

118TH CONGRESS
1ST SESSION

S. _____

To update the 21st Century Communications and Video Accessibility Act
of 2010.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To update the 21st Century Communications and Video
Accessibility Act of 2010.

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 “Communications, Video, and Technology Accessibility
6 Act of 2023”.

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

Sec. 1. Short title; table of contents.

TITLE I—CLOSED CAPTIONING AND AUDIO DESCRIPTION

Sec. 101. Definitions.

2

- Sec. 102. Closed captioning.
- Sec. 103. Audio description.
- Sec. 104. Technical and conforming amendments relating to economic burden.
- Sec. 105. American Sign Language video programming.
- Sec. 106. Internet protocol closed captioning and audio description advisory committee.

TITLE II—VIDEO PLAYBACK APPARATUSES

- Sec. 201. Video playback apparatuses.

TITLE III—COMMUNICATIONS SERVICES

- Sec. 301. Video conferencing.
- Sec. 302. Relay services.
- Sec. 303. National DeafBlind equipment distribution program.
- Sec. 304. Advanced Communications Services Advisory Committee.
- Sec. 305. Real-time text.
- Sec. 306. Advanced communications services software.

TITLE IV—EMERGING TECHNOLOGY

- Sec. 401. Emerging technology.

TITLE V—ENFORCEMENT AND REPORTING

- Sec. 501. Accessibility enforcement.
- Sec. 502. Reports to Congress.

1 **TITLE I—CLOSED CAPTIONING** 2 **AND AUDIO DESCRIPTION**

3 **SEC. 101. DEFINITIONS.**

4 (a) IN GENERAL.—Section 713(h) of the Commu-
 5 nications Act of 1934 (47 U.S.C. 613(h)) is amended—

6 (1) in paragraph (1)—

7 (A) in the heading, by striking “VIDEO DE-
 8 SCRIPTION” and inserting “AUDIO DESCRIP-
 9 TION”; and

10 (B) by striking “video description” and in-
 11 serting “audio description”;

12 (2) by redesignating paragraph (2) as para-
 13 graph (6);

1 (3) by inserting after paragraph (1) the fol-
2 lowing:

3 “(2) LIVE PROGRAMMING.—The term ‘live pro-
4 gramming’ means video programming published or
5 exhibited or made available substantially simulta-
6 neously with its performance.

7 “(3) NEAR-LIVE PROGRAMMING.—The term
8 ‘near-live programming’ means video programming
9 that is not live programming and is published or ex-
10 hibited or made available not more than 12 hours
11 after its performance and recording.

12 “(4) PRERECORDED PROGRAMMING.—The term
13 ‘prerecorded programming’ means video program-
14 ming that is not live programming or near-live pro-
15 gramming.

16 “(5) USER-GENERATED VIDEO.—The term
17 ‘user-generated video’ means video programming
18 that is—

19 “(A) made available via a service using
20 Internet protocol or any successor protocol;

21 “(B) created and added to the service by
22 a user of the service; and

23 “(C) not the subject of a contractual ar-
24 rangement between the user and the service

1 that obliges the user to create the programming
2 specifically for delivery via the service.”; and

3 (4) in paragraph (6), as so redesignated—

4 (A) by striking “means programming” and
5 inserting the following: “—

6 “(A) means—

7 “(i) programming”;

8 (B) in subparagraph (A)(i), as so des-
9 igned, by striking “, but not including” and
10 all that follows and inserting “; and”; and

11 (C) by adding at the end the following:

12 “(ii) audiovisual programming made
13 available via Internet protocol or any suc-
14 cessor protocol—

15 “(I) including—

16 “(aa) programming provided
17 on demand at the request of a
18 viewer; and

19 “(bb) programming
20 streamed live or at a prescribed
21 time or times to all or a subset of
22 viewers; and

23 “(II) regardless of whether or not
24 the programming is generally consid-
25 ered comparable to programming pro-

1 vided by a television broadcast station;

2 and

3 “(B) does not include user-generated video

4 unless the user-generated video is generated by

5 an entity that also generates video program-

6 ming that is—

7 “(i) not user-generated video in the

8 ordinary course of its business; or

9 “(ii) generated by an entity that earns

10 more than \$1,000,000 in annual revenue

11 resulting from user-generated videos.”.

12 (b) DEFINITION OF “ACHIEVABLE”.—Section 716(g)

13 of the Communications Act of 1934 (47 U.S.C. 617(g))

14 is amended, in the matter preceding paragraph (1), by

15 striking “section 718” and inserting “sections 713, 716A,

16 and 718”.

17 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

18 (1) REPEAL OF DEFINITION OF “CONSUMER

19 GENERATED MEDIA”.—Section 3 of the Communica-

20 tions Act of 1934 (47 U.S.C. 153) is amended—

21 (A) by striking paragraph (14); and

22 (B) by redesignating paragraphs (15)

23 through (59) as paragraphs (14) through (58),

24 respectively.

25 (2) OTHER AMENDMENTS.—

1 (A) Section 271(e)(1)(A) of the Commu-
2 nications Act of 1934 (47 U.S.C. 271(e)(1)(A))
3 is amended by striking “section 3(47)(A)” and
4 inserting “subparagraph (A) of the paragraph
5 defining that term in section 3”.

6 (B) Section 203(a) of the Rural Elec-
7 trification Act of 1936 (7 U.S.C. 924(a)) is
8 amended by striking “section 3(o)” and insert-
9 ing “section 3”.

10 (C) Section 248 of the Television Broad-
11 casting to Cuba Act (22 U.S.C. 1465ff) is
12 amended by striking “section 3(c)” each place
13 the term appears and inserting “section 3”.

14 (d) MODERNIZING TITLE OF HEAD OF COMMIS-
15 SION.—The Communications Act of 1934 (47 U.S.C. 151
16 et seq.) is amended—

17 (1) in section 4 (47 U.S.C. 154)—

18 (A) in subsection (a)—

19 (i) by inserting “(1)” after “(a)”;

20 (ii) by striking “chairman” and in-
21 sserting “Chair”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(2) Any reference in any law, regulation, docu-
25 ment, paper, or other record of the United States to

1 the chairman or the Chairman of the Commission
2 shall be deemed to be a reference to the Chair of the
3 Commission.”;

4 (B) in subsection (d), by striking “Chair-
5 man” each place the term appears and insert-
6 ing “Chair”;

7 (C) in subsection (f)(2), by striking “chair-
8 man” each place the term appears and insert-
9 ing “Chair”; and

10 (D) in subsection (g)(1), by striking
11 “chairman” and inserting “Chair”;
12 (2) in section 5 (47 U.S.C. 155)—

13 (A) in subsection (a), by striking “chair-
14 man” each place the term appears and insert-
15 ing “Chair”; and

16 (B) in subsection (e), by striking “Chair-
17 man” each place the term appears and insert-
18 ing “Chair”;

19 (3) in section 13(c) (47 U.S.C. 163(c)), by
20 striking “Chairman” and inserting “Chair”;

21 (4) in section 309(j)(8)(G)(iv) (47 U.S.C.
22 309(j)(8)(G)(iv)), by striking “Chairman” and in-
23 serting “Chair”;

24 (5) in section 344 (47 U.S.C. 344)—

1 (A) in subsection (b)(1), by striking
2 “Chairman” and inserting “Chair”;

3 (B) in subsection (d), by striking “Chair-
4 man” each place the term appears and insert-
5 ing “Chair”; and

6 (6) in section 410(c) (47 U.S.C. 410(c)), by
7 striking “Chairman of the Commission” and insert-
8 ing “Chair of the Commission”.

9 **SEC. 102. CLOSED CAPTIONING.**

10 (a) IN GENERAL.—Section 713 of the Communica-
11 tions Act of 1934 (47 U.S.C. 613) is amended—

12 (1) by redesignating subsections (d) through (h)
13 as subsections (e) through (i), respectively;

14 (2) in subsection (c), by striking paragraphs (2)
15 and (3) and inserting the following:

16 “(2) DEADLINES FOR PROGRAMMING MADE
17 AVAILABLE USING INTERNET PROTOCOL.—

18 “(A) REGULATIONS ON CLOSED CAP-
19 TIONING ON VIDEO PROGRAMMING MADE AVAIL-
20 ABLE USING INTERNET PROTOCOL OR SUC-
21 CESSOR PROTOCOL.—Not later than 18 months
22 after the date of submission of the report to the
23 Commission required under section 106(f)(1) of
24 the Communications, Video, and Technology
25 Accessibility Act of 2023, the Commission shall

1 revise its regulations to require the provision,
2 receipt, and display of closed captioning on
3 video programming made available using Inter-
4 net protocol or any successor protocol published
5 or exhibited after the effective date of the re-
6 vised regulations.

7 “(B) SCHEDULE.—The regulations revised
8 under this paragraph shall include an appro-
9 priate schedule of deadlines, the latest of which
10 shall be not later than 6 years after the date of
11 submission of the report to the Commission re-
12 quired under section 106(f)(1) of the Commu-
13 nications, Video, and Technology Accessibility
14 Act of 2023, for the provision, receipt, and dis-
15 play of closed captioning on video programming
16 made available using Internet protocol or any
17 successor protocol, taking into account whether
18 the programming—

19 “(i) is prerecorded, live, or near-live;

20 “(ii) has been made available to view-
21 ers before the effective date of the revised
22 regulations; and

23 “(iii) was live or near-live at the time
24 it was initially made available.

