

# United States Senate

WASHINGTON, DC 20510

December 6, 2013

The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Dear Chairman Wheeler:

As authors of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), we are writing to express our support for the Federal Communications Commission (FCC) reconsidering its decision to exempt video clips from the IP closed captioning rules.

On June 14, 2013, the Commission issued an order directing the Media Bureau to issue a Public Notice seeking information on the industry's progress in captioning IP delivered video clips. The FCC's actions follow an April 27, 2012, petition for reconsideration filed by organizations representing individuals who are deaf and hard of hearing, asking the Commission to reconsider its decision regarding video clips. We support reconsideration and hope that upon review, the Commission reaches a decision that reflects the Congressional intent behind the law.

When we wrote the CVAA, it was our intent that full-length programming that has been broadcast on television with captions after the effective date of the Commission's rule be shown with captions when the programming is delivered using IP even if such programming is shown on the Internet in segments and even when some but not all segments are posted online. As we explained in our January 10, 2012, letter to the Commission, the references to the terms "full-length programming" and "video clips" in the CVAA's legislative history were intended to clarify that the CVAA does not apply to certain types of video programming already exempt from the Commission's television captioning rules, such as advertisements and promotional announcements.

Upon exempting video clips from coverage under the CVAA last year, the Commission acknowledged that it may need to reconsider this exemption "if it finds that consumers who are deaf or hard of hearing are not getting access to critical areas of programming, such as news, because of the way the programming is posted." Unfortunately, recent findings reveal that this decision is already resulting in the denial of significant civic, educational and entertainment opportunities to millions of Americans with disabilities.

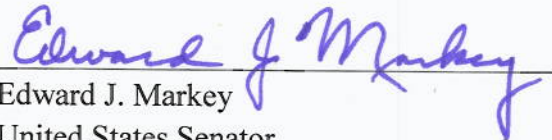
A May 16, 2013, report from the deaf and hard of hearing organizations on the state of IP-delivered video programming found that a substantial majority of video clips surveyed online were not closed captioned, including 77% of news video clips. These initial results conflict with the letter and spirit of the CVAA, which was intended to "ensure that individuals with disabilities are able to . . . better access video programming." We hope that the FCC takes this opportunity to resolve this issue and ensure that millions of people who are deaf and hard of hearing are not shut out from important online programming.

We commend the Commission's continued diligence and sustained efforts to implement this important law.

Sincerely,



Mark Pryor  
United States Senator



Edward J. Markey  
United States Senator