactivity with  
9 data transport, enabling users to run a variety of  
10 applications, including email.

11           “(58) INTERNET ACCESS SERVICE.—The term  
12 ‘internet access service’ means a service that com-  
13 bines computer processing, information provision,  
14 and computer interactivity with data transport, ena-  
15 bling end users to access the Internet and use a va-  
16 riety of applications, including email.”.

17 **SEC. 102. HEARING AID COMPATIBILITY.**

18           (a) COMPATIBILITY REQUIREMENTS.—Section  
19 710(b) of the Communications Act of 1934 (47 U.S.C.  
20 610(b)) is amended—

21           (1) in paragraph (1)—

22                   (A) by striking “Except as” and all that  
23 follows through “require that” and inserting  
24 “Except as provided in paragraphs (2) and (3)  
25 of subsection (b) and subsection (c), the Com-

1 mission shall require that the following cus-  
 2 tomer premises equipment provide internal  
 3 means for effective use with hearing aids that  
 4 are designed to be compatible with telephones  
 5 which meet established technical standards for  
 6 hearing aid compatibility”;

7 (B) by striking “and” at the end of sub-  
 8 paragraph (A);

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

11 (D) by inserting the following new sub-  
 12 paragraph:

13 “(C) all customer premises equipment used  
 14 with advanced communications services that is  
 15 designed to provide 2-way voice communication  
 16 via a built-in speaker intended to be held to the  
 17 ear in a manner functionally equivalent to a  
 18 telephone, subject to the regulations prescribed  
 19 by the Commission under subsection (e)”;

20 (2) in paragraph (2)—

21 (A) in subparagraph (A)—

22 (i) in the matter preceding clause

23 (i)—

24 (I) by striking “initial”;

- 1 (II) by striking “after the date of  
2 enactment of the Hearing Aid Com-  
3 patibility Act of 1988,”; and
- 4 (III) by inserting “and (1)(C)”  
5 after “paragraph (1)(B)”;
- 6 (ii) by inserting “and” after the end  
7 of clause (ii);
- 8 (iii) by striking clause (iii); and
- 9 (iv) by redesignating clause (iv) as  
10 clause (iii);
- 11 (B) by striking subparagraph (B) and re-  
12 designating subparagraph (C) as subparagraph  
13 (B); and
- 14 (C) in subparagraph (B) (as so redesign-  
15 nated)—
- 16 (i) by striking the first sentence and  
17 inserting “The Commission shall periodi-  
18 cally assess the appropriateness of con-  
19 tinuing in effect the exemptions for tele-  
20 phones and other customer premises equip-  
21 ment described in subparagraph (A) of this  
22 paragraph.”; and
- 23 (ii) in each of clauses (iii) and (iv), by  
24 inserting “or (1)(C)” after “(1)(B)”;
- 25 (3) in paragraph (4)(B)—

1 (A) by inserting “telephones used with”  
2 before “public mobile services”;

3 (B) by inserting “telephones and other  
4 customer premises equipment used in whole or  
5 in part with” after “means”;

6 (C) by striking “and” after “public land  
7 mobile telephone service,” and inserting “or”;

8 (D) by striking “part 22 of”; and

9 (E) by inserting after “Regulations” the  
10 following: “, or any functionally equivalent unli-  
11 censed wireless services”; and

12 (4) in paragraph (4)(C)—

13 (A) by inserting “telephones used with”  
14 before “private radio services”; and

15 (B) by inserting “telephones and other  
16 customer premises equipment used in whole or  
17 in part with” after “means”.

18 (b) TECHNICAL STANDARDS.—Section 710(c) of the  
19 Communications Act of 1934 (47 U.S.C. 610(c)) is  
20 amended by adding at the end the following: “A telephone  
21 or other customer premises equipment that is compliant  
22 with a relevant technical standard developed through a  
23 public participation process and in consultation with inter-  
24 ested consumer stakeholders will be deemed hearing aid  
25 compatible for purposes of this section, until such time

1 as the Commission may deem otherwise. The Commission  
2 shall consult with the public, including people with hearing  
3 loss, in establishing or approving such technical standards.  
4 The Commission may delegate this authority to an em-  
5 ployee pursuant to section 5(c). The Commission shall des-  
6 ignate the national consumer organizations for purposes  
7 of this section and shall remain the final arbiter as to  
8 whether the standard meets the requirements of this sec-  
9 tion.”.

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

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

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

15 “In implementing the provisions of subsection  
16 (b)(1)(C), the Commission shall use appropriate  
17 timetables or benchmarks to the extent necessary  
18 due to technical feasibility or to ensure the market-  
19 ability or availability of new technologies to users.”.

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

23 “(h) RULE OF CONSTRUCTION.—Nothing in the  
24 Equal Access to 21st Century Communications Act shall  
25 be construed to modify the Commission’s regulations set

1 forth in section 20.19 of title 47, Code of Federal Regula-  
2 tions, in effect as of the date of enactment of such Act.”.

3 **SEC. 103. RELAY SERVICES.**

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

7 “(3) TELECOMMUNICATIONS RELAY SERV-  
8 ICES.—The term ‘telecommunications relay services’  
9 means telephone transmission that provides the abil-  
10 ity for an individual who is deaf, hard of hearing,  
11 deaf-blind, or who has a speech disability to engage  
12 in communication by wire or radio with 1 or more  
13 individuals, in a manner that is functionally equiva-  
14 lent to the ability of a hearing individual who does  
15 not have a speech disability to communicate using  
16 voice communication services by wire or radio.”.

