

117TH CONGRESS
2D SESSION

S. 5121

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2022

Mr. MARKEY (for himself, Mr. WHITEHOUSE, Ms. WARREN, Mr. SANDERS, Mr. WYDEN, Ms. DUCKWORTH, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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 2022”.

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.
- 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 ignated, 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.—

(A) Section 271(c)(1)(A) of the Communications Act of 1934 (47 U.S.C. 271(c)(1)(A)) is amended by striking “section 3(47)(A)” and inserting “subparagraph (A) of the paragraph defining that term in section 3”.

(B) Section 203(a) of the Rural Electrification Act of 1936 (7 U.S.C. 924(a)) is amended by striking “section 3(o)” and inserting “section 3”.

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

(d) MODERNIZING TITLE OF HEAD OF COMMISSION.—The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended—

(1) in section 4 (47 U.S.C. 154)—

(A) in subsection (a)—

(i) by inserting “(1)” after “(a)”;

(ii) by striking “chairman” and inserting “Chair”; and

(iii) by adding at the end the following:

“(2) Any reference in any law, regulation, document, 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 2022, 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 2022, 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) define categories of entities
6 engaged in making available video
7 programming; and

8 “(II) apportion the responsibil-
9 ities for the provision, quality, pass-
10 through, and rendering of closed cap-
11 tions among the entities defined by
12 the Commission under subclause (I)—

13 “(aa) to ensure full access
14 by viewers via all entities and
15 combinations of entities that
16 make video programming avail-
17 able to viewers; and

18 “(bb) to ensure that the reg-
19 ulations can be enforced effec-
20 tively against responsible parties;

21 “(ii) shall require that an entity en-
22 gaged in making available user-generated
23 video, whether or not the entity is also en-
24 gaged in making available video that is not

1 user-generated video, provide easy-to-use
2 authoring tools that—

3 “(I) permit users of the entity to
4 add closed captions; and

5 “(II) conspicuously prompt users
6 of the entity to use the tools;

7 “(iii) shall not distinguish between
8 full-length programming and video clips;
9 and

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

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

3 “(d) CAPTION QUALITY UPDATES.—

4 “(1) IN GENERAL.—Not later than 4 years
5 after the date of enactment of the Communications,
6 Video, and Technology Accessibility Act of 2022, the
7 Commission shall revise its regulations to extend the
8 requirements for the quality of closed captions under
9 paragraphs (j), (k), and (m) of section 79.1 of title
10 47, Code of Federal Regulations, or any successor
11 regulation, to all programming made available via
12 Internet protocol or any successor protocol.

13 “(2) REGULAR UPDATES.—Not later than 4
14 years after the date of enactment of the Commu-
15 nications, Video, and Technology Accessibility Act of
16 2022, and every 4 years thereafter, the Commission
17 shall—

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

24 “(B) take any action, including enforce-
25 ment, necessary to ensure compliance with its

1 regulations pertaining to the quality of closed
2 captions.”; and

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

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

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

12 (C) by striking paragraph (3) and insert-
13 ing the following:

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

1 (b) ELIMINATION OF CERTAIN CATEGORICAL EX-
 2 EMPTIONS.—Not later than 1 year after the date of enact-
 3 ment of this Act, the Federal Communications Commis-
 4 sion shall reassess the second sentence of paragraph
 5 (a)(10) and reassess paragraph (d) of section 79.1 of title
 6 47, Code of Federal Regulations, to eliminate categorical
 7 exemptions that impede access to video programming, are
 8 outdated, or are no longer warranted under subsection
 9 (e)(1) of section 713 of the Communications Act of 1934
 10 (47 U.S.C. 613), as so redesignated by subsection (a) of
 11 this section.

12 **SEC. 103. AUDIO DESCRIPTION.**

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

16 (1) in the heading, by striking “VIDEO” and in-
 17 serting “AUDIO”; and

18 (2) by striking paragraphs (2), (3), and (4) and
 19 inserting the following:

20 “(2) REVISION TO REINSTATED AUDIO DE-
 21 SCRIPTION REGULATIONS FOR PROGRAMMING PUB-
 22 LISHED OR EXHIBITED ON TELEVISION.—

23 “(A) IN GENERAL.—Not later than 18
 24 months after the date of enactment of the Com-
 25 munications, Video, and Technology Accessi-

1 bility Act of 2022, the Commission shall revise
2 section 79.3 of title 47, Code of Federal Regu-
3 lations (relating to audio description of video
4 programming) in accordance with subparagraph
5 (B).

