

[STAFF DISCUSSION DRAFT]

APRIL 25, 2008

110TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Twenty-first Century Communications and Video Acces-
6 sibility Act of 2008”.

7 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; Table of contents.

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. 255A. Access to Internet-based services and equipment.

Sec. 105. Universal service.

TITLE II—VIDEO PROGRAMMING

Sec. 201. Commission inquiry on closed captioning decoder and video description capability, user interfaces, and video programming guides and menus.

Sec. 202. Closed captioning decoder and video description capability.

Sec. 203. Video description and closed captioning.

Sec. 204. User interfaces regulations.

Sec. 205. Access to video programming guides and menus.

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) **DISABILITY.**—The term ‘disability’ has
9 the meaning given such term by section 3(2)(A) of
10 the Americans with Disabilities Act of 1990 (42
11 U.S.C. 12102(2)(A)).

12 “(54) **INTERCONNECTED VOIP SERVICE.**—The
13 term ‘interconnected VoIP service’ has the meaning
14 given such term by section 9.3 of the Commission’s
15 rules (47 CFR 9.3).

1 “(55) INTERNET-ENABLED COMMUNICATION
2 SERVICE.—The term ‘Internet-enabled communica-
3 tion service’ means—

4 “(A) an interconnected VoIP service; or

5 “(B) a transmission service between or
6 among points specified by the user, of informa-
7 tion of the user’s choosing, using the Internet
8 protocol (or a successor protocol) if such trans-
9 mission is for the purpose of enabling bilateral
10 or multilateral voice, text, or video communica-
11 tion, utilization of interactive voice response or
12 voice mail systems, or other similar communica-
13 tions-based applications, and uses—

14 “(I) an Internet connection from the
15 user’s location; and

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

1 **SEC. 102. HEARING AID COMPATIBILITY.**

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

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

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

8 (3) by inserting after subparagraph (B) the fol-
9 lowing new subparagraph:

10 “(C) all customer premises equipment used to
11 provide an Internet-enabled communication service
12 that provides voice communication via a built-in
13 speaker (typically held to the ear) and that are man-
14 ufactured in the United States (other than for ex-
15 port) more than one year after the date of enact-
16 ment of the Twenty-first Century Communications
17 and Video Accessibility Act of 2008 or shipped in
18 interstate commerce in the United States more than
19 one year after such date,”.

20 **SEC. 103. RELAY SERVICES.**

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

24 “(3) TELECOMMUNICATIONS RELAY SERV-
25 ICES.—The term ‘telecommunications relay services’
26 means telephone transmission that provides the abil-

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

8 (b) INTERNET-BASED TELECOMMUNICATIONS
9 RELAY SERVICES.—Section 225 of such Act is further
10 amended—

11 (1) by inserting “BY COMMON CARRIERS” after
12 “PROVISION OF SERVICES” in the heading of sub-
13 section (c);

14 (2) by redesignating subsections (e), (f), and
15 (g) as subsections (f), (g), and (h), respectively;

16 (3) by inserting after subsection (d) the fol-
17 lowing new subsection:

18 “(e) INTERNET-BASED TELECOMMUNICATIONS
19 RELAY SERVICES.—

20 “(1) PROVIDER OBLIGATIONS.—Within one
21 year after the date of enactment of the Twenty-first
22 Century Communications and Video Accessibility
23 Act of 2008, each interconnected VoIP service pro-
24 vider and each provider of Internet-enabled voice
25 communication service shall—

1 “(A) provide, throughout the area in which
2 it offers such service, telecommunications relay
3 services, individually, through designees,
4 through a competitively selected vendor, or in
5 concert with other carriers, providers of Inter-
6 connected VoIP services, or providers of Inter-
7 net-enabled voice communication services; and

8 “(B) participate in and contribute to the
9 Telecommunications Relay Services Fund estab-
10 lished in section 64.404(c)(5)(iii) of the Com-
11 mission’s regulations (47 CFR
12 64.404(c)(5)(iii)), as in effect on the date of en-
13 actment of such Act, in a manner prescribed by
14 the Commission by regulation to provide for ob-
15 ligations of such providers that are consistent
16 with and comparable to the obligations of other
17 participants in and contributors to such Fund.