17 (b) INTERNET PROTOCOL-BASED RELAY SERV-  
18 ICES.—Title VII of the Communications Act of 1934 is  
19 amended by adding at the end the following:

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

21 “Within 1 year after the date of enactment of the  
22 Equal Access to 21st Century Communications Act, each  
23 interconnected VoIP service provider shall participate in  
24 and contribute to the Telecommunications Relay Services  
25 Fund established in section 64.404(c)(5)(iii) of the Com-

1 mission’s regulations (47 C.F.R. 64.404(c)(5)(iii)) as in  
2 effect on the date of enactment of such Act, in a manner  
3 prescribed by the Commission by regulation to provide for  
4 obligations of such providers that are consistent with and  
5 comparable to the obligations of other contributors to the  
6 Fund.”.

7 **SEC. 104. ACCESS TO INTERNET-BASED SERVICES AND**  
8 **EQUIPMENT.**

9 (a) TITLE VII AMENDMENT.—Title VII of the Com-  
10 munications Act of 1934 (47 U.S.C. 601 et seq.) is  
11 amended by inserting after section 715 (as added by sec-  
12 tion 103) the following:

13 **“SEC. 716. ACCESS TO INTERNET-BASED SERVICES AND**  
14 **EQUIPMENT.**

15 “(a) MANUFACTURING.—With respect to equipment  
16 manufactured after the effective date of the regulations  
17 established pursuant to subsection (e), and subject to such  
18 regulations, a manufacturer of equipment used for ad-  
19 vanced communications, including end user equipment,  
20 network equipment, and software, shall ensure that equip-  
21 ment and software that such manufacturer designs, devel-  
22 ops, and fabricates shall be accessible to, and usable by  
23 individuals with disabilities, where the requirement of this  
24 subsection is achievable.

1       “(b) SERVICE PROVIDERS.—With respect to services  
2 provided after the effective date of the regulations estab-  
3 lished pursuant to subsection (e), and subject to such reg-  
4 ulations, a provider of advanced communications shall en-  
5 sure that services offered by such provider are accessible  
6 to, and usable, by individuals with disabilities, where the  
7 requirement of this subsection is achievable.

8       “(c) COMPATIBILITY.—If the requirements of sub-  
9 sections (a) and (b) are not achievable, a manufacturer  
10 or provider shall ensure that its equipment or service is  
11 compatible with existing peripheral devices or specialized  
12 customer premises equipment commonly used by individ-  
13 uals with disabilities to achieve access, where the require-  
14 ment of this subsection is achievable.

15       “(d) NETWORK FEATURES, FUNCTIONS, AND CAPA-  
16 BILITIES.—Each provider of advanced communications  
17 shall not install network features, functions, or capabilities  
18 that do not comply with the regulations established pursu-  
19 ant to this section.

20       “(e) REGULATIONS.—

21               “(1) IN GENERAL.—Within 18 months after the  
22 date of enactment of the Equal Access to 21st Cen-  
23 tury Communications Act, the Commission shall pre-  
24 scribe such regulations as are necessary to imple-  
25 ment this section.

1           “(2) CONTENT OF REGULATIONS.—In pre-  
2       scribing the regulations required under paragraph  
3       (1), the Commission shall—

4           “(A) include standards to ensure the acces-  
5       sibility, usability, and compatibility of advanced  
6       communications and the equipment used for ad-  
7       vanced communications by individuals with dis-  
8       abilities; and

9           “(B) provide that the advanced commu-  
10      nications, equipment used for advanced commu-  
11      nications, and advanced communications service  
12      networks used to provide such advanced com-  
13      munications may not impair or impede the ac-  
14      cessibility of information content when accessi-  
15      bility has been incorporated into the content for  
16      transmission through advanced communica-  
17      tions, equipment used for advanced communica-  
18      tions, or advanced communications service net-  
19      works.

20          “(f) SERVICES AND EQUIPMENT SUBJECT TO SEC-  
21      TION 255.—The requirements of this section shall not  
22      apply to any equipment or services, including inter-  
23      connected VoIP service, that are subject to the require-  
24      ments of section 255 on the date of enactment of the  
25      Equal Access to 21st Century Communications Act. Any

1 such exempted services and equipment shall remain sub-  
 2 ject to the requirements of section 255.

3 “(g) DEFINITION.—For the purposes of this section,  
 4 sections 717, 718, and 719, the term ‘achievable’ means  
 5 with reasonable effort or expense.

6 **“SEC. 717. ENFORCEMENT AND REPORTING OBLIGATIONS.**

7 “(a) COMPLAINT AND ENFORCEMENT PROCE-  
 8 DURES.—

9 “(1) IN GENERAL.—Within 18 months after the  
 10 date of enactment of the Equal Access to 21st Cen-  
 11 tury Communications Act, the Commission shall—

12 “(A) establish regulations that facilitate  
 13 the filing of complaints that allege a violation of  
 14 section 255, 716, 718, or 719;

15 “(B) establish formal and informal proce-  
 16 dures for enforcement actions by the Commis-  
 17 sion with respect to such violations; and

18 “(C) implement the reporting obligations  
 19 of paragraph (6) for manufacturers and pro-  
 20 viders subject to such sections.

21 “(2) REQUIRED PROVISIONS.—The regulations  
 22 required under paragraph (1) shall include the fol-  
 23 lowing provisions:

24 “(A) NO FEE.—The Commission shall not  
 25 charge a fee to an individual who files a com-

1           plaint alleging a violation of section 255, 716,  
2           718, or 719.

3           “(B) RECEIPT OF COMPLAINTS.—The  
4           Commission shall establish separate and identi-  
5           fiable electronic, telephonic, and physical recep-  
6           tacles for the receipt of complaints filed under  
7           section 255, 716, 718, or 719.