6 “(B) REQUIREMENTS.—The regulations
7 revised under subparagraph (A)—

8 “(i) shall apply to all video program-
9 ming published or exhibited on television
10 after the effective date of the revised regu-
11 lations;

12 “(ii) shall include an appropriate
13 schedule of deadlines, the latest of which
14 shall be not later than 5 years after the ef-
15 fective date of the revised regulations, for
16 the provision, receipt, and performance of
17 audio described programming published or
18 exhibited on television, taking into account
19 whether the programming—

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

22 “(II) has been published or ex-
23 hibited prior to the effective date of
24 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 on all audio channels in the same lan-
15 guages as the audio description
16 streams, at the beginning of the pro-
17 gramming to indicate that audio de-
18 scription is available;

19 “(iv) shall provide that audio descrip-
20 tion of video programming published or ex-
21 hibited on television shall be made avail-
22 able to the public on an audio channel sole-
23 ly dedicated to audio description, so long
24 as it is achievable (as defined in section
25 716);

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

10 “(vi) for the purposes of determining
 11 audio description obligations under this
 12 paragraph and assessing compliance with
 13 regulations adopted to assess the quality of
 14 audio description under paragraph (4),
 15 shall treat any programming that was live
 16 or near-live programming at the time of its
 17 initial airing as prerecorded programming
 18 if it is re-exhibited more than 24 hours
 19 after its initial airing.

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

22 “(A) IN GENERAL.—Not later than 2 years
 23 after the date of submission of the report to the
 24 Commission required under subsection
 25 106(f)(2) of the Communications, Video, and

1 Technology Accessibility Act of 2022, the Com-
2 mission shall revise its regulations to require
3 the provision, receipt, and performance of audio
4 description on video programming made avail-
5 able using Internet protocol or any successor
6 protocol published or exhibited after the effec-
7 tive date of the revised regulations.

8 “(B) REQUIREMENTS.—The regulations
9 revised under subparagraph (A)—

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

15 “(ii) shall include an appropriate
16 schedule of deadlines, the latest of which
17 shall be not later than 5 years after the ef-
18 fective date of the revised regulations, for
19 the provision, receipt, and performance of
20 audio described programming made avail-
21 able using Internet protocol or any suc-
22 cessor protocol, taking into account wheth-
23 er the programming—

24 “(I) is prerecorded, live, or near-
25 live;

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

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

6 “(iii) shall—

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

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

17 “(aa) to ensure full access
18 by viewers; and

19 “(bb) to ensure that the reg-
20 ulations can be enforced effec-
21 tively against responsible parties;

22 “(iv) shall require that an entity en-
23 gaged in making available user-generated
24 video, whether or not the entity is also en-
25 gaged in making available video that is not

1 user-generated video, provides easy-to-use
2 authoring tools that—

3 “(I) permit users of the entity to
4 add audio description; and

5 “(II) conspicuously prompt users
6 of the entity to use the tools;

7 “(v) shall provide that audio described
8 programming made available using Inter-
9 net protocol or any successor protocol
10 shall—

11 “(I) be labeled and searchable or
12 otherwise easily discoverable through
13 navigation devices, apparatuses, appli-
14 cations, and other methods on which
15 the programming is made available;
16 and

17 “(II) include a recognizable tone,
18 on all audio channels in the same lan-
19 guages as the audio description
20 streams, at the beginning of the pro-
21 gramming to indicate that audio de-
22 scription is available;

23 “(vi) shall provide that audio descrip-
24 tion of video programming made available
25 using Internet protocol or any successor

1 protocol shall be provided on an audio
2 track solely dedicated to audio description,
3 so long as it is achievable (as defined in
4 section 716);

5 “(vii) shall require entities engaged in
6 making available audio described program-
7 ming using Internet protocol or any suc-
8 cessor protocol to provide contact informa-
9 tion, consistent with sections 79.1(i) and
10 79.4(c)(2)(iii) of title 47, Code of Federal
11 Regulations, or any successor regulations,
12 for users to report problems related to
13 audio description; and

14 “(viii) for the purposes of determining
15 audio description obligations under this
16 paragraph and assessing compliance with
17 regulations adopted to assess the quality of
18 audio description under paragraph (4),
19 shall treat any programming that was live
20 or near-live programming at the time it
21 was initially made available as prerecorded
22 programming if it is made available more
23 than 24 hours after it was initially made
24 available.