18 “(2) RULE OF CONSTRUCTION.—Nothing in
19 this subsection shall be construed to limit the au-
20 thority of a State to regulate its certified State oper-
21 ated telecommunications relay program, including a
22 program that employs the use of Internet-based
23 relay services.”;

24 (4) in subsection (f)(1) (as redesignated by
25 paragraph (2) of this subsection), by striking “sub-

1 sections (f) and (g)” and inserting “subsections (g)
2 and (h)”;

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

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

8 Title II of the Communications Act of 1934 (47
9 U.S.C. 201 et seq.) is amended by inserting after section
10 255 the following new section:

11 **“SEC. 255A. ACCESS TO INTERNET-BASED SERVICES AND**
12 **EQUIPMENT.**

13 “(a) **MANUFACTURING.**—A manufacturer of equip-
14 ment used for Internet-enabled communication services,
15 including end user equipment, network equipment, and
16 software, shall ensure that the equipment is designed, de-
17 veloped, and fabricated to be accessible to and usable by
18 individuals with disabilities, unless the requirement of this
19 subsection would result in an undue burden.

20 “(b) **SERVICE PROVIDERS.**—A provider of Internet-
21 enabled communication service shall ensure that its service
22 is accessible to and usable by individuals with disabilities,
23 unless the requirement of this subsection would result in
24 an undue burden.

1 “(c) REAL-TIME TEXT SUPPORT.—In order to facili-
2 tate seamless real-time text communication between inter-
3 connected VoIP service or Internet-enabled communica-
4 tion service and telecommunications services, real-time
5 voice and text conversation products and telecommuni-
6 cations services shall at a minimum, use the standard real-
7 time text conversation format for the transport technology
8 used by the product or service, unless the requirement of
9 this subsection would result in an undue burden. All real-
10 time text communication formats shall, in order to ensure
11 accurate transmission, have less than one percent char-
12 acter error and be transmitted as text data, not audio
13 tones.

14 “(d) COMPATIBILITY.—Whenever the requirements
15 of subsections (a), (b), and (c) constitute an undue bur-
16 den, such manufacturer or provider shall ensure that the
17 equipment or service is compatible with existing peripheral
18 devices or specialized customer premises equipment com-
19 monly used by individuals with disabilities to achieve ac-
20 cess, unless the requirement of this subsection would re-
21 sult in an undue burden.

22 “(e) NETWORK INTERCONNECTION.—Each provider
23 of Internet-enabled communication service has the duty
24 not to install network features, functions, or capabilities
25 that do not comply with the regulations established pursu-

1 ant to this section. The real-time text data formats of all
2 interconnected VoIP services and Internet-enabled com-
3 munication services established pursuant to this section
4 shall interoperate.

5 “(f) REGULATIONS.—Within one year after the date
6 of enactment of the Twenty-first Century Communications
7 and Video Accessibility Act of 2008, the Commission shall
8 prescribe such regulations as are necessary to implement
9 this section. In prescribing the regulations, the Commis-
10 sion shall—

11 “(1) include standards to ensure the accessi-
12 bility, usability, and compatibility of Internet-en-
13 abled communication services and equipment by in-
14 dividuals with disabilities;

15 “(2) include standards to ensure the real-time
16 text support required by subsection (e);

17 “(3) provide that Internet-enabled communica-
18 tion services, the equipment used for such services,
19 and Internet-enabled communication networks may
20 not impair or impede the accessibility of information
21 content when accessibility has been incorporated into
22 that content for transmission through Internet-en-
23 abled communication services, networks, or equip-
24 ment;

1 “(4) require each manufacturer of equipment
2 used for Internet-enabled communication services
3 and each provider of Internet-enabled communica-
4 tion service—

5 “(A) to file with the Commission a written
6 accessibility and compatibility impact analysis
7 for each product or service released to the pub-
8 lic that describes steps to achieve access, includ-
9 ing information about the company’s efforts to
10 consult with individuals with disabilities, de-
11 scriptions of a product or service’s accessibility
12 features, and information about the product or
13 service’s compatibility with peripheral devices or
14 specialized customer premises equipment com-
15 monly used by persons with disabilities to
16 achieve access; and

17 “(B) to file a report with the Commission
18 that describes the steps that have been taken by
19 such manufacturer or provider to implement
20 this Act on an annual basis;

21 “(5) include enforcement and complaint proce-
22 dures that shall—

23 “(A) require the Commission to resolve
24 complaints alleging a violation of this section
25 within 90 days;

1 “(B) provide for a separate and identifi-
2 able electronic, telephonic, and physical recep-
3 tacle for the receipt of (both formal and infor-
4 mal) complaints filed under this section; and

5 “(C) facilitate the filing of formal com-
6 plaints.