8           “(C) COMPLAINTS TO THE COMMISSION.—  
9           Any person alleging a violation of section 255,  
10          716, 718, or 719 by a manufacturer of equip-  
11          ment or provider of service subject to such sec-  
12          tions may file a complaint with the Commission.  
13          The Commission shall investigate the allega-  
14          tions in such complaint and issue a final order  
15          concluding the investigation within 180 days of  
16          the date on which such complaint is filed with  
17          the Commission, unless such complaint is re-  
18          solved before such time. The Commission may  
19          consolidate for investigation and resolution such  
20          complaints alleging substantially the same viola-  
21          tion by the same manufacturer or provider.  
22          Such final order shall include a determination  
23          as to whether any violation has occurred and, if  
24          the Commission determines that a violation has  
25          occurred, address the manner in which the

1 manufacturer or service provider will achieve  
2 accessibility, compatibility, or usability required  
3 by section 255, 716, 718, or 719. If a deter-  
4 mination is made that a violation has not oc-  
5 curred, the Commission shall provide the basis  
6 for such determination, including the basis for  
7 determining that an accessibility feature re-  
8 quested is not readily achievable under section  
9 255 or is achievable under section 716, 718, or  
10 719.

11 “(D) OPPORTUNITY TO RESPOND.—Before  
12 the Commission makes a determination pursu-  
13 ant to subparagraph (C), the party that is the  
14 subject of the complaint shall have the oppor-  
15 tunity to respond to such complaint, and may  
16 include in such response any factors that it  
17 deems relevant to such determination and any  
18 available alternatives that might constitute an  
19 effective substitute for the equipment or service  
20 that is the subject of such complaint.

21 “(E) CEASE AND DESIST ORDERS.—If the  
22 Commission’s investigation pursuant to sub-  
23 paragraph (C) determines that a manufacturer  
24 of equipment or provider of service is engaged  
25 in an act prohibited by section 255, 716, 718,

1 or 719, or is failing to perform any act required  
2 by section 255, 716, 718, or 719, the Commis-  
3 sion shall have the authority to order such man-  
4 ufacturer or provider to cease from violating  
5 such section.

6 “(F) REPORTING.—Each manufacturer of  
7 equipment used for advanced communications  
8 and each provider of advanced communications  
9 shall—

10 “(i) file a report with the Commission,  
11 on an annual basis, that describes the  
12 steps that have been taken by such manu-  
13 facturer or provider during the preceding  
14 year to implement sections 255 and 716,  
15 including—

16 “(I) information about the manu-  
17 facturer’s or provider’s efforts to con-  
18 sult with people with disabilities;

19 “(II) descriptions of the accessi-  
20 bility features of its products and  
21 services; and

22 “(III) information about the  
23 compatibility of their products and  
24 services with peripheral devices or  
25 specialized customer premise equip-

1                   ment commonly used by people with  
2                   disabilities to achieve access; and

3                   “(ii) maintain, in the ordinary course  
4                   of business, records of the efforts taken by  
5                   such manufacturer or provider to imple-  
6                   ment sections 255 and 716.

7                   “(G) FAILURE TO ACT.—If the Commis-  
8                   sion fails to carry out any of its responsibilities  
9                   to act upon a complaint in the manner pre-  
10                  scribed in subparagraph (C), the person that  
11                  filed such complaint may bring an action in the  
12                  nature of mandamus in an appropriate Federal  
13                  district court to compel the Commission to  
14                  carry out any such responsibility.

15                  “(H) COMMISSION JURISDICTION.—The  
16                  limitations of section 255(f) shall apply to any  
17                  claim that alleges a violation of section 255,  
18                  716, 718, or 719. Nothing in this paragraph af-  
19                  fects or limits any action for mandamus under  
20                  subparagraph (G) or any appeal pursuant to  
21                  section 402(b)(10).

22                  “(I) PRIVATE RESOLUTIONS OF COM-  
23                  PLAINTS.—Nothing in the Commission’s rules  
24                  or this Act shall be construed to preclude a per-  
25                  son who files a complaint and a manufacturer

1 or provider from resolving a formal or informal  
2 complaint prior to the Commission’s final deter-  
3 mination in a complaint proceeding. In the  
4 event of such a resolution, the parties shall  
5 jointly request dismissal of the complaint and  
6 the Commission shall grant such request.

7 “(b) REPORTS TO CONGRESS.—

8 “(1) IN GENERAL.—Not later than 2 years  
9 after the date of enactment of the Equal Access to  
10 21st Century Communications Act, and every 2  
11 years thereafter, the Commission shall submit a re-  
12 port to the Committee on Commerce, Science, and  
13 Transportation of the Senate and the Committee on  
14 Energy and Commerce of the House of Representa-  
15 tives that assesses the level of compliance with sec-  
16 tion 255 or 716 and evaluates the extent to which  
17 any accessibility barriers still exist with respect to  
18 new technologies.

19 “(2) PUBLIC COMMENT.—The Commission shall  
20 seek public comment on the tentative findings of the  
21 report required under paragraph (1) prior to the  
22 submission of such report to the Committees de-  
23 scribed in paragraph (1).

1           “(3) REQUIRED CONTENT.—The report re-  
2           quired under paragraph (1) shall include the fol-  
3           lowing:

4                   “(A) The number and nature of complaints  
5                   received pursuant to subsection (a) during the  
6                   2 years that are the subject of the report.

7                   “(B) Actions taken to resolve such com-  
8                   plaints under this section, including cease and  
9                   desist orders issued and forfeiture penalties as-  
10                  sessed.

11                  “(C) The length of time that was taken by  
12                  the Commission to resolve each such complaint.

13                  “(D) The number, status, nature, and out-  
14                  come of any actions of mandamus filed pursu-  
15                  ant to subsection (a)(2)(G) and the number,  
16                  status, and outcome of any appeals filed pursu-  
17                  ant to section 402(b)(10).