25 “(4) AUDIO DESCRIPTION QUALITY.—

1 “(A) IN GENERAL.—Not later than 3 years
2 after the date of submission of the report to the
3 Commission required under subsection
4 106(f)(2) of the Communications, Video, and
5 Technology Accessibility Act of 2022, the Com-
6 mission shall adopt regulations to ensure the
7 quality of audio description on video program-
8 ming, including video programming published
9 or exhibited on television or made available via
10 Internet protocol or any successor protocol, as
11 necessary to afford access to video program-
12 ming that is functionally equivalent to the ac-
13 cess provided by the visual components of the
14 programming.

15 “(B) REQUIREMENTS.—The regulations
16 adopted under subparagraph (A) shall require
17 that audio description—

18 “(i) sufficiently convey key elements
19 of the visual component;

20 “(ii) be appropriately voiced, consid-
21 ering whether the use of synthetic voices is
22 permissible and if so, under what cir-
23 cumstances; and

24 “(iii) be appropriately edited and en-
25 coded to ensure consistency with the edit-

1 ing and encoding of the non-description
2 audio track of the programming.

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

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

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

1 the requirements are economically burden-
2 some.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
4 Title III of the Communications Act of 1934 (47 U.S.C.
5 301 et seq.) is amended—

6 (1) in section 303 (47 U.S.C. 303)—

7 (A) in subsection (u)—

8 (i) in paragraph (1)(B)—

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

12 (II) by striking “section 713(f)”
13 and inserting “section 713(g)”; and

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

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

21 (2) in section 330(b) (47 U.S.C. 330(b)), by
22 striking “video description” each place the term ap-
23 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 nated 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 2022, 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 subparagraph (A) to the extent that compli-
21 ance with such standards is achievable (as defined in
22 section 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 pro-
7 tocol 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 pro-
6 tocol 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 equivalent to the access provided visually.

3 (J) An identification of easy-to-use authoring tools that can be used by viewers to add audio description to video programming made available via internet protocol or any successor protocol.

8 (3) AMERICAN SIGN LANGUAGE VIDEO PROGRAMMING REPORT.—Not later than 180 days after the date of the first meeting of the Advisory Committee, the Advisory Committee shall develop and submit to the Commission a report that includes a recommendation for standards for the display and visibility of American Sign Language interpretation where it is provided for video programming, including standards for ensuring that an interpreter is visible on a viewer's screen during the programming.

18 (4) CONSIDERATION OF WORK BY STANDARDS-SETTING ORGANIZATIONS.—The recommendations of the Advisory Committee shall, insofar as possible, incorporate standards, protocols, and procedures that have been adopted by recognized industry standards-setting organizations for each of the purposes described 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.—The Federal Advisory Committee Act (5
6 U.S.C. App.) shall not apply with respect to the Advisory
7 Committee 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 (z)—

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

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

19 (C) in paragraph (2)—

20 (i) by striking “available to” and in-
21 serting the following: “available—

22 “(A) to”;

23 (ii) in subparagraph (A), as so des-
24 ignated—

25 (I) by striking “or render”; and

1 (II) by striking “audible.” and
2 inserting the following: “audible,
3 which—

4 “(i) shall require encoding closed cap-
5 tions and audio description data along with
6 audio and video transmission in a format
7 that can be adjusted and rendered by the
8 consumer equipment consistent with the
9 requirements of subsection (cc); and

10 “(ii) does not include merely ren-
11 dering closed captions or audio description
12 into visual or aural forms on the source de-
13 vice; and”; and

14 (iii) by adding at the end the fol-
15 lowing:

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

19 (2) in subsection (aa)—

20 (A) by adjusting the margins two ems to
21 the left;

22 (B) in paragraph (1)—

23 (i) by striking “transmitted in digital
24 format” and inserting “made available”;
25 and

1 (ii) by inserting “or any successor
2 protocol” after “protocol”;

3 (C) in paragraph (2), by adding “and” at
4 the end;

5 (D) by striking paragraph (3); and

6 (E) by redesignating paragraph (4) as
7 paragraph (3);

8 (3) in subsection (bb)—

9 (A) in paragraph (1), by adding “and” at
10 the end;

11 (B) by striking paragraph (2);

12 (C) by redesignating paragraph (3) as
13 paragraph (2); and

14 (D) in paragraph (2), as redesignated, by
15 adjusting the margins two ems to the left; and

16 (4) by adding at the end the following:

17 “(cc) Require for all digital apparatus covered under
18 subsection (aa) and navigation devices covered under sub-
19 section (bb) manufactured or imported into the United
20 States that each apparatus or device—