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

9 “(h) REPORTING.—Every two years after the date of
10 enactment of the Twenty-first Century Communications
11 and Video Accessibility Act of 2008, the Commission shall
12 submit a report to the Committee on Commerce, Science,
13 and Transportation of the Senate and the Committee on
14 Energy and Commerce of the House of Representatives
15 that assesses the level of compliance with this section and
16 evaluates the extent to which any accessibility barriers still
17 exist with respect to new technologies. Such report shall
18 include information about the number and resolution of
19 complaints brought under this section.

20 “(I) CLEARINGHOUSE.—The Commission shall, in co-
21 ordination with the Access Board and the National Tele-
22 communications and Information Administration, estab-
23 lish a clearinghouse of information on the availability of
24 accessible products and services and accessibility solutions
25 required under this section. Such information shall be

1 made publicly available on the Commission’s website and
2 by other means, and shall include an annually updated list
3 of products and services with access features.

4 “(j) OUTREACH AND EDUCATION.—Within one year
5 after the date of enactment of the Twenty-first Century
6 Communications and Video Accessibility Act of 2008, the
7 Commission, in coordination with the National Tele-
8 communications and Information Administration, shall
9 conduct an informational and educational program de-
10 signed to inform the public about the availability of the
11 clearinghouse, and the protections and remedies available
12 under this section.

13 “(k) DEFINITION.—For purposes of this section the
14 term ‘undue burden’ means significant difficulty or ex-
15 pense. In determining whether the requirements of any
16 provision of this section would result in an undue burden,
17 the factors to be considered include—

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

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

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

24 “(4) the type of operations of the manufacturer
25 or provider.”.

1 **SEC. 105. UNIVERSAL SERVICE.**

2 (a) CONSUMERS WITH DISABILITIES.—Section 254
3 of the Communications Act of 1934 (47 U.S.C. 254) is
4 amended—

5 (1) in subsection (b)—

6 (A) by redesignating paragraph (7) as
7 paragraph (8); and

8 (B) by inserting after paragraph (6) the
9 following new paragraph:

10 “(7) ACCESS BY CONSUMERS WITH DISABIL-
11 ITIES.—Consumers with disabilities should have ac-
12 cess to telecommunications and Internet-enabled
13 communication services, including interexchange
14 services and advanced telecommunications and infor-
15 mation services.”; and

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

18 “(4) INDIVIDUALS WITH DISABILITIES.—Not-
19 withstanding subsection (j), the Commission may, in
20 order to implement the principle established in sub-
21 section (b)(7), designate telecommunications services
22 that are needed by individuals with disabilities to en-
23 gage in communication with one or more other indi-
24 viduals in a manner that is functionally equivalent
25 to the ability of individuals without disabilities to en-
26 gage in such communication as services supported

1 by Lifeline and Link Up assistance programs and
2 other Federal universal service support mecha-
3 nisms.”.

4 (b) ALLOCATION OF USF FOR SERVICES FOR INDI-
5 VIDUALS WITH DISABILITIES.—Section 254 of the Com-
6 munications Act of 1934 (47 U.S.C. 254) is further
7 amended—

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

10 (2) by inserting after subsection (h) the fol-
11 lowing new subsection:

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

13 “(1) IN GENERAL.—Within 6 months after the
14 date of the enactment of the Twenty-first Century
15 Communications and Video Accessibility Act of
16 2008, the Commission shall establish rules that de-
17 fine as eligible for universal service support, pro-
18 grams that are certified by a State commission or
19 approved by the Commission for the distribution of
20 specialized customer premises equipment designed to
21 make telecommunications and Internet-enabled com-
22 munication service, including interexchange services
23 and advanced telecommunications and information
24 services, accessible by individuals who are deaf-blind.

1 “(2) DEFINITION.—For the purposes of this
2 subsection, the term ‘individuals who are deaf-blind’
3 has the same meaning as such term has in the
4 Helen Keller National Center Act, as amended by
5 the Rehabilitation Act Amendments of 1992 (29
6 U.S.C. 1905(2)).