18           “(c) COMPTROLLER GENERAL ENFORCEMENT  
19           STUDY.—

20                   “(1) IN GENERAL.—The Comptroller General  
21                   shall conduct a study to consider and evaluate—

22                           “(A) the Commission’s compliance with the  
23                           requirements of the Equal Access to 21st Cen-  
24                           tury Communications Act, including the Com-  
25                           mission’s level of compliance with deadlines (in-

1 including deadlines for acting on complaints) es-  
2 tablished in such Act;

3 “(B) whether the enforcement actions  
4 taken by the Commission pursuant to such Act  
5 have been appropriate and effective in ensuring  
6 compliance with such requirements; and

7 “(C) whether the enforcement provisions  
8 established in such Act are adequate to ensure  
9 compliance with such requirements.

10 “(2) REPORT.—Not later than 5 years after the  
11 date of enactment of the Equal Access to 21st Cen-  
12 tury Communications Act, the Comptroller General  
13 shall submit a report to the Committee on Com-  
14 merce, Science, and Transportation of the Senate  
15 and the Committee on Energy and Commerce of the  
16 House of Representatives on the results of the study  
17 required by paragraph (1), with the recommenda-  
18 tions for how the enforcement process and measures  
19 with respect to such Act may be modified or im-  
20 proved.

21 “(d) CLEARINGHOUSE.—Within 18 months after the  
22 date of enactment of the Equal Access to 21st Century  
23 Communications Act, the Commission shall, in consulta-  
24 tion with the Architectural and Transportation Barriers  
25 Compliance Board, the National Telecommunications and

1 Information Administration, trade associations, and orga-  
2 nizations representing people with disabilities, establish a  
3 clearinghouse of information on the availability of acces-  
4 sible products and services and accessibility solutions re-  
5 quired under sections 255 and 716. Such information shall  
6 be made publicly available on the Commission’s website  
7 and by other means, and shall include an annually updated  
8 list of products and services with access features or solu-  
9 tions.

10 “(e) OUTREACH AND EDUCATION.—Upon establish-  
11 ment of the clearinghouse of the information required  
12 under section 717(d), the Commission, in coordination  
13 with the National Telecommunications and Information  
14 Administration, shall conduct an informational and edu-  
15 cational program designed to inform the public about the  
16 availability of the clearinghouse, and the protections and  
17 remedies available under sections 255 and 716.”.

18 (b) TITLE V AMENDMENTS.—Section 503(b)(2) of  
19 the Communications Act of 1934 (47 U.S.C. 503(b)(2))  
20 (47 U.S.C. 503(b)(2)) is amended—

21 (1) by redesignating subparagraphs (C), (D),  
22 and (E) as subparagraphs (D), (E), and (F), respec-  
23 tively;

24 (2) by inserting after subparagraph (B) the fol-  
25 lowing:

1           “(C) If the violator is a manufacturer of  
2 telecommunications equipment, a manufacturer  
3 of equipment used for advanced communica-  
4 tions, or a provider of advanced communica-  
5 tions, who is subject to the requirements of sec-  
6 tion 255, 716, 718, or 719, and who is deter-  
7 mined by the Commission to have violated any  
8 such requirement, the manufacturer of tele-  
9 communications equipment, the manufacturer  
10 of equipment used for advanced communica-  
11 tions, or the provider of advanced communica-  
12 tions shall be liable to the United States for a  
13 forfeiture penalty. The amount of any penalty  
14 determined under this subparagraph shall not  
15 exceed \$100,000 for each violation of each day  
16 of a continuing violation, except that the  
17 amount assessed for any continuing violation  
18 shall not exceed a total of \$1,000,000 for any  
19 single act or failure to act.”; and

20           (3) in subparagraph (D) (as so redesignated)  
21 by striking subparagraph “(A) or (B)” and inserting  
22 “subparagraph (A), (B), or (C).”

23           (c) REVIEW OF COMMISSION DETERMINATIONS.—  
24 Section 402(b) of the Communications Act of 1934 (47

1 U.S.C. 402(b)) is amended by adding at the end the fol-  
2 lowing:

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

6 **SEC. 105. UNIVERSAL SERVICE.**

7           (a) CONSUMERS WITH DISABILITIES.—Section  
8 254(e) of the Communications Act of 1934 (47 U.S.C.  
9 254(e)) is amended by adding at the end the following:

10           “(4) INDIVIDUALS WITH DISABILITIES.—Not-  
11           withstanding subsection (j), the Commission shall  
12           authorize Lifeline and Link-Up assistance programs  
13           and other Federal universal service support mecha-  
14           nisms to be used for those telecommunications serv-  
15           ices, Internet access services, and advanced commu-  
16           nications that are needed by individuals with disabil-  
17           ities, who are otherwise qualified for such programs  
18           or mechanisms, to engage in communication with 1  
19           or more other individuals in a manner that is func-  
20           tionally equivalent to the ability of individuals with-  
21           out disabilities to engage in such communication.”.

22           (b) ALLOCATION OF USF FOR SERVICES FOR INDI-  
23 VIDUALS WITH DISABILITIES.—Section 254 of the Com-  
24 munications Act of 1934 (47 U.S.C. 254) is further  
25 amended—

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

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

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

6           “(1) IN GENERAL.—Within 6 months after the  
7 date of enactment of the Equal Access to 21st Cen-  
8 tury Communications Act, the Commission shall es-  
9 tablish rules that define as eligible for universal  
10 service support those programs that are certified by  
11 a State commission or approved by the Commission  
12 for the distribution of specialized customer premises  
13 equipment designed to make telecommunications  
14 service, Internet access service, and advanced com-  
15 munications, including interexchange services and  
16 advanced telecommunications and information serv-  
17 ices, accessible by individuals who are deaf-blind.

18           “(2) DEFINITION.—For purposes of this sub-  
19 section, the term ‘individuals who are deaf-blind’ has  
20 the same meaning given such term in the Helen Kel-  
21 ler National Center Act, as amended by the Reha-  
22 bilitation Act Amendments of 1992 (29 U.S.C.  
23 1905(2)).