1 “(C) REQUIREMENTS FOR REGULA-
2 TIONS.—The regulations revised under this
3 paragraph—

4 “(i) shall—

5 “(I) ensure that English-lan-
6 guage and Spanish-language video
7 programming first published or exhib-
8 ited after the effective date of the re-
9 vised regulations is fully accessible
10 through the provision of closed cap-
11 tions in the original language of the
12 audio track of the programming;

13 “(II) define categories of entities
14 engaged in making available video
15 programming; and

16 “(III) apportion the responsibil-
17 ities for the provision, quality, pass-
18 through, and rendering of closed cap-
19 tions among the entities defined by
20 the Commission under subclause
21 (II)—

22 “(aa) to ensure full access
23 by viewers via all entities and
24 combinations of entities that

11

1 make video programming avail-
2 able to viewers;

3 “(bb) to ensure that the reg-
4 ulations can be enforced effec-
5 tively against responsible parties;
6 and

7 “(cc) to ensure that closed
8 caption data remains with the
9 video programming to which the
10 data is added and is distributed
11 in common formats so that closed
12 captions can be exhibited intact
13 by all other entities that subse-
14 quently make the programming
15 available to viewers;

16 “(ii) shall require that an entity en-
17 gaged in making available user-generated
18 video, whether or not the entity is also en-
19 gaged in making available video that is not
20 user-generated video, provide easy-to-use
21 authoring tools that—

22 “(I) permit users who post videos
23 on the entity’s platform to add closed
24 captions; and

1 “(II) conspicuously prompt users
2 who post videos on the entity’s plat-
3 form to use the tools;

4 “(iii) shall not distinguish between
5 full-length programming and video clips;
6 and

7 “(iv) for the purposes of determining
8 closed captioning obligations under this
9 section and assessing compliance with the
10 regulations of the Commission governing
11 the quality of closed captioning under
12 paragraphs (j), (k), and (m) of section
13 79.1 of title 47, Code of Federal Regula-
14 tions, or any successor regulation gov-
15 erning closed captioning quality, treat any
16 programming that was live programming
17 or near-live programming at the time that
18 it was initially made available to viewers as
19 prerecorded programming if it is again
20 made available to viewers more than 24
21 hours after its initial availability.”;

22 (3) by inserting after subsection (c) the fol-
23 lowing:

24 “(d) CAPTION QUALITY UPDATES.—

1 “(1) IN GENERAL.—Not later than 4 years
2 after the date of enactment of the Communications,
3 Video, and Technology Accessibility Act of 2023, the
4 Commission shall revise its regulations to extend the
5 requirements for the quality of closed captions under
6 paragraphs (j), (k), and (m) of section 79.1 of title
7 47, Code of Federal Regulations, or any successor
8 regulation, to all programming made available via
9 Internet protocol or any successor protocol.

10 “(2) REGULAR UPDATES.—Not later than 4
11 years after the date of enactment of the Commu-
12 nications, Video, and Technology Accessibility Act of
13 2023, and every 4 years thereafter, the Commission
14 shall—

15 “(A) update its regulations pertaining to
16 the quality of closed captions as necessary to
17 reflect technological and methodological ad-
18 vances, to the extent deployment of such ad-
19 vances will improve the quality of closed cap-
20 tions; and

21 “(B) take any action, including enforce-
22 ment, necessary to ensure compliance with its
23 regulations pertaining to the quality of closed
24 captions.”; and

25 (4) in subsection (e), as so redesignated—

1 (A) in the matter preceding paragraph (1),
2 by striking “subsection (b)” and inserting “sub-
3 sections (b) and (c)”;

4 (B) in paragraph (1), by striking “the pro-
5 vider or owner of such programming” and in-
6 serting “an entity responsible for publishing,
7 exhibiting, or making available such program-
8 ming”; and

9 (C) by striking paragraph (3) and insert-
10 ing the following:

11 “(3) an entity responsible for publishing, exhib-
12 iting, or making available video programming may
13 petition the Commission for an exemption from the
14 requirements of subsection (b) or (c), and the Com-
15 mission may grant the petition upon a showing that
16 the requirements would be economically burdensome.
17 The Commission shall act to grant or deny any such
18 petition, in whole or in part, not later than 6 months
19 after the Commission receives the petition, unless
20 the Commission finds that an extension of the 6-
21 month period is necessary to determine whether the
22 requirements are economically burdensome.”.

23 (b) ELIMINATION OF CERTAIN CATEGORICAL EX-
24 EMPTIONS.—Not later than 1 year after the date of enact-
25 ment of this Act, the Federal Communications Commis-

1 sion shall reassess the second sentence of paragraph
2 (a)(10) and reassess paragraph (d) of section 79.1 of title
3 47, Code of Federal Regulations, to eliminate categorical
4 exemptions that impede access to video programming, are
5 outdated, or are no longer warranted under subsection
6 (e)(1) of section 713 of the Communications Act of 1934
7 (47 U.S.C. 613), as so redesignated by subsection (a) of
8 this section.

9 **SEC. 103. AUDIO DESCRIPTION.**

10 (a) IN GENERAL.—Subsection (g) of section 713 of
11 the Communications Act of 1934 (47 U.S.C. 613), as re-
12 designated by section 102, is amended—

13 (1) in the heading, by striking “Video” and in-
14 serting “Audio”; and

15 (2) by striking paragraphs (2), (3), and (4) and
16 inserting the following:

17 “(2) REVISION TO REINSTATED AUDIO DE-
18 SCRIPTION REGULATIONS FOR PROGRAMMING PUB-
19 LISHED OR EXHIBITED ON TELEVISION.—

20 “(A) IN GENERAL.—Not later than 18
21 months after the date of enactment of the Com-
22 munications, Video, and Technology Accessi-
23 bility Act of 2023, the Commission shall revise
24 section 79.3 of title 47, Code of Federal Regu-
25 lations (relating to audio description of video

1 programming) in accordance with subparagraph
2 (B).

3 “(B) REQUIREMENTS.—The regulations
4 revised under subparagraph (A)—

5 “(i) shall ensure that all English-lan-
6 guage and Spanish-language video pro-
7 gramming first published or exhibited on
8 television after the effective date of the re-
9 vised regulations is fully accessible through
10 the provision of audio description in the
11 original language of the audio track of the
12 programming;

13 “(ii) shall include an appropriate
14 schedule of deadlines, the latest of which
15 shall be not later than 6 years after the ef-
16 fective date of the revised regulations, for
17 the provision, receipt, and performance of
18 audio described programming published or
19 exhibited on television, taking into account
20 whether the programming—

21 “(I) is prerecorded, live, or near-
22 live;

23 “(II) has been published or ex-
24 hibited prior to the effective date of
25 the revised regulations; and

1 “(III) was live or near-live at the
2 time it was initially published or ex-
3 hibited;

4 “(iii) shall provide that audio de-
5 scribed programming published or exhib-
6 ited on television shall—

7 “(I) be labeled and searchable or
8 otherwise easily discoverable through
9 navigation devices, apparatuses, appli-
10 cations, and other methods by which
11 the programming is published or ex-
12 hibited; and

13 “(II) include a recognizable tone
14 at the beginning of the programming
15 on all audio channels provided in the
16 same languages as the available audio
17 description streams to indicate that
18 audio description is available in those
19 languages;

20 “(iv) shall provide that audio descrip-
21 tion of video programming published or ex-
22 hibited on television shall be made avail-
23 able to the public on an audio channel sole-
24 ly dedicated to audio description, so long

1 as it is achievable (as defined in section
2 716);

3 “(v) shall require any entity involved
4 in the publishing or exhibiting of audio de-
5 scribed programming published or exhib-
6 ited on television to provide contact infor-
7 mation, consistent with sections 79.1(i)
8 and 79.4(e)(2)(iii) of title 47, Code of Fed-
9 eral Regulations, or any successor regula-
10 tions, for users to report problems related
11 to audio description; and

12 “(vi) for the purposes of determining
13 audio description obligations under this
14 paragraph and assessing compliance with
15 regulations adopted to assess the quality of
16 audio description under paragraph (4),
17 shall treat any programming that was live
18 or near-live programming at the time of its
19 initial airing as prerecorded programming
20 if it is re-exhibited by an entity more than
21 36 hours after its initial airing.

22 “(3) AUDIO DESCRIPTION ON VIDEO PROGRAM-
23 MING MADE AVAILABLE VIA INTERNET PROTOCOL.—

24 “(A) IN GENERAL.—Not later than 2 years
25 after the date of submission of the report to the

1 Commission required under subsection
2 106(f)(2) of the Communications, Video, and
3 Technology Accessibility Act of 2023, the Com-
4 mission shall revise its regulations to require
5 the provision, receipt, and performance of audio
6 description on video programming made avail-
7 able using Internet protocol or any successor
8 protocol published or exhibited after the effec-
9 tive date of the revised regulations.