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

11 **TITLE II—VIDEO PROGRAMMING**

12 **SEC. 201. COMMISSION INQUIRY ON CLOSED CAPTIONING**

13 **DECODER AND VIDEO DESCRIPTION CAPA-** 14 **BILITY, USER INTERFACES, AND VIDEO PRO-** 15 **GRAMMING GUIDES AND MENUS.**

16 (a) INQUIRY REQUIRED.—Within 180 days after the
17 date of enactment of this Act, the Federal Communica-
18 tions Commission shall complete an inquiry on the fol-
19 lowing subjects:

20 (1) CLOSED-CAPTIONING DECODER AND VIDEO
21 DESCRIPTION CAPABILITY.—With respect to closed
22 captioning decoder and video description capability,
23 the Commission shall—

24 (A) identify—

1 (i) the formats and software com-
2 monly used by video programming pro-
3 viders or owners for exhibition on new
4 technologies, including those used by Inter-
5 net-enabled and digital wireless services;
6 and

7 (ii) the related technical issues associ-
8 ated with the implementation of closed
9 captioning and video description by means
10 of such new technologies;

11 (B) identify the technical standards, proto-
12 cols, and procedures needed for the trans-
13 mission of closed captioning and video descrip-
14 tion by means of Internet-enabled services and
15 digital wireless devices; and

16 (C) identify technical standards, protocols,
17 and procedures to enable video programming
18 providers and owners to transmit emergency
19 alerts in a manner that is accessible to individ-
20 uals who are blind or visually impaired.

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

23 (A) identify the technical standards, proto-
24 cols, and procedures needed to enable apparatus
25 designed to receive or display video program-

1 ming transmitted simultaneously with sound
2 (including apparatus designed to receive or dis-
3 play video programming transmitted by means
4 of Internet-enabled services) to be capable of
5 making its apparatus functions, including the
6 receipt, display, navigation or selection of video
7 programming, accessible to and usable by indi-
8 viduals with disabilities; and

9 (B) identify the technical standards, proto-
10 cols, and procedures needed to enable on-screen
11 text menus and other visual indicators used to
12 access video programming functions—

13 (i) to display such menus or indica-
14 tors; and

15 (ii) to provide accompanying audio
16 output, to enable control of such functions
17 by individuals who are blind or have low vi-
18 sion.

19 (3) VIDEO PROGRAMMING GUIDES AND
20 MENUS.—With respect to video programming guides
21 and menus, the Commission shall identify the tech-
22 nical standards, protocols, and procedures needed to
23 enable video programming information and selection
24 provided by means of a navigational device, guide, or
25 menu to be accessible in real-time by individuals

1 with disabilities who are unable to read the visual
2 display.

3 (b) REPORT ON STUDY.—Within one year after the
4 date of enactment of this Act, the Commission shall sub-
5 mit to the Congress a report on the results of such inquiry.

6 **SEC. 202. CLOSED CAPTIONING DECODER AND VIDEO DE-**
7 **SCRIPTION CAPABILITY.**

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

11 “(u) Require that every apparatus designed to receive
12 or display video programming transmitted simultaneously
13 with sound, including apparatus designed to receive or dis-
14 play video programming transmitted by means of Internet-
15 enabled services, that are shipped in interstate commerce
16 or manufactured in the United States—

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

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

23 “(3) have the capability to display emergency
24 information, including Emergency Alert System mes-

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

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

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

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

19 (3) by striking the last sentence.

20 (c) IMPLEMENTING REGULATIONS.—The Federal
21 Communications Commission shall prescribe such regula-
22 tions as are necessary to implement the amendments made
23 by subsections (a) and (b) within 18 months after the date
24 of enactment of this Act.

1 **SEC. 203. VIDEO DESCRIPTION AND CLOSED CAPTIONING.**

2 Section 713 of the Communications Act of 1934 (47
3 U.S.C. 613) is amended by striking subsections (f) and
4 (g) and inserting the following:

5 “(f) VIDEO DESCRIPTION.—

6 “(1) REINSTATEMENT OF RULES.—The video
7 description regulations of the Commission contained
8 in the report and order identified as Implementation
9 of Video Description of Video Programming, Report
10 and Order (15 F.C.C.R. 15.230 (2000)), shall, not-
11 withstanding the decision of the United States Court
12 of Appeals for the District of Columbia Circuit in
13 *Motion Picture Association of America, Inc., et. al.,*
14 *v. Federal Communications Commission , et. al.* (309
15 F. 3d 796, November 8, 2002), be considered to be
16 in full force and effect and ratified by law.