24           “(3) ANNUAL AMOUNT.—The total amount of  
25 universal service support that may be obligated or

1 expanded under this subsection for any fiscal year  
2 may not exceed \$10,000,000.”.

3 **SEC. 106. EMERGENCY ACCESS AND REAL-TIME TEXT SUP-**  
4 **PORT.**

5 Title VII of the Communications Act of 1934 (47  
6 U.S.C. 601 et seq.) is further amended by adding after  
7 section 717 (as added by section 104) the following:

8 **“SEC. 718. EMERGENCY ACCESS AND REAL-TIME TEXT AD-**  
9 **VISORY COMMITTEE.**

10 “(a) ESTABLISHMENT.—For the purpose of achieving  
11 equal access to emergency services by individuals with dis-  
12 abilities, as part of the migration to a national Internet  
13 protocol-enabled emergency network, not later than 120  
14 days after the date of enactment of the Equal Access to  
15 21st Century Communications Act, the Chairman shall es-  
16 tablish an advisory committee, to be known as the Emer-  
17 gency Access and Real-Time Text Advisory Committee  
18 (referred to in this section as the ‘Advisory Committee’).

19 “(b) MEMBERSHIP.—As soon as practicable after the  
20 date of enactment of the Equal Access to 21st Century  
21 Communications Act, the Chairman of the Commission  
22 shall appoint the members of the Advisory Committee, en-  
23 suring an equal balance between potential real-time text  
24 consumers and other stakeholders, and designate 2 such  
25 members as the co-chairs of the Committee. Members of

1 the Advisory Committee shall be selected from the fol-  
2 lowing groups:

3           “(1) STATE AND LOCAL GOVERNMENT AND  
4           EMERGENCY RESPONDER REPRESENTATIVES.—Rep-  
5           representatives of State and local governments and rep-  
6           representatives of emergency response providers, se-  
7           lected from among individuals nominated by national  
8           organizations representing such governments and  
9           personnel.

10           “(2) SUBJECT MATTER EXPERTS.—Individuals  
11           who have the requisite technical knowledge and ex-  
12           pertise to serve on the Advisory Committee in the  
13           fulfillment of its duties, including representatives  
14           of—

15                   “(A) providers of interconnected VoIP  
16                   services;

17                   “(B) vendors, developers, and manufactur-  
18                   ers of systems, facilities, equipment, and capa-  
19                   bilities for the provision of interconnected VoIP  
20                   services;

21                   “(C) national organizations representing  
22                   people with disabilities and senior citizens;

23                   “(D) Federal agencies or departments re-  
24                   sponsible for the implementation of the Next  
25                   Generation E 9–1–1 system;

1           “(E) the National Institute of Standards  
2           and Technology; and

3           “(F) other individuals with relevant tech-  
4           nical expertise.

5           “(3) QUALIFIED REPRESENTATIVES OF OTHER  
6           STAKEHOLDERS AND INTERESTED PARTIES.—Quali-  
7           fied representatives of such other stakeholders and  
8           interested and affected parties as the Chairman of  
9           the Commission determines appropriate.

10          “(c) DEVELOPMENT OF RECOMMENDATIONS.—With-  
11         in 12 months after the completion of the member appoint-  
12         ment process by the Chairman of the Commission pursu-  
13         ant to subsection (b), the Advisory Committee shall de-  
14         velop and submit to the Commission recommendations—

15                 “(1) with respect to the definition of real-time  
16                 text;

17                 “(2) with respect to what actions are necessary  
18                 as a part of the migration to a national Internet  
19                 protocol-enabled network to achieve reliable, inter-  
20                 operable real-time text communication transmitted  
21                 over such network that will ensure access to emer-  
22                 gency services by people with disabilities;

23                 “(3) for protocols, technical capabilities, and  
24                 technical requirements to ensure reliable, interoper-  
25                 able real-time text communications necessary to en-

1       sure access to emergency services by people with dis-  
2       abilities;

3               “(4) for the establishment of technical stand-  
4       ards for use by public safety answering points, des-  
5       ignated default answering points and local emer-  
6       gency authorities;

7               “(5) for relevant technical standards and re-  
8       quirements for communication devices and equip-  
9       ment and technologies to enable to the use of reli-  
10      able, interoperable real-time text communications;

11              “(6) for procedures to be followed by IP-en-  
12      abled network providers to ensure that such pro-  
13      viders do not install features, functions, or capabili-  
14      ties that would conflict with technical standards; and

15              “(7) for deadlines by which providers of inter-  
16      connected VoIP services and manufacturers of  
17      equipment used for such services shall achieve the  
18      actions required in paragraphs (1) through (6), and  
19      for the possible phase out of the use of current-gen-  
20      eration TTY technology to the extent that this tech-  
21      nology is replaced with real-time text.

22      “(d) MEETINGS.—

23              “(1) INITIAL MEETING.—The initial meeting of  
24      the Advisory Committee shall take place not later  
25      than 90 days after the completion of the member ap-

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

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

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

12 “(e) RULES.—

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

16 “(2) SUBCOMMITTEES.—To assist the Advisory  
17 Committee in carrying out its functions, the Chair  
18 may establish appropriate subcommittees composed  
19 of members of the Advisory Committee and other  
20 subject matter experts as deemed necessary.

21 “(3) ADDITIONAL RULES.—The advisory com-  
22 mittee may adopt other rules as needed.

23 “(f) FEDERAL ADVISORY COMMITTEE ACT.—Neither  
24 the Federal Advisory Committee Act (5 U.S.C. App.) nor

1 any rule, order, or regulation promulgated under that Act  
2 shall apply to the Advisory Committee.

3 “(g) IMPLEMENTING RECOMMENDATIONS.—The  
4 Commission shall have the authority to promulgate regula-  
5 tions to implement the recommendations proposed by the  
6 Advisory Committee, as well as any other regulations,  
7 technical standards, protocols, and procedures as are nec-  
8 essary to achieve reliable, interoperable real-time text com-  
9 munication that ensures access by people with disabilities  
10 to an Internet protocol-enabled emergency network.”.