10 “(B) REQUIREMENTS.—The regulations
11 revised under subparagraph (A)—

12 “(i) shall ensure that all video pro-
13 gramming made available using Internet
14 protocol or any successor protocol is fully
15 accessible through the provision of audio
16 description;

17 “(ii) shall include an appropriate
18 schedule of deadlines, the latest of which
19 shall be not later than 6 years after the ef-
20 fective date of the revised regulations, for
21 the provision, receipt, and performance of
22 audio described programming made avail-
23 able using Internet protocol or any suc-
24 cesssor protocol, taking into account wheth-
25 er the programming—

1 “(I) is prerecorded, live, or near-
2 live;

3 “(II) has been made available to
4 users prior to the effective date of the
5 revised regulations; and

6 “(III) was live or near-live at the
7 time it was initially made available;

8 “(iii) shall—

9 “(I) define categories of entities
10 engaged in making available video
11 programming using Internet protocol
12 or any successor protocol; and

13 “(II) apportion the responsibil-
14 ities for the provision, quality, pass-
15 through, and performance of audio de-
16 scription among the entities identified
17 by the Commission under subclause
18 (I)—

19 “(aa) to ensure full access
20 by viewers;

21 “(bb) to ensure that the reg-
22 ulations can be enforced effec-
23 tively against responsible parties;
24 and

1 “(cc) to ensure that audio
2 description data remains with the
3 video programming to which the
4 data is added and is distributed
5 in common formats so that audio
6 description can be exhibited in-
7 tact by all other entities that
8 subsequently make the program-
9 ming available to viewers;

10 “(iv) shall require that an entity en-
11 gaged in making available user-generated
12 video, whether or not the entity is also en-
13 gaged in making available video that is not
14 user-generated video, provides easy-to-use
15 authoring tools that—

16 “(I) permit users who post videos
17 on the entity’s platform to add audio
18 description; and

19 “(II) conspicuously prompt users
20 who post videos on the entity’s plat-
21 form to use the tools;

22 “(v) shall provide that audio described
23 programming made available using Inter-
24 net protocol or any successor protocol
25 shall—

1 “(I) be labeled and searchable or
2 otherwise easily discoverable through
3 navigation devices, apparatuses, appli-
4 cations, and other methods on which
5 the programming is made available;
6 and

7 “(II) include a recognizable tone
8 at the beginning of the programming
9 on all audio channels provided in the
10 same languages as the available audio
11 description streams to indicate that
12 audio description is available in those
13 languages;

14 “(vi) shall provide that audio descrip-
15 tion of video programming made available
16 using Internet protocol or any successor
17 protocol shall be provided on an audio
18 track solely dedicated to audio description,
19 so long as it is achievable (as defined in
20 section 716);

21 “(vii) shall require entities engaged in
22 making available audio described program-
23 ming using Internet protocol or any suc-
24 cessor protocol to provide contact informa-
25 tion, consistent with sections 79.1(i) and

1 79.4(c)(2)(iii) of title 47, Code of Federal
2 Regulations, or any successor regulations,
3 for users to report problems related to
4 audio description; and

5 “(viii) for the purposes of determining
6 audio description obligations under this
7 paragraph and assessing compliance with
8 regulations adopted to assess the quality of
9 audio description under paragraph (4),
10 shall treat any programming that was live
11 or near-live programming at the time it
12 was initially made available as prerecorded
13 programming if it is made available by any
14 entity more than 36 hours after it was ini-
15 tially made available.

16 “(4) AUDIO DESCRIPTION QUALITY.—

17 “(A) IN GENERAL.—Not later than 3 years
18 after the date of submission of the report to the
19 Commission required under subsection
20 106(f)(2) of the Communications, Video, and
21 Technology Accessibility Act of 2023, the Com-
22 mission shall adopt regulations to ensure the
23 quality of audio description on video program-
24 ming, including video programming published
25 or exhibited on television or made available via

1 Internet protocol or any successor protocol, as
2 necessary to afford access to video program-
3 ming that is functionally equivalent to the ac-
4 cess provided by the visual components of the
5 programming, including, to the extent prac-
6 ticable, open subtitles in the same language as
7 the audio or in other languages if the subtitles
8 convey information relevant to the program that
9 is not conveyed in the audio of the program.

10 “(B) REQUIREMENTS.—The regulations
11 adopted under subparagraph (A) shall require
12 that audio description—

13 “(i) sufficiently convey key elements
14 of the visual component;

15 “(ii) be appropriately voiced, consid-
16 ering whether the use of synthetic voices is
17 permissible and if so, under what cir-
18 cumstances; and

19 “(iii) be appropriately edited and en-
20 coded to ensure consistency with the edit-
21 ing and encoding of the non-description
22 audio track of the programming.

23 “(5) AUDIO DESCRIPTION EXEMPTIONS.—Not-
24 withstanding paragraphs (2) and (3)—

1 “(A) the Commission may exempt by regu-
2 lation from the requirements under paragraphs
3 (2) and (3) programs, classes of programs, or
4 services for which the Commission has deter-
5 mined that the provision of audio description
6 would be economically burdensome to an entity
7 responsible for publishing or exhibiting or mak-
8 ing available such programming; and

9 “(B) an entity responsible for publishing
10 or exhibiting or making available video pro-
11 gramming may petition the Commission for an
12 exemption from the requirements under para-
13 graphs (2) and (3), and the Commission may
14 grant the exemption upon a showing that the
15 requirement to include audio description would
16 be economically burdensome. The Commission
17 shall act to grant or deny any such petition, in
18 whole or in part, not later than 6 months after
19 the Commission receives the petition, unless the
20 Commission finds that an extension of the 6-
21 month period is necessary to determine whether
22 the requirements are economically burden-
23 some.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
2 Title III of the Communications Act of 1934 (47 U.S.C.
3 301 et seq.) is amended—

4 (1) in section 303 (47 U.S.C. 303)—

5 (A) in subsection (u)—

6 (i) in paragraph (1)(B)—

7 (I) by striking “video descrip-
8 tion” and inserting “audio descrip-
9 tion”; and

10 (II) by striking “section 713(f)”
11 and inserting “section 713(g)”; and

12 (ii) by moving the left margin of that
13 subsection and each paragraph, subpara-
14 graph, and clause therein 2 ems to the left;
15 and

16 (B) in subsection (z)(1), by striking “video
17 description” each place the term appears and
18 inserting “audio description”; and

19 (2) in section 330(b) (47 U.S.C. 330(b)), by
20 striking “video description” each place the term ap-
21 pears and inserting “audio description”.

1 **SEC. 104. TECHNICAL AND CONFORMING AMENDMENTS RE-**
2 **LATING TO ECONOMIC BURDEN.**

3 Subsection (f) of section 713 of the Communications
4 Act of 1934 (47 U.S.C. 613), as redesignated by section
5 102, is amended—

6 (1) in the matter preceding paragraph (1)—

7 (A) by striking “The term ‘undue burden’
8 means” and inserting “For purposes of this
9 section, the term ‘economically burdensome’
10 means”;

11 (B) by inserting “or audio description”
12 after “closed captions”;

13 (C) by striking “this paragraph” and in-
14 serting “subsections (e) and (g)(5)”; and

15 (D) by striking “result in an undue eco-
16 nomic burden” and inserting “be economically
17 burdensome”; and

18 (2) in paragraph (1), by inserting “or audio de-
19 scription” after “closed captions”.

20 **SEC. 105. AMERICAN SIGN LANGUAGE VIDEO PROGRAM-**
21 **MING.**

22 Section 713 of the Communications Act of 1934 (47
23 U.S.C. 613) is amended—

24 (1) by redesignating subsections (i) (as redesign-
25 ated by section 102) and (j) as subsections (j) and
26 (k), respectively; and

1 (2) by inserting before subsection (j), as so re-
2 designated, the following:

3 “(i) AMERICAN SIGN LANGUAGE INTERPRETATION
4 OF VIDEO PROGRAMMING.—Not later than 2 years after
5 the date of submission of the report to the Commission
6 required under section 106(f)(3) of the Communications,
7 Video, and Technology Accessibility Act of 2023, the Com-
8 mission shall prescribe regulations to—

9 “(1) establish uniform standards for the display
10 and visibility of American Sign Language interpreta-
11 tion where it is provided for video programming, in-
12 cluding standards for ensuring that an interpreter is
13 visible on the viewer’s screen during the program-
14 ming; and

15 “(2) ensure that all video programming pub-
16 lished or exhibited on television or made available
17 via Internet protocol or any successor protocol that
18 includes American Sign Language interpretation
19 complies with the uniform standards established
20 under paragraph (1) to the extent that compliance
21 with such standards is achievable (as defined in sec-
22 tion 716) by each entity responsible for delivering
23 the programming.”.

1 **SEC. 106. INTERNET PROTOCOL CLOSED CAPTIONING AND**
2 **AUDIO DESCRIPTION ADVISORY COMMITTEE.**

3 (a) DEFINITIONS.—In this section:

4 (1) ADVISORY COMMITTEE.—The term “Advi-
5 sory Committee” means the Closed Captioning and
6 Audio Description Advisory Committee established
7 under subsection (b).

8 (2) CHAIR.—The term “Chair” means the
9 Chair of the Commission.

10 (3) COMMISSION.—The term “Commission”
11 means the Federal Communications Commission.

12 (b) ESTABLISHMENT.—Not later than 60 days after
13 the date of enactment of this Act, the Chair shall establish
14 an advisory committee to be known as the “Closed Cap-
15 tioning and Audio Description Advisory Committee”.