17 “(2) CONTINUING AUTHORITY OF THE COMMIS-
18 SION.—The Commission—

19 “(A) shall, within 45 days after the date of
20 enactment of the Twenty-first Century Commu-
21 nications and Video Accessibility Act of 2008,
22 republish its video description regulations con-
23 tained in the report and order identified as Im-
24 plementation of Video Description of Video Pro-
25 gramming, Report and Order (15 F.C.C.R.
26 15,230 (2000));

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

4 “(I) identify methods to render on-
5 screen-displayed text in a manner acces-
6 sible to individuals who are blind or vis-
7 ually-impaired; and

8 “(ii) promulgate regulations that re-
9 quire the rendering of on-screen-displayed
10 text in a manner accessible to individuals
11 who are blind or visually-impaired; and

12 “(C) shall promulgate any other regulation
13 that the Commission may find necessary to im-
14 plement, enforce, or otherwise carry out the
15 provisions of this subsection, including regula-
16 tions to increase the amount of video descrip-
17 tion required to ensure full access to television
18 programming for individuals who are blind or
19 visually-impaired.

20 “(3) REQUIREMENTS FOR RULES.—Such regu-
21 lations shall include an appropriate schedule of
22 deadlines for the provision of video description of
23 video programming and may include the following
24 exemptions:

1 “(A) A provider of video programming or
2 program owner may petition the Commission
3 for an exemption from the requirements of this
4 section, and may become exempt from those re-
5 quirements after the Commission grants such
6 petition, upon a showing that the requirements
7 contained in this section would result in an
8 undue burden (as defined in subsection (e)).

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

17 “(4) ON-SCREEN-DISPLAYED TEXT DEFINED.—
18 In this subsection, the term ‘on-screen-displayed
19 text’ includes written or other non-verbal informa-
20 tion, whether scrolled or displayed as characters or
21 images, on television screens—

22 “(A) during regular programming when
23 such information is provided to afford viewers
24 with warnings of and instructions on how to re-
25 spond to emergency or hazardous conditions;

1 “(B) during local and national news bul-
2 letins; and

3 “(C) during the broadcasting of any other
4 information the Commission deems appropriate.

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

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

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

17 **SEC. 204. USER INTERFACES REGULATIONS.**

18 Section 303 of the Communications Act of 1934 (47
19 U.S.C. 303) is further amended by adding at the end the
20 following new subsection:

21 “(z)(1) Require—

22 “(A) that every apparatus designed to receive
23 or display video programming transmitted simulta-
24 neously with sound, including apparatus designed to
25 receive or display video programming transmitted by

1 means of Internet-enabled services, be designed, de-
2 veloped, and fabricated so that control of all appa-
3 ratus functions, including the receipt, display, navi-
4 gation or selection of video programming, is acces-
5 sible to and usable by individuals with disabilities;

6 “(B) that where on-screen text menus or other
7 visual indicators are used to access video program-
8 ming functions, that such apparatus be used—

9 “(I) to display such menus or indicators;

10 and

11 “(ii) to provide accompanying audio output
12 to enable control of such functions by individ-
13 uals who are blind or have low vision; and

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

16 “(I) the inclusion of a button on the re-
17 mote control of such apparatus designated for
18 activating the closed caption function; and

19 “(ii) the inclusion of ‘closed captions’ and
20 ‘video description’ on the top tier of the on
21 screen menu of such apparatus.

22 “(2) For purposes of this subsection, the term ‘video
23 programming’ has the meaning provided by section 602.”.

1 **SEC. 205. ACCESS TO VIDEO PROGRAMMING GUIDES AND**
2 **MENUS.**

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

6 “(aa) Require each video programming provider or
7 owner or multichannel programming distributor to ensure
8 that video programming information and selection pro-
9 vided by means of a navigational device, guide, or menu
10 is accessible in real-time by individuals with disabilities
11 who are unable to read the visual display.”.

12 (b) IMPLEMENTING REGULATIONS.—The Federal
13 Communications Commission shall prescribe such regula-
14 tions as are necessary to implement the amendment made
15 by subsection (a) within 18 months after the date of enact-
16 ment of this Act.