11 **SEC. 107. INTERNET ACCESS SERVICE INTERFACE.**

12 Title VII of the Communications Act of 1934 (47  
13 U.S.C. 601 et seq.) is further amended by adding after  
14 section 718 (as added by section 106) the following:

15 **“SEC. 719. INTERNET ACCESS SERVICE USER INTERFACE.**

16 “Every provider of Internet access service and every  
17 manufacturer of Internet access equipment shall, where  
18 achievable, make user interfaces for such service and  
19 equipment accessible to individuals with disabilities, in-  
20 cluding those interfaces used to initiate, monitor, and con-  
21 trol such service.”.

1 **TITLE II—VIDEO DESCRIPTIONS**  
2 **AND CLOSED CAPTIONING**

3 **SEC. 201. COMMISSION INQUIRY ON CLOSED CAPTIONING**  
4 **DECODER AND VIDEO DESCRIPTION CAPA-**  
5 **BILITY, USER INTERFACES, AND VIDEO PRO-**  
6 **GRAMMING GUIDES AND MENUS.**

7 (a) INQUIRY REQUIRED.—The Federal Communica-  
8 tions Commission shall conduct an inquiry on the fol-  
9 lowing subjects:

10 (1) CLOSED-CAPTIONING DECODER AND VIDEO  
11 DESCRIPTION CAPABILITY.—With respect to closed  
12 captioning decoder and video description capability,  
13 the Federal Communications Commission shall—

14 (A) describe—

15 (i) the formats and software com-  
16 monly used by video programming pro-  
17 viders or owners for exhibition on new  
18 technologies, including those using the  
19 Internet protocol (or successor protocol)  
20 and digital wireless services; and

21 (ii) the related technical issues associ-  
22 ated with the implementation of closed  
23 captioning and video description by means  
24 of new technologies;

1 (B) describe the technical standards, pro-  
2 tocols, and procedures needed for the trans-  
3 mission of closed captioning and video descrip-  
4 tion by means of services using the Internet  
5 protocol (or a successor protocol) and digital  
6 wireless services and equipment; and

7 (C) describe—

8 (i) technical standards, protocols, and  
9 procedures needed to enable video pro-  
10 gramming providers and owners to trans-  
11 mit emergency information in a manner  
12 that is accessible to individuals who are  
13 blind or visually impaired; and

14 (ii) the persons or parties obligated to  
15 create, receive, and transmit such emer-  
16 gency information in accordance with such  
17 standards, protocols, and procedures.

18 (2) USER INTERFACES.—With respect to user  
19 interfaces, the Federal Communications Commission  
20 shall—

21 (A) describe the technical standards, proto-  
22 cols, and procedures needed to enable apparatus  
23 designed to receive or display video program-  
24 ming transmitted simultaneously with sound  
25 (including apparatus designed to receive or dis-

1 play video programming transmitted by means  
2 of services using the Internet protocol (or a suc-  
3 cessor protocol) to be capable of making the ap-  
4 paratus functions, necessary for the receipt, dis-  
5 play, navigation, or selection of video program-  
6 ming (and any other functions shared by, re-  
7 lated to, or necessary to access such apparatus  
8 functions), accessible to and useable by individ-  
9 uals with disabilities; and

10 (B) describe the technical standards, pro-  
11 tocols, and procedures needed to enable  
12 onscreen text menus and other visual indicators  
13 used to access the functions described in sub-  
14 paragraph (A) to be accompanied by audio out-  
15 put so that such menus or indicators are acces-  
16 sible to and usable by individuals who are blind  
17 or visually impaired.

18 (3) VIDEO PROGRAMMING GUIDES AND  
19 MENUS.—With respect to video programming guides  
20 and menus, the Federal Communications Commis-  
21 sion shall describe the technical standards, protocols,  
22 and procedures needed to enable video programming  
23 information and selection provided by means of a  
24 navigational device, guide, or menu to be accessible

1 in real-time by individuals with disabilities who are  
2 unable to read the visual display.

3 (b) REPORT ON INQUIRY.—Within 18 months after  
4 the date of enactment of this Act, the Federal Commu-  
5 nications Commission shall submit to the Congress a re-  
6 port on the results of such inquiry.

7 (c) DEFINITIONS.—For the purposes of this section,  
8 the terms “video description” and “video programming”  
9 have the meanings provided by section 713(g) of the Com-  
10 munications Act of 1934 (47 U.S.C. 613(g)).

11 **SEC. 202. COMMISSION INQUIRY ON THE DEFINITION OF**  
12 **CONSUMER GENERATED MEDIA.**

13 Not later than 120 days after the date of enactment  
14 of this Act, the Federal Communications Commission shall  
15 develop through an inquiry an appropriate definition of  
16 consumer generated media.

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

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

22 “(u) Require that apparatus designed to receive or  
23 play back video programming (as such term is defined in  
24 section 713(g)) transmitted simultaneously with sound,  
25 when such apparatus is manufactured in the United

1 States or imported for use in the United States and uses  
2 a picture screen that is 13 inches or greater in size—

3 “(1) be equipped with built-in closed-caption de-  
4 coder circuitry or capability designed to display  
5 closed-captioned video programming;

6 “(2) have the capability to make available the  
7 transmission and delivery of video description serv-  
8 ices as required by section 713(f); and

9 “(3) have the capability to convey emergency  
10 information (as that term is defined in section 79.2  
11 of the Commission’s regulations (47 C.F.R. 73.2)) in  
12 a manner that is accessible to individuals who are  
13 blind or visually impaired.”.