16 (c) MEMBERSHIP.—As soon as practicable after the
17 date of enactment of this Act, the Chair shall appoint indi-
18 viduals who have the technical knowledge and engineering
19 expertise to serve on the Advisory Committee in the fulfill-
20 ment of its duties, including the following:

21 (1) Representatives of entities engaged in mak-
22 ing available video programming Internet protocol or
23 any successor protocol, or a national organization or
24 organization representing such entities.

25 (2) Representatives of vendors, developers, and
26 manufacturers of systems, facilities, equipment, and

1 capabilities for the provision of video programming,
2 including programming delivered using Internet pro-
3 tocol or successor protocols, or a national organiza-
4 tion representing such vendors, developers, or manu-
5 facturers.

6 (3) Representatives of manufacturers of con-
7 sumer electronics or information technology equip-
8 ment used in the delivery of video programming, in-
9 cluding programming delivered via Internet protocol
10 or successor protocols, or a national organization
11 representing such manufacturers.

12 (4) Individuals with expertise generating user-
13 generated video, or a national organization rep-
14 resenting such individuals.

15 (5) Representatives of national organizations
16 representing accessibility advocates, including people
17 with disabilities and older Americans.

18 (6) Representatives of service agencies engaged
19 in the provision of captioning and audio description
20 for video programming, including programming de-
21 livered via Internet protocol or successor protocols.

22 (7) Academic experts or representatives of re-
23 search institutes with expertise on captioning and
24 audio description.

1 (8) Individuals with technical and engineering
2 expertise, as the Chair determines appropriate.

3 (d) COMMISSION OVERSIGHT.—The Chair shall ap-
4 point a member of the Commission’s staff to moderate and
5 direct the work of the Advisory Committee.

6 (e) TECHNICAL STAFF.—The Chair shall appoint a
7 member of the Commission’s technical staff to provide
8 technical assistance to the Advisory Committee.

9 (f) DEVELOPMENT OF RECOMMENDATIONS.—

10 (1) CLOSED CAPTIONING REPORT.—Not later
11 than 1 year after the date of the first meeting of the
12 Advisory Committee, the Advisory Committee shall
13 develop and submit to the Commission a report that
14 includes the following:

15 (A) A recommended schedule of deadlines
16 for the provision of closed captioning on video
17 programming made available via Internet pro-
18 tocol or any successor protocol.

19 (B) Identification of the protocols, tech-
20 nical capabilities, and technical procedures
21 needed to permit responsible entities to reliably
22 provide, receive, and display closed captions of
23 video programming made available via using
24 Internet protocol or any successor protocol.

1 (C) Identification of additional protocols,
2 technical capabilities, and technical procedures
3 beyond those available as of the date of enact-
4 ment of this Act needed for the provision, re-
5 ceipt, and display of closed captions of video
6 programming made available using Internet
7 protocol or any successor protocol.

8 (D) A recommendation for technical stand-
9 ards to address the protocols, capabilities, and
10 procedures identified under subparagraph (B).

11 (E) A recommendation for any regulations
12 that may be necessary to ensure compatibility
13 between video programming made available
14 using Internet protocol or any successor pro-
15 tocol and apparatuses and navigation devices
16 capable of receiving and displaying such pro-
17 gramming in order to facilitate access to closed
18 captions.

19 (F) An identification of attributes of easy-
20 to-use authoring tools that can be used by view-
21 ers to add closed captions to video program-
22 ming made available using Internet protocol or
23 any successor protocol.

24 (G) An identification of the categories of
25 entities involved in the online delivery of video

1 programming, along with a recommendation on
2 how to apportion the responsibilities for the
3 provision, quality, pass-through, and display of
4 closed captions among those entities to ensure
5 full access by viewers.

6 (H) A recommendation for best practices
7 for ensuring that programming that was live
8 programming or near-live programming at the
9 time that it was initially made available to view-
10 ers is subsequently made available at the level
11 of quality required for prerecorded program-
12 ming.

13 (I) A recommendation for defining metrics
14 and thresholds to be used for measuring the ac-
15 curacy, synchronicity, completeness, and place-
16 ment of closed captions for live programming as
17 necessary to afford access to video program-
18 ming that is functionally equivalent to the ac-
19 cess provided by the audio track, with minimum
20 thresholds that are neutral to different modali-
21 ties for creating closed captions.

22 (2) AUDIO DESCRIPTION REPORT.—Not later
23 than 1 year after the date of the first meeting of the
24 Advisory Committee, the Advisory Committee shall

1 develop and submit to the Commission a report that
2 includes the following:

3 (A) A recommended schedule of deadlines
4 for the provision of audio description on video
5 programming made available using Internet
6 protocol or any successor protocol.

7 (B) Identification of the protocols, tech-
8 nical capabilities, and technical procedures
9 needed to permit responsible entities to reliably
10 provide, receive, and perform audio description
11 of video programming made available via Inter-
12 net protocol or any successor protocol.

13 (C) Identification of additional protocols,
14 technical capabilities, and technical procedures
15 beyond those available as of the date of enact-
16 ment of this Act needed for the delivery of
17 audio description of video programming.

18 (D) A recommendation for technical stand-
19 ards to address the protocols, capabilities, and
20 procedures identified under subparagraph (B).

21 (E) A recommendation for any regulations
22 that may be necessary to ensure compatibility
23 between video programming made available
24 using Internet protocol or any successor pro-
25 tocol and apparatuses and navigation devices

1 capable of receiving and displaying such pro-
2 gramming in order to facilitate access to audio
3 description.

4 (F) A recommendation for standards, pro-
5 tocols, and procedures to ensure that audio de-
6 scribed video programming is labeled and
7 searchable or otherwise easily discoverable
8 through navigation devices, apparatuses, appli-
9 cations, and other methods on which such pro-
10 gramming is published or exhibited or made
11 available.

12 (G) A recommendation for the achievability
13 of making audio description available on a dedi-
14 cated audio channel.

15 (H) An identification of the categories of
16 entities engaged in the online delivery of video
17 programming, along with a recommendation on
18 how to apportion the responsibilities for the
19 provision, quality, pass-through, and perform-
20 ance of audio description among those entities
21 to ensure full access by viewers.

22 (I) A recommendation for defining metrics
23 to be used for measuring the quality of audio
24 description as necessary to afford access to

1 video programming that is functionally equiva-
2 lent to the access provided visually.

3 (J) An identification of easy-to-use author-
4 ing tools that can be used by viewers to add
5 audio description to video programming made
6 available via Internet protocol or any successor
7 protocol.

8 (3) AMERICAN SIGN LANGUAGE VIDEO PRO-
9 GRAMMING REPORT.—Not later than 180 days after
10 the date of the first meeting of the Advisory Com-
11 mittee, the Advisory Committee shall develop and
12 submit to the Commission a report that includes a
13 recommendation for standards for the display and
14 visibility of American Sign Language interpretation
15 where it is provided for video programming, includ-
16 ing standards for ensuring that an interpreter is
17 visible on a viewer's screen during the programming.

18 (4) CONSIDERATION OF WORK BY STANDARDS-
19 SETTING ORGANIZATIONS.—The recommendations of
20 the Advisory Committee shall, insofar as possible, in-
21 corporate standards, protocols, and procedures that
22 have been adopted by recognized industry standards-
23 setting organizations for each of the purposes de-
24 scribed in paragraphs (1), (2), and (3).

25 (g) MEETINGS.—

1 (1) INITIAL MEETING.—The initial meeting of
2 the Advisory Committee shall take place not later
3 than 45 days after the date on which the Chair has
4 appointed all the members of the Advisory Com-
5 mittee under subsection (c).

6 (2) OTHER MEETINGS.—After the initial meet-
7 ing, the Advisory Committee shall meet at the call
8 of the Chair.

9 (3) NOTICE; OPEN MEETINGS.—Any meeting
10 held by the Advisory Committee—

11 (A) shall be noticed not later than 14 days
12 before the meeting; and

13 (B) shall be open to the public.

14 (h) PROCEDURAL RULES.—

15 (1) QUORUM.—The presence of one-third of the
16 members of the Advisory Committee shall constitute
17 a quorum for conducting the business of the Advi-
18 sory Committee.

19 (2) SUBCOMMITTEES.—To assist the Advisory
20 Committee in carrying out its functions, the Chair
21 may establish appropriate subcommittees composed
22 of members of the Advisory Committee and other
23 subject matter experts.

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

4 (i) INAPPLICABILITY OF FEDERAL ADVISORY COM-
5 MITTEE ACT.—Chapter 10 of title 5, United States Code,
6 shall not apply with respect to the Advisory Committee
7 or the activities of the Advisory Committee.