14 (b) OTHER DEVICES.—Section 303 of the Commu-  
15 nications Act of 1934 (47 U.S.C. 303) is further amend-  
16 ed—

17 (1) by redesignating subsections (v) through (y)  
18 as subsections (y) through (bb), respectively; and

19 (2) by inserting after subsection (u) the fol-  
20 lowing:

21 “(v) Require, after inquiry, that apparatus designed  
22 to receive or play back video programming (as such term  
23 is defined in section 713(g)) transmitted simultaneously  
24 with sound, when such apparatus is manufactured in the  
25 United States or imported for use in the United States

1 and uses a picture screen that is less than 13 inches in  
2 size—

3 “(1) be equipped with built-in closed-caption de-  
4 coder circuitry or capability designed to display  
5 closed-captioned video programming;

6 “(2) have the capability to make available the  
7 transmission and delivery of video description serv-  
8 ices as required by section 713(f); and

9 “(3) have the capability to convey emergency  
10 information (as that term is defined in section 79.2  
11 of the Commission’s regulations (47 C.F.R. 79.2)),  
12 in a manner that is accessible to individuals who are  
13 blind or visually impaired.

14 “(w) Require, after inquiry, that apparatus manufac-  
15 tured in the United States or imported for use in the  
16 United States that is designed to record video program-  
17 ming (as such term is defined in section 713(g)) trans-  
18 mitted simultaneously with sound, retain and permit the  
19 pass through of closed captions and video description sig-  
20 nals such that viewers will be able to activate and deacti-  
21 vate the closed captions and video description when the  
22 video programming is played back on a picture screen of  
23 any size. Interconnection mechanisms and standards for  
24 digital video source devices must be able to carry program  
25 related accessibility data for people with disabilities from

1 the source device to the consumer equipment so that the  
2 consumer is able to display closed captions and make en-  
3 coded video description audible.

4 “(x) Exempt from requirements of subsections (u)  
5 and (v) any apparatus or class of apparatus that are dis-  
6 play-only video monitors, with no playback capability and  
7 shall have the authority to waive the requirements of such  
8 subsections for any apparatus or class of apparatus.”.

9 (c) SHIPMENT IN COMMERCE.—Section 330(b) of the  
10 Communications Act of 1934 (47 U.S.C. 330(b)) is  
11 amended—

12 (1) by striking “section 303(u)” and inserting  
13 “subsections (u), (v), and (w) of section 303”;

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

22 (3) in the fourth sentence, by inserting “and  
23 video description service” after “closed-captioning  
24 service.”

1 (d) IMPLEMENTING REGULATIONS.—The Federal  
2 Communications Commission shall prescribe such regula-  
3 tions as are necessary to implement the requirements of  
4 this section, including any technical standards, protocols,  
5 and procedures needed for the transmission of closed cap-  
6 tioning, video description, and emergency information,  
7 within 18 months after the submission of the report to  
8 Congress required by section 201(b) of this Act.

9 **SEC. 204. VIDEO DESCRIPTION AND CLOSED CAPTIONING.**

10 (a) VIDEO DESCRIPTION.—Section 713 of the Com-  
11 munications Act of 1934 (47 U.S.C. 613) is amended by  
12 striking subsections (f) and (g) and inserting the fol-  
13 lowing:

14 “(f) VIDEO DESCRIPTION.—

15 “(1) REINSTATEMENT OF THE RULES.—The  
16 video description regulations of the Commission con-  
17 tained in the report and order identified as Imple-  
18 mentation of Video Description of Video Program-  
19 ming, Report and Order (15 F.C.C.R. 15230) (July  
20 21, 2000), when such rules are republished and re-  
21 freshed pursuant to paragraph (2), shall—

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

24 “(B) apply to video programming that is  
25 first published or exhibited after the date of en-

1 actment of the Equal Access to 21st Century  
2 Communications Act.

3 “(2) CONTINUING AUTHORITY OF THE COMMIS-  
4 SION.—The Commission shall—

5 “(A) within 90 days after the date of en-  
6 actment of the Equal Access to 21st Century  
7 Communications Act—

8 “(i) publish and refresh its video de-  
9 scription regulations contained in the re-  
10 port and order identified as Implementa-  
11 tion of Video Description of Video Pro-  
12 gramming, Report and Order (15 F.C.C.R.  
13 15230) (July 21, 2000) in a manner that  
14 provides the same or an improved level of  
15 video description service; and

16 “(ii) apply the requirements of such  
17 report and order to owners of and pro-  
18 viders of video programming;

19 “(B) initiate a proceeding, to be completed  
20 within 18 months after the submission of the  
21 report to Congress required by section 201(b)  
22 of the Equal Access to 21st Century Commu-  
23 nications Act—

24 “(i) identify methods to convey emer-  
25 gency information (as that term is defined

1 in section 79.2 of the Commission’s regula-  
2 tions (47 C.F.R. 79.2)) in a manner acces-  
3 sible to individuals who are blind or vis-  
4 ually impaired; and

5 “(ii) promulgate regulations that re-  
6 quire video programming providers and  
7 video programming distributors (as those  
8 terms are defined in section 79.1 of the  
9 Commission’s regulations (47 C.F.R.  
10 79.1)) and owners of video programming  
11 to convey such emergency information in a  
12 manner accessible to individuals who are  
13 blind or visually impaired, consistent with  
14 the requirements of such section of such  
15 regulations; and

16 “(C) promulgate any other regulation that  
17 the Commission may find necessary to imple-  
18 ment, enforce, or otherwise carry out the provi-  
19 sions of this section, including regulations to in-  
20 crease the amount of video description required  
21 to achieve full access to video programming for  
22 individuals who are blind or visually impaired.

23 “(3) REQUIREMENTS FOR RULES.—

24 “(A) The regulations described in para-  
25 graph (1) and republished and refreshed, or

1 otherwise increased or enhanced, pursuant to  
2 subparagraph (A) or (C) of paragraph (2) shall  
3 include an appropriate schedule of deadlines for  
4 the provision of video description of video pro-  
5 gramming.