8 **TITLE II—VIDEO PLAYBACK**
9 **APPARATUSES**

10 **SEC. 201. VIDEO PLAYBACK APPARATUSES.**

11 (a) IN GENERAL.—Section 303 of the Communica-
12 tions Act of 1934 (47 U.S.C. 303) is amended—

13 (1) in subsection (u)—

14 (A) by adjusting the margins two ems to
15 the left;

16 (B) in paragraph (1)(C), by striking “vis-
17 ually impaired” and inserting “low vision”;

18 (C) in paragraph (2)—

19 (i) by striking subparagraph (A); and

20 (ii) by redesignating subparagraphs

21 (B) and (C) as subparagraphs (A) and

22 (B), respectively;

23 (2) in subsection (z)—

24 (A) by adjusting the margins two ems to
25 the left;

1 (B) in paragraph (1), by striking “video
2 description” each place it appears and inserting
3 “audio description”; and

4 (C) in paragraph (2)—

5 (i) by striking “available to” and in-
6 serting the following: “available—
7 “(A) to”;

8 (ii) in subparagraph (A), as so des-
9 ignated—

10 (I) by striking “or render”; and

11 (II) by striking “audible.” and
12 inserting the following: “audible,
13 which—

14 “(i) shall require encoding closed cap-
15 tions and audio description data along with
16 audio and video transmission in a format
17 that can be adjusted and rendered by the
18 consumer equipment consistent with the
19 requirements of subsection (cc); and

20 “(ii) does not include merely ren-
21 dering closed captions or audio description
22 into visual or aural forms on the source de-
23 vice; and”;

24 (iii) by adding at the end the fol-
25 lowing:

1 “(B) to enable the activation of closed cap-
2 tions, audio description, and emergency infor-
3 mation on the consumer equipment.”; and

4 (3) by striking subsections (aa) and (bb) and
5 inserting the following:

6 “(aa) Require for all digital apparatus designed to
7 receive or play back video programming made available si-
8 multaneously with sound, including apparatus designed to
9 receive or display video programming made available using
10 Internet protocol or any successor protocol, and navigation
11 devices (as defined in section 76.1200 of title 47, Code
12 of Federal Regulations, or any successor regulation) for
13 the display or selection of multichannel video program-
14 ming manufactured or imported into the United States,
15 that each apparatus or device—

16 “(1) be designed, developed, and fabricated so
17 that control of appropriate built-in apparatus func-
18 tions are accessible to and usable by individuals with
19 disabilities, including individuals who are blind or
20 low-vision, individuals with mobility disabilities, and
21 individuals with speech disabilities, except that the
22 Commission may not specify the technical standards,
23 protocols, procedures, and other technical require-
24 ments for meeting this requirement;

1 “(2) if equipped with built-in on-screen text
2 menus or other visual indicators that are used to ac-
3 cess its functions, to accompany such functions with
4 audio output that is either integrated or peripheral
5 to the apparatus or navigation device, so that such
6 menus or indicators are accessible to and usable by
7 individuals who are blind or low-vision in real-time;

8 “(3) provides easy access to closed captioning
9 activation by—

10 “(A) if the apparatus or device is con-
11 trolled by a physical remote control included
12 with the apparatus or device at the time of pur-
13 chase, providing a dedicated and tactilely identi-
14 fiable button of at least similar size to other
15 buttons on the remote control that is—

16 “(i) clearly labeled for closed captions;

17 and

18 “(ii) easily locatable on the remote
19 control to activate and deactivate closed
20 captions; and

21 “(B) if the apparatus or device is con-
22 trolled by means other than a remote control,
23 providing a dedicated button, key, or icon that
24 is prominently displayed, clearly labeled for

1 closed captions, and easily locatable to activate
2 and deactivate closed captions;

3 “(4) provides easy access to audio description
4 activation by—

5 “(A) if the apparatus or device is con-
6 trolled by a physical remote control included
7 with the apparatus or device at the time of pur-
8 chase, providing a dedicated and tactilely identi-
9 fiable button of at least similar size to other
10 buttons on the remote control that is—

11 “(i) clearly labeled for audio descrip-
12 tion; and

13 “(ii) easily locatable on the remote
14 control to activate and deactivate audio de-
15 scription; and

16 “(B) if the apparatus or device is con-
17 trolled by means other than a remote control,
18 providing a dedicated button, key, or icon that
19 is prominently displayed, clearly labeled for
20 audio description, and easily locatable to acti-
21 vate and deactivate audio description;

22 “(5) provides easy access to closed captioning
23 display settings, including the technical capabilities
24 set forth in section 79.103(c) of title 47, Code of
25 Federal Regulations, or any successor regulation,

1 and audio description performance settings, includ-
2 ing the capability to adjust the relative volumes of
3 audio description and the audio track of a program,
4 by—

5 “(A) if the apparatus or device is con-
6 trolled by a physical remote control included
7 with the apparatus or device at the time of pur-
8 chase, providing a dedicated and tactilely identi-
9 fiable button that is prominently displayed,
10 clearly labeled for accessibility settings, and
11 easily locatable on the remote control—

12 “(i) to permit the user to change
13 closed captioning and audio description
14 settings;

15 “(ii) that permits previewing the set-
16 tings while leaving the underlying pro-
17 gramming visible and audible; and

18 “(iii) that is of at least similar size to
19 other buttons on the remote control; and

20 “(B) if the apparatus or device is con-
21 trolled by means other than a remote control,
22 providing a dedicated button, key, or icon that
23 is prominently displayed, clearly labeled for ac-
24 cessibility settings, and easily discoverable
25 that—

1 “(i) permits the user to change closed
2 captioning display and audio description
3 performance settings; and—

4 “(ii) is displayed proximately to the
5 video playback interface; and

6 “(iii) permits previewing the settings
7 while leaving the underlying programming
8 visible and audible;

9 “(6) provides a user with a prompt to modify
10 closed caption activation and display settings and
11 audio description activation and performance set-
12 tings required under paragraphs (1) through (5)
13 upon initial power-on after user purchase of the ap-
14 paratus or device or upon a reset to factory settings
15 of the apparatus or device;

16 “(7) ensures that closed caption activation and
17 display settings and audio description activation and
18 performance settings required under paragraphs (1)
19 through (6) persist across all video playback
20 functionality on the apparatus or device, including in
21 applications or other software or plug-ins added by
22 the user after the sale of the apparatus or device,
23 and after powering off or restarting the apparatus
24 or device, until a user changes the settings or the

1 apparatus or device is reset to factory default set-
2 tings by the user; and

3 “(8) provides the necessary hardware and soft-
4 ware to achieve compatibility with assistive tech-
5 nologies and services, peripheral devices, or special-
6 ized customer premises equipment commonly used
7 by individuals with disabilities to achieve access, in-
8 cluding refreshable braille displays, switch activation
9 such as sip and puff devices, hearing aids, hands-
10 free technologies, and voice control technologies.”.

11 (b) IMPLEMENTING REGULATIONS.—

12 (1) DEFINITION.—In this subsection, the term
13 “navigation device” has the meaning given the term
14 in section 76.1200 of title 47, Code of Federal Reg-
15 ulations, or any successor regulation.

16 (2) REQUIREMENT.—Not later than 18 months
17 after the date of enactment of this Act, the Federal
18 Communications Commission shall prescribe such
19 regulations as are necessary to implement the
20 amendments made by subsection (a), which shall—

21 (A) define categories of entities engaged in
22 manufacturing, importing into the United
23 States, maintaining, operating, or providing ap-
24 plications, plugins, or other software for appa-
25 ratus and navigation devices; and

1 (B) apportion the responsibilities for com-
2 pliance with subsections (u), (z), and (aa) of
3 section 303 of the Communications Act of 1934
4 (47 U.S.C. 303) among the entities defined by
5 the Commission under paragraph (1)—

6 (i) to ensure full access by viewers via
7 all entities and combinations of entities re-
8 sponsible for digital apparatus and naviga-
9 tion devices; and

10 (ii) to ensure that the regulations can
11 be enforced effectively against responsible
12 parties.

13 **TITLE III—COMMUNICATIONS**
14 **SERVICES**

15 **SEC. 301. VIDEO CONFERENCING.**

16 The Communications Act of 1934 (47 U.S.C. 151 et
17 seq.) is amended—

18 (1) in section 3 (47 U.S.C. 153), as amended
19 by section 101—

20 (A) in paragraph (1)(D), by striking
21 “interoperable”;

22 (B) by striking paragraph (26), as so re-
23 designated by section 101;

24 (C) by redesignating paragraphs (27)
25 through (58), as so redesignated by section

1 101, as paragraphs (26) through (57), respec-
2 tively;

3 (D) by redesignating paragraph (57), as so
4 redesignated by subparagraph (C), as para-
5 graph (60); and

6 (E) by inserting after paragraph (56), as
7 so redesignated by subparagraph (C), the fol-
8 lowing:

9 “(57) VIDEO CONFERENCING SERVICE.—The
10 term ‘video conferencing service’ means a service
11 that provides real-time video communications, in-
12 cluding audio, to enable users to share information
13 of the user’s choosing.

14 “(58) VISUAL IMAGE DESCRIPTIVE
15 FUNCTIONALITY.—The term ‘visual image descrip-
16 tive functionality’ means functionality that generates
17 real-time descriptions of visual information, includ-
18 ing images and text, for the purpose of conveying
19 those descriptions to individuals with disabilities.

20 “(59) VISUAL IMAGE DESCRIPTIVE SERVICE.—
21 The term ‘visual image descriptive service’ means a
22 third party service that provides visual image de-
23 scriptive functionality.”; and

24 (2) in section 716(e) (47 U.S.C. 617(e)), by
25 adding at the end the following:

1 “(3) REVISION OF REGULATIONS; VIDEO CON-
2 FERENCING SERVICES.—Not later than 18 months
3 after the date on which the Advanced Communica-
4 tions Services Advisory Committee submits the re-
5 port required under section 304(f)(1) of the Commu-
6 nications, Video, and Technology Accessibility Act of
7 2023, the Commission shall revise the regulations
8 promulgated under this subsection to—

9 “(A) require that all obligations applicable
10 to advanced communications services, and
11 equipment used for advanced communications
12 services, extend to video conferencing services
13 and equipment used for video conferencing serv-
14 ices;

15 “(B) require that all advanced communica-
16 tions services and equipment capable of pro-
17 viding or enabling video conferencing services—

18 “(i) have built-in closed captioning
19 functionality using automatic speech rec-
20 ognition or similar or successor tech-
21 nologies;

22 “(ii) to the extent technically feasible,
23 have built-in automated visual image
24 functionality;

1 “(iii) implement application program-
2 ming interfaces or similar technical mecha-
3 nisms to allow the interconnection of, and
4 achieve compatibility with, assistive tech-
5 nologies and services, peripheral devices,
6 and specialized customer premises equip-
7 ment commonly used by individuals with
8 disabilities to achieve access, including—

9 “(I) third-party captioning serv-
10 ices;

11 “(II) third-party sign language
12 interpreting services;

13 “(III) visual image descriptive
14 services;

15 “(IV) telecommunications relay
16 services that have been approved by
17 the Commission under section 225;

18 “(V) screen-readers for all user
19 interface elements and visual informa-
20 tion, including presentations, videos,
21 and interactive documents shared dur-
22 ing video conference calls;

23 “(VI) refreshable braille displays
24 and other devices used for the tactile
25 conveyance of interface elements and

1 visual information, including presen-
2 tations, videos, and interactive docu-
3 ments shared during video conference
4 calls; and

5 “(VII) hands-free technologies
6 and voice control technologies.

7 “(iv) enable users and telecommuni-
8 cations relay service communications as-
9 sistants to control the activation and de-ac-
10 tivation, and customize the display, of cap-
11 tions, video interpreters, and communica-
12 tions assistants independently from hosts
13 of video conferencing sessions;

14 “(v) provide a simplified user inter-
15 face that is accessible to individuals with
16 cognitive disabilities, including, if achiev-
17 able, a simplified, secure modality for initi-
18 ating and authenticating a video confer-
19 encing session; and

20 “(vi) provide instructional materials
21 for activating a video conferencing session
22 with plain and simple language and iconog-
23 raphy that is accessible to individuals with
24 cognitive disabilities;

1 “(C) adopt quality requirements for built-
2 in closed captioning functionality to facilitate
3 effective communication under subparagraph
4 (B)(i); and

5 “(D) adopt quality requirements for built-
6 in automated visual image descriptive
7 functionality to facilitate effective communica-
8 tion under subparagraph (B)(ii).”.

9 **SEC. 302. RELAY SERVICES.**

10 The Communications Act of 1934 (47 U.S.C. 151 et
11 seq.), as amended by this Act, is amended—

12 (1) in section 225 (47 U.S.C. 225)—

13 (A) in subsection (a)—

14 (i) by redesignating paragraphs (2)
15 and (3) as paragraphs (5) and (6), respec-
16 tively;

17 (ii) by inserting after paragraph (1)
18 the following:

19 “(2) COMMUNICATION FACILITATOR.—The term
20 ‘communication facilitator’ means a skilled user of
21 American Sign Language who is able to facilitate
22 the ability of a DeafBlind person to engage in trans-
23 mission and other services described in this section
24 by conveying the information provided during the
25 use of those services to the DeafBlind person

1 through close vision or tactile American Sign Lan-
2 guage.

3 “(3) DEAF INTERPRETER.—The term ‘Deaf in-
4 terpreter’ means an individual who—

5 “(A) is deaf or hard of hearing;

6 “(B) possesses native or near-native flu-
7 ency in American Sign Language; and

8 “(C) has specialized training or experience
9 to assist in providing functionally equivalent
10 sign language interpretation for an individual
11 using American Sign Language in a situation
12 that—

13 “(i) requires linguistic or cultural me-
14 diation;

15 “(ii) may be highly complex in nature;
16 or

17 “(iii) may involve individuals who face
18 linguistic challenges, such as through
19 atypical language use, language depriva-
20 tion, or idiosyncratic signing styles.

21 “(4) DIRECT VIDEO CALLING SERVICE.—The
22 term ‘direct video calling service’ means telephone
23 customer support using one-to-one video communica-
24 tion that—

1 “(A) is facilitated by a contact center rep-
2 resentative; and

3 “(B) enables a real-time conversation to
4 occur directly between not fewer than 2 parties
5 using American Sign Language—

6 “(i) not less than 1 of the parties to
7 which is a governmental agency, business,
8 non-profit organization, emergency author-
9 ity, or other enterprise; and

10 “(ii) not less than 1 of the parties to
11 which—

12 “(I) is deaf, hard of hearing, or
13 DeafBlind; or

14 “(II) has a speech disability or
15 auditory processing disorder.”; and

16 (iii) by striking paragraph (6), as so
17 redesignated, and inserting the following:

18 “(6) TELECOMMUNICATIONS RELAY SERV-
19 ICES.—The term ‘telecommunications relay services’
20 means—

21 “(A) transmission services that provide the
22 ability for an individual who is deaf, hard of
23 hearing, or DeafBlind, or who has a speech dis-
24 ability or an auditory processing disorder, to
25 engage in communication by wire or radio with

1 1 or more individuals, in a manner that is func-
2 tionally equivalent to (or, if technically feasible,
3 equal to) the ability of a hearing individual who
4 does not have a speech disability to commu-
5 nicate using voice communication services or
6 advanced communications services by wire or
7 radio; and

8 “(B) other services facilitating functionally
9 equivalent communication by wire or radio for
10 an individual who is deaf, hard of hearing, or
11 DeafBlind, or who has a speech disability or an
12 auditory processing disorder, including the pro-
13 vision of communication facilitators for an indi-
14 vidual who is DeafBlind and the provision of di-
15 rect video calling services for a call center to fa-
16 cilitate point-to-point communication in Amer-
17 ican Sign Language between government agen-
18 cies, businesses, emergency authorities, or other
19 enterprises and users of American Sign Lan-
20 guage.”; and

21 (B) in subsection (d), by adding at the end
22 the following:

23 “(4) AMERICAN SIGN LANGUAGE ACCESS TO
24 EMERGENCY SERVICES; COMMUNICATION
25 FACILITATORS; DIRECT VIDEO CALLING SERVICES.—

1 “(A) IN GENERAL.—Not later than 2 years
2 after the date of enactment of this paragraph,
3 the Commission shall promulgate such regula-
4 tions as are necessary to—

5 “(i) define as eligible for relay service
6 support from the fund described in section
7 64.604(c)(5)(iii) of title 47, Code of Fed-
8 eral Regulations, as in effect on that date
9 of enactment—

10 “(I) programs that are approved
11 by the Commission to support direct
12 video calling services;

13 “(II) programs that are approved
14 by the Commission to support the
15 provision of communication
16 facilitators;

17 “(III) the expenses associated
18 with the provision of a Deaf inter-
19 preter when necessary to provide func-
20 tional equivalency for a party on a call
21 using video relay service, as defined in
22 section 64.601(a)(51) of title 47, Code
23 of Federal Regulations, or any suc-
24 cessor regulation;

1 “(IV) programs that are de-
2 signed, in accordance with subpara-
3 graph (B), to improve access to emer-
4 gency authorities by users of video
5 relay services and direct video calling
6 services to achieve the objectives de-
7 scribed in clause (ii); and

8 “(V) expenses approved by the
9 Commission to interconnect with video
10 conferencing services;

11 “(ii) achieve full, equal, and direct ac-
12 cess to public safety answering points, as
13 that term is defined in section 222(h), and
14 other local emergency authorities, includ-
15 ing emergency authorities responding to
16 wireless calls made by dialing 9–1–1, by
17 individuals who—

18 “(I) are deaf, hard of hearing, or
19 DeafBlind, or who have a speech dis-
20 ability or a cognitive disability; and

21 “(II) use American Sign Lan-
22 guage;

23 “(iii) ensure that a person can have a
24 single telephone number for the purpose of
25 receiving calls and messages from other en-

1 tities calling by means of video relay serv-
2 ices or voice or electronic text messaging
3 services; and

4 “ (iv) ensure that all telecommuni-
5 cations relay services can directly and na-
6 tively interconnect with video conferencing
7 services and the public switched telephone
8 network.

9 “(B) CONTENTS.—The regulations de-
10 scribed in subparagraph (A)(i)(IV) shall, at a
11 minimum, require that users communicating by
12 means of a video relay service, as that term is
13 defined in section 64.601 of title 47, Code of
14 Federal Regulations, or any successor regula-
15 tion, shall be capable of using native dialing or
16 1-step access on a mobile phone so that such
17 communication—

18 “(i) includes the location information
19 of the user, to be transmitted and delivered
20 immediate and directly to the applicable
21 emergency authority; and

22 “(ii) is received by the applicable
23 emergency authority with the same speed
24 and efficiency as a voice call made by dial-
25 ing 9–1–1.