6 “(B) Such regulations may permit a pro-  
7 vider of video programming or program owner  
8 to petition the Commission for an exemption  
9 from the requirements of this section upon a  
10 showing that the requirements contained in this  
11 section are not achievable. A provider shall be  
12 exempt from such requirements only after the  
13 Commission decides to grant any such petition.

14 “(C) The Commission may exempt from  
15 the regulations established pursuant to para-  
16 graph (2)(C) services, classes of services, pro-  
17 grams, classes of programs, equipment, or  
18 classes of equipment for which the Commission  
19 has determined that the application of such reg-  
20 ulations would be economically burdensome to  
21 the providers of such services.

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

23 “(1) VIDEO DESCRIPTION.—The term ‘video de-  
24 scription’ means the insertion of audio narrated de-  
25 scriptions of the video programming’s key visual ele-

1       ments in natural pauses between the program’s dia-  
2       logue.

3               “(2) VIDEO PROGRAMMING.—The term ‘video  
4       programming’ means programming provided by, or  
5       generally considered comparable to programming  
6       provided by, a television broadcast station, even if  
7       such programming is distributed over the Internet or  
8       by some other means.”.

9       (b) CLOSED CAPTIONING ON VIDEO PROGRAMMING  
10       DISTRIBUTED OVER THE INTERNET.—Section 713 of the  
11       Communication Act of 1934 (47 U.S.C. 613) is further  
12       amended by striking subsection (c) and inserting the fol-  
13       lowing:

14               “(c) DEADLINES FOR CAPTIONING.—

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

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

21               “(A) Within 18 months after the submis-  
22       sion of the report to Congress required by sec-  
23       tion 201(b) of the Equal Access to 21st Cen-  
24       tury Communications Act, the Commission shall  
25       prescribe regulations that include an appro-

1           appropriate schedule of deadlines for the provision of  
2           closed captioning of video programming distrib-  
3           uted to the public over the Internet.

4           “(B) Consistent with the regulations pro-  
5           mulgated under subsection (b), the regulations  
6           prescribed under this paragraph shall ensure  
7           the accessibility of video programming, except  
8           for consumer generated media (as such term is  
9           to be defined by the Commission), through the  
10          provision of captions on—

11                   “(i) preproduced video programming  
12                   that was previously captioned for television  
13                   viewing;

14                   “(ii) live video programming; and

15                   “(iii) video programming first pub-  
16                   lished or exhibited after the effective date  
17                   of such regulations provided by or gen-  
18                   erally considered to be comparable to pro-  
19                   gramming provided by multichannel pro-  
20                   gramming distributors.”.

21          (c) CONFORMING AMENDMENT.—Section 713(d) of  
22          the Communications Act of 1934 (47 U.S.C. 613(d)) is  
23          amended by striking paragraph (3) and inserting the fol-  
24          lowing:

1           “(3) a provider of video programming or pro-  
2           gram owner may petition the Commission for an ex-  
3           emption from the requirements of this section and—

4                   “(A) the Commission may grant such peti-  
5           tion upon showing that the requirements con-  
6           tained in this section would result in an undue  
7           burden; and

8                   “(B) such exemptions shall be effective  
9           only after the Commission grants such peti-  
10          tion.”.

11 **SEC. 205. USER INTERFACE REGULATIONS.**

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

15           “(cc)(1) Require, after inquiry—

16                   “(A) that apparatus designed to receive or play  
17          back video programming transmitted simultaneously  
18          with sound, including apparatus designed to receive  
19          or display video programming transmitted by means  
20          of services using the Internet protocol (or a suc-  
21          cessor protocol), be designed, developed, or fab-  
22          ricated so that control of all apparatus functions en-  
23          abling the receipt, display, navigation, or selection of  
24          video programming (and any other functions shared  
25          by, related to, or necessary to access such apparatus

1 functions), are accessible to and usable by individ-  
2 uals with disabilities;

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

11 “(C) that user controls needed to access closed  
12 captioning and video description, including—

13 “(i) a button, key, or icon on the remote  
14 control of such apparatus (where a remote con-  
15 trol is provided with the apparatus) designated  
16 for activating the closed captioning function;  
17 and

18 “(ii) the inclusion of ‘closed-captions’ and  
19 ‘video description’ on the first menu that ap-  
20 pears when on-screen menus are displayed on  
21 such apparatus.

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

1 (b) IMPLEMENTING REGULATIONS.—Within 18  
2 months after the submission of the report to Congress re-  
3 quired by section 201(b) of this Act, the Federal Commu-  
4 nications Commission shall prescribe such regulations as  
5 are necessary to implement the amendments made by sub-  
6 section (a).

7 **SEC. 206. ACCESS TO VIDEO PROGRAMMING GUIDES AND**  
8 **MENUS.**

9 (a) AMENDMENT.—Section 303 of the Communica-  
10 tions Act of 1934 (47 U.S.C. 303) is further amended by  
11 adding after subsection (cc), as added by section 205, the  
12 following:

13 “(dd) Require each provider or owner of video pro-  
14 gramming (as such term is defined in section 713(g)),  
15 with the exception of consumer generated media (as such  
16 term is to be defined by the Commission) and each multi-  
17 channel programming distributor to ensure that video pro-  
18 gramming information and selection provided by means of  
19 a navigational device, guide, or menu is accessible in real-  
20 time by individuals with disabilities who are unable to read  
21 the visual display.”.

22 (b) IMPLEMENTING REGULATIONS.—Within 18  
23 months after the submission of the report to Congress re-  
24 quired by section 201(b), the Federal Communications  
25 Commission shall prescribe such regulations as are nec-

1 necessary to implement the amendments made by subsection

2 (a).

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