1 “(5) REASSESSMENT OF AVAILABLE SERVICES
2 AND MINIMUM STANDARDS.—Not later than 4 years
3 after the date of enactment of this paragraph, and
4 once every 4 years thereafter, the Commission shall,
5 as necessary to respond to evolving communication
6 technologies, reassess and, as necessary, update the
7 regulations prescribed under this subsection to en-
8 sure that those regulations effectively satisfy the
9 communication needs of individuals with disabilities
10 who are covered by this Act, including by—

11 “(A) assessing the need for new modes of
12 telecommunications relay services;

13 “(B) increasing and improving the manda-
14 tory minimum standards to ensure the quality
15 of telecommunications relay services; and

16 “(C) assessing the impact that evolving
17 communication technologies have on the privacy
18 of users of telecommunications relay services.”;

19 and

20 (2) by inserting after section 715 (47 U.S.C.
21 616) the following:

22 **“SEC. 715A. VIDEO CONFERENCING SERVICES’ SUPPORT OF**
23 **RELAY SERVICES.**

24 “(a) DEFINITION.—In this section, the term ‘TRS
25 Fund’ means the fund described in 64.604(c)(5)(iii) of

1 title 47, Code of Federal Regulations, as in effect on the
2 date of enactment of this section.

3 “(b) REQUIREMENT.—Not later than 1 year after the
4 date of enactment of this section, each provider of video
5 conferencing services shall participate in, and contribute
6 to, the TRS Fund in a manner prescribed by the Commis-
7 sion by regulation to provide for obligations of those pro-
8 viders that are consistent with, and comparable to, the ob-
9 ligations of other contributors to the TRS Fund.

10 “(c) USE OF AMOUNTS.—The Commission shall use
11 contributions made under subsection (b) to carry out the
12 program under subpart GG of part 64 of title 47, Code
13 of Federal Regulations, as in effect on the date of enact-
14 ment of this section.”.

15 **SEC. 303. NATIONAL DEAFBLIND EQUIPMENT DISTRIBUTION PROGRAM.**
16

17 Section 719 of the Communications Act of 1934 (47
18 U.S.C. 620) is amended—

19 (1) by striking subsections (a) and (b) and in-
20 serting the following:

21 “(a) UPDATED REGULATIONS.—Not later than 18
22 months after the date of enactment of the Communica-
23 tions, Video, and Technology Accessibility Act of 2023, the
24 Commission shall update the rules under section 64.610
25 of title 47, Code of Federal Regulations, or any successor

1 regulation, to define as eligible for telecommunications
2 relay service support those programs that are approved
3 by the Commission for the distribution of specialized cus-
4 tomer premises equipment and software designed to make
5 telecommunications service, internet access service, and
6 advanced communications, including interexchange serv-
7 ices and advanced telecommunications and information
8 services, accessible to individuals who are DeafBlind.

9 “(b) DEFINITION.—In this section, the term ‘indi-
10 vidual who is DeafBlind’—

11 “(1) has the meaning given the term ‘individual
12 who is deaf-blind’ in section 206(2) of the Helen
13 Keller National Center Act (29 U.S.C. 1905(2)), as
14 amended by the Rehabilitation Act Amendments of
15 1992; and

16 “(2) includes an individual who—

17 “(A) for the purposes of satisfying sub-
18 paragraph (A)(i) of such section 206(2), has
19 been diagnosed with a cortical or cerebral visual
20 impairment;

21 “(B) for the purposes of satisfying sub-
22 paragraph (A)(ii) of such section 206(2), has
23 been diagnosed with an auditory processing dis-
24 order; or

1 “(C) for the purposes of satisfying sub-
2 paragraphs (A)(i) and (A)(ii) of such section
3 206(2), has been diagnosed with both a cortical
4 or cerebral visual impairment and an auditory
5 processing disorder.”; and

6 (2) in subsection (c), by striking “\$10,000,000”
7 and inserting “\$20,000,000, which the Commission
8 shall adjust annually for inflation using an inflation
9 factor determined by the Commission”.

10 **SEC. 304. ADVANCED COMMUNICATIONS SERVICES ADVI-**
11 **SORY COMMITTEE.**

12 (a) DEFINITIONS.—In this section:

13 (1) ADVANCED COMMUNICATIONS SERVICES;
14 VIDEO CONFERENCING SERVICE; VISUAL IMAGE DE-
15 SCRIPTIVE FUNCTIONALITY; VISUAL IMAGE DESCRIP-
16 TIVE SERVICE.—The terms “advanced communica-
17 tions services”, “video conferencing service”, “visual
18 image descriptive functionality”, and “visual image
19 descriptive service” have the meanings given the
20 terms in section 3 of the Communications Act of
21 1934 (47 U.S.C. 153), as amended by this Act.

22 (2) ADVISORY COMMITTEE.—The term “Advi-
23 sory Committee” means the Advanced Communica-
24 tions Services Advisory Committee established under
25 subsection (b).

1 (3) CHAIR.—The term “Chair” means the
2 Chair of the Commission.

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

5 (5) TELECOMMUNICATIONS RELAY SERVICES.—
6 The term “telecommunications relay services” has
7 the meaning given the term in section 225(a) of the
8 Communications Act of 1934 (47 U.S.C. 225(a)), as
9 amended by this Act.

10 (b) ESTABLISHMENT.—Not later than 60 days after
11 the date of enactment of this Act, the Chair shall establish
12 an advisory committee to be known as the Advanced Com-
13 munications Services Advisory Committee.

14 (c) MEMBERSHIP.—As soon as practicable after the
15 date on which the Chair establishes the Advisory Com-
16 mittee, the Chair shall appoint individuals who have the
17 technical knowledge and engineering expertise to serve on
18 the Advisory Committee in the fulfillment of the duties
19 of the Advisory Committee, including the following:

20 (1) Representatives of entities involved in the
21 provision of video conferencing services (or a na-
22 tional organization representing such entities).

23 (2) Representatives of vendors, developers, and
24 manufacturers of systems, facilities, equipment, and
25 capabilities for the provision of video conferencing

1 services (or a national organization representing
2 such vendors, developers, or manufacturers).

3 (3) Representatives of vendors, developers, and
4 manufacturers of systems, facilities, equipment, and
5 capabilities for the provision of assistive technologies
6 used with video conferencing services (or a national
7 organization representing such vendors, developers,
8 or manufacturers).

9 (4) Representatives of manufacturers of con-
10 sumer electronics or information technology equip-
11 ment engaged in the provision of video conferencing
12 services (or a national organization representing
13 such manufacturers).

14 (5) Representatives of national organizations
15 representing accessibility advocates, including people
16 with disabilities and older Americans.

17 (6) Representatives of service agencies engaged
18 in the provision of captioning, interpretation serv-
19 ices, and visual image descriptive services for video
20 conferencing services.

21 (7) Representatives of providers of tele-
22 communications relay services.

23 (8) Academic experts or representatives of re-
24 search institutions with expertise regarding ad-
25 vanced communication services.

1 (9) Individuals with technical and engineering
2 expertise, as the Chair determines appropriate.

3 (d) COMMISSION OVERSIGHT.—The Chair shall ap-
4 point a member of the staff of the Commission to mod-
5 erate and direct the work of the Advisory Committee.

6 (e) TECHNICAL STAFF.—The Chair shall appoint a
7 member of the technical staff of the Commission to pro-
8 vide technical assistance to the Advisory Committee.

9 (f) DEVELOPMENT OF RECOMMENDATIONS.—

10 (1) ADVANCED COMMUNICATIONS SERVICES RE-
11 PORT.—Not later than 1 year after the date on
12 which the Advisory Committee first meets, the Advi-
13 sory Committee shall submit to the Commission a
14 report that, subject to paragraph (2), includes the
15 following:

16 (A) A recommended schedule of deadlines
17 for—

18 (i) making video conferencing services
19 and equipment accessible to individuals
20 with disabilities; and

21 (ii) compliance with quality metrics
22 and thresholds for automatic closed cap-
23 tioning and visual image descriptive
24 functionality that is built into video confer-
25 encing services and equipment.

1 (B) An identification of the protocols, tech-
2 nical capabilities, and technical procedures
3 needed to—

4 (i) permit video conferencing services
5 to include built-in closed captioning
6 functionality; and

7 (ii) allow the interconnection of, and
8 compatibility with, assistive technologies
9 and services, peripheral devices, and spe-
10 cialized customer premises equipment com-
11 monly used by individuals with disabilities
12 to achieve access.

13 (C) A recommendation for technical stand-
14 ards to address the protocols, technical capabili-
15 ties, and technical procedures identified under
16 subparagraph (B).

17 (D) A recommendation for standards to be
18 used to ensure that the quality of built-in closed
19 captioning functionality for video conferencing
20 services facilitates effective communication.

21 (2) CONSIDERATION OF WORK BY STANDARDS-
22 SETTING ORGANIZATIONS.—The recommendations of
23 the Advisory Committee contained in the report sub-
24 mitted under paragraph (1) shall, to the extent pos-
25 sible, incorporate the standards, protocols, and pro-

1 cedures that have been adopted by recognized indus-
2 try standard-setting organizations for each of the
3 purposes described in that paragraph.

4 (g) MEETINGS.—

5 (1) INITIAL MEETING.—The initial meeting of
6 the Advisory Committee shall take place not later
7 than 45 days after the date on which the Chair ap-
8 points the members of the Advisory Committee
9 under subsection (c).

10 (2) OTHER MEETINGS.—After the initial meet-
11 ing of the Advisory Committee under paragraph (1),
12 the Advisory Committee shall meet at the call of the
13 Chair.

14 (3) NOTICE; OPEN MEETINGS.—Each meeting
15 held by the Advisory Committee shall be—

16 (A) noticed not fewer than 14 days before
17 the date of that meeting; and

18 (B) open to the public.

19 (h) PROCEDURAL RULES.—

20 (1) QUORUM.—The presence of $\frac{1}{3}$ of the mem-
21 bers of the Advisory Committee shall constitute a
22 quorum for conducting the business of the Advisory
23 Committee.

24 (2) SUBCOMMITTEES.—To assist the Advisory
25 Committee in carrying out the functions of the Advi-

1 sory Committee, the Chair may establish appropriate
2 subcommittees composed of members of the Advisory
3 Committee and other subject matter experts.

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

7 (i) INAPPLICABILITY OF FEDERAL ADVISORY COM-
8 MITTEE ACT.—The Federal Advisory Committee Act (5
9 U.S.C. App.) shall not apply with respect to the Advisory
10 Committee or the activities of the Advisory Committee.

11 **SEC. 305. REAL-TIME TEXT.**

12 Title VII of the Communications Act of 1934 (47
13 U.S.C. 601 et seq.) is amended by inserting after section
14 716 (47 U.S.C. 617) the following:

15 **“SEC. 716A. REAL-TIME TEXT.**

16 “Not later than 2 years after the date of enactment
17 of this section, the Commission shall revise the regulations
18 of the Commission to require that all interconnected and
19 non-interconnected VoIP services, whether delivered using
20 wireless or wireline infrastructure, enable, so long as it
21 is achievable (as defined in section 716)—

22 “(1) the delivery of real-time text with other
23 wireless and wireline VoIP services; and

1 “(2) connectivity of real-time text to public
2 safety answering points, as defined in section
3 222(h).”.

4 **SEC. 306. ADVANCED COMMUNICATIONS SERVICES SOFT-**
5 **WARE.**

6 Section 716(e) of the Communications Act of 1934
7 (47 U.S.C. 617(e)) is amended by adding at the end the
8 following:

9 “(3) REVISION OF REGULATIONS.—Not later
10 than 1 year after the date of enactment of this para-
11 graph, the Commission shall update the regulations
12 prescribed under this subsection to require that all
13 obligations applicable to equipment used for ad-
14 vanced communications services extend to software
15 used for those services, without regard to whether
16 that software is pre-installed on equipment used for
17 those services.”.

18 **TITLE IV—EMERGING**
19 **TECHNOLOGY**

20 **SEC. 401. EMERGING TECHNOLOGY.**

21 Title VII of the Communications Act of 1934 (42
22 U.S.C. 601 et seq.) is amended by adding at the end the
23 following:

24 **“SEC. 723. EMERGING TECHNOLOGY ACCESSIBILITY.**

25 “(a) DEFINITIONS.—In this section:

1 “(1) AUGMENTATIVE AND ALTERNATIVE COM-
2 MUNICATION.—The term ‘augmentative and alter-
3 native communication’ means any tool, method, tech-
4 nology, strategy, service, training, coaching, or other
5 support used to supplement or replace speech.

6 “(2) DISABILITY.—The term ‘disability’ has the
7 meaning given the term in section 3 of the Ameri-
8 cans with Disabilities Act of 1990 (42 U.S.C.
9 12102).

10 “(b) REPORTS TO CONGRESS.—Not later than 3
11 years after the date of enactment of this section, and every
12 5 years thereafter, the Commission shall, in consultation
13 with the United States Access Board, submit to the Com-
14 mittee on Commerce, Science, and Transportation of the
15 Senate and the Committee on Energy and Commerce of
16 the House of Representatives a report assessing—

17 “(1) the extent to which any accessibility bar-
18 riers exist for individuals with disabilities, including
19 individuals who are blind, deaf, or DeafBlind or have
20 low vision, an auditory processing disorder, a cor-
21 tical or cerebral visual impairment, a speech dis-
22 ability, including individuals who use augmentative
23 and alternative communication, a mobility disability,
24 or a cognitive disability, with respect to emerging
25 communications and video programming technologies

1 and services, including communication and video
2 programming technologies that use augmented re-
3 ality, virtual reality, extended reality, dual reality,
4 spatial computing, artificial intelligence, and other
5 advanced machine learning, wireless technologies, in-
6 cluding Wi-Fi and Bluetooth, robotics, the Internet
7 of Things, and other forms of advanced computing
8 power; and

9 “(2) solutions needed to ensure that new or
10 emerging communications and video programming
11 technologies and services such as those described in
12 paragraph (1)—

13 “(A) are accessible to individuals with dis-
14 abilities; and

15 “(B) provide the necessary hardware and
16 software to achieve compatibility with periph-
17 eral devices or specialized customer premises
18 equipment commonly used by individuals with
19 disabilities to achieve access.

20 “(c) CONSIDERATION OF EFFECT ON INDIVIDUALS
21 WITH PARTICULAR BARRIERS.—In preparing each report
22 required under subsection (b), the Commission shall con-
23 sider the effect of emerging technologies on individuals
24 with disabilities who use those technologies and have par-
25 ticular barriers to participation and communication with

1 those technologies, including individuals with disabilities
2 using those technologies—

3 “(1) who have limited language or limited
4 English language;

5 “(2) who have significant, targeted, or multiple
6 disabilities, including individuals who have a speech
7 disability, including individuals who use augment-
8 ative and alternative communication, individuals who
9 are DeafBlind, and individuals who have mobility
10 disabilities;

11 “(3) who have disabilities limiting communica-
12 tion;

13 “(4) who lack access to broadband services and
14 technology; or

15 “(5) who face heightened barriers due to race,
16 ethnicity, national origin, age, sex, sexual orienta-
17 tion, gender identity, Tribal affiliation, or socio-
18 economic status.

19 “(d) REGULATIONS.—Not later than 2 years after
20 the date on which the Commission submits each report
21 required under subsection (b), the Commission shall issue
22 new or update existing regulations for ensuring the acces-
23 sibility of emerging communications and video program-
24 ming technologies and services by individuals with disabil-
25 ities where doing so is necessary to further the goals of

1 the statutory provisions implemented by the regulations
2 of the Commission under parts 6, 7, 14, and 79 of title
3 47, Code of Federal Regulations, or any successor regula-
4 tion, intended to fulfill these goals.”.

5 **TITLE V—ENFORCEMENT AND**
6 **REPORTING**

7 **SEC. 501. ACCESSIBILITY ENFORCEMENT.**

8 (a) IN GENERAL.—Section 503(b)(5) of the Commu-
9 nications Act of 1934 (47 U.S.C. 503(b)(5)) is amended
10 by inserting after “uses that tower” the following: “, or
11 in the case of violations of this Act related to requirements
12 of accessibility for individuals with disabilities, including
13 violations of section 225, section 255, section
14 276(b)(1)(A), subsections (u) through (aa) of section 303,
15 section 330(b), section 710, section 711, section 713, or
16 sections 715 through 719”.

17 (b) OTHER LAWS.—The violation of any provision of
18 the Communications Act of 1934 (47 U.S.C. 151 et seq.),
19 as amended by this Act, related to requirements of accessi-
20 bility for individuals with disabilities, including a violation
21 of section 225, section 255, section 276(b)(1)(A), sub-
22 sections (u) through (aa) of section 303, section 330(b),
23 section 710, section 711, section 713, or sections 715
24 through 719 of the Communications Act of 1934 (47
25 U.S.C. 225, 255, 276(b)(1)(A), 303, 330(b), 610, 611,

1 613, 616, 617, 618, 619, 620), shall not be used as a
2 basis to preclude enforcement of violations of other State
3 or Federal disability rights and civil rights laws, including
4 the Americans with Disabilities Act of 1990 (42 U.S.C.
5 12101 et seq.) and the Rehabilitation Act of 1973 (29
6 U.S.C. 701 et seq.), stemming from the same conduct.

7 **SEC. 502. REPORTS TO CONGRESS.**

8 Title VII of the Communications Act of 1934 (47
9 U.S.C. 601 et seq.), as amended by section 401 of this
10 Act, is amended—

11 (1) in section 717 (47 U.S.C. 618)—

12 (A) by striking subsection (b);

13 (B) by redesignating subsections (c), (d),
14 and (e) as subsections (b), (c), and (d), respec-
15 tively; and

16 (C) in subsection (d), as so redesignated,
17 by striking “subsection (d)” and inserting “sub-
18 section (c)”;

19 (2) by adding at the end the following:

20 **“SEC. 724. ACCESSIBILITY REPORTING REQUIREMENTS.**

21 “Not later than 2 years after the date of enactment
22 of this section, and every 2 years thereafter, the Commis-
23 sion shall submit to the Committee on Commerce, Science,
24 and Transportation of the Senate and the Committee on

1 Energy and Commerce of the House of Representatives
2 a report that includes the following:

3 “(1) The number and nature of complaints re-
4 ceived pursuant to subsection (u), (z), or (aa) of sec-
5 tion 303, section 330(b), section 713, and section
6 716(a) during the period covered by the report.

7 “(2) A description of the actions taken to re-
8 solve the complaints described in paragraph (1), in-
9 cluding forfeiture penalties assessed.

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

12 “(4) The number, status, nature, and outcome
13 of each action for mandamus filed pursuant to sec-
14 tion 717(a)(6) and the number, status, nature, and
15 outcome of each appeal filed pursuant to section
16 402(b)(10).”.