21 “(1) provides access to closed captioning activa-
22 tion by—

23 “(A) if the apparatus or device is con-
24 trolled by a physical remote control included
25 with the device at the time of purchase, pro-

viding a tactilely identifiable, clearly labeled,
 and dedicated button on the remote control to
 activate and deactivate closed captions of at
 least similar size to other buttons on the remote
 control; and

“(B) if the apparatus or device is con-
 trolled by means other than a remote control,
 providing a prominently displayed, easily identi-
 fiable, accessible, and dedicated button, key, or
 icon to activate and deactivate closed captions;

“(2) provides access to audio description activa-
 tion by—

“(A) if the apparatus or device is con-
 trolled by a physical remote control included
 with the apparatus or device at the time of pur-
 chase, providing a tactilely identifiable, clearly
 labeled, and dedicated button on the remote
 control to activate and deactivate audio descrip-
 tion of at least similar size to other buttons on
 the remote control; and

“(B) if the apparatus or device is con-
 trolled by means other than a remote control,
 providing a prominently displayed, easily identi-
 fiable, accessible, and dedicated button, key, or

1 icon to activate and deactivate audio descrip-
2 tion;

3 “(3) provides access to closed captioning display
4 settings, including the technical capabilities set forth
5 in section 79.103(e) of title 47, Code of Federal
6 Regulations, or any successor regulation, and audio
7 description performance settings, including the capa-
8 bility to adjust the relative volumes of audio descrip-
9 tion and the audio track of a program, 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 tactilely identifiable button,
14 clearly labeled, and dedicated button on the re-
15 mote control—

16 “(i) to permit the user to change
17 closed captioning and audio description
18 settings that permits previewing the set-
19 tings while leaving the underlying pro-
20 gramming visible and audible; and

21 “(ii) that is of at least similar size to
22 other buttons on the remote control; and

23 “(B) if the apparatus or device is con-
24 trolled by means other than a remote control,
25 providing a dedicated mechanism that permits

1 the user to change closed captioning and audio
2 description settings that—

3 “(i) is displayed proximately to the
4 video playback interface;

5 “(ii) is easily discoverable; and

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

9 “(4) 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 (3)
13 upon initial power-on or upon a reset to factory set-
14 tings of the apparatus or device;

15 “(5) ensures that closed caption activation and
16 display settings and audio description activation and
17 performance settings required under paragraphs (1)
18 through (3) persist across all video playback
19 functionality on the apparatus or device, including in
20 applications or other software or plug-ins added by
21 the user after the sale of the apparatus or device,
22 and after powering off or restarting the apparatus
23 or device, until a user changes the settings or the
24 apparatus or device is reset to factory default set-
25 tings by the user; and

1 “(6) provides the necessary hardware and soft-
 2 ware to achieve compatibility with existing periph-
 3 eral devices or specialized customer premises equip-
 4 ment commonly used by individuals with disabilities
 5 to achieve access, including refreshable braille dis-
 6 plays, sip and puff devices, and hearing aids.”.

7 (b) IMPLEMENTING REGULATIONS.—Not later than
 8 18 months after the date of enactment of this Act, the
 9 Federal Communications Commission shall prescribe such
 10 regulations as are necessary to implement the amend-
 11 ments made by subsection (a).

12 **TITLE III—COMMUNICATIONS** 13 **SERVICES**

14 **SEC. 301. VIDEO CONFERENCING.**

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

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

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

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

23 (C) by redesignating paragraphs (27)
 24 through (57), as so redesignated by section

1 101, as paragraphs (26) through (56), respec-
2 tively; and

3 (D) by inserting after paragraph (56), as
4 so redesignated by subparagraph (C), the fol-
5 lowing:

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

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

13 “(3) REVISION OF REGULATIONS; VIDEO CON-
14 FERENCING SERVICES.—Not later than 18 months
15 after the date on which the Advanced Communica-
16 tions Services Advisory Committee submits the re-
17 port required under section 304(f)(1) of the Commu-
18 nications, Video, and Technology Accessibility Act of
19 2022, the Commission shall revise the regulations
20 promulgated under this subsection to—

21 “(A) require that all obligations applicable
22 to advanced communications services, and
23 equipment used for advanced communications
24 services, extend to video conferencing services

1 and equipment used for video conferencing serv-
2 ices;

3 “(B) require that all advanced communica-
4 tions services and equipment capable of pro-
5 viding or enabling video conferencing services—

6 “(i) have built-in closed captioning
7 functionality using automatic speech rec-
8 ognition or similar or successor tech-
9 nologies;

10 “(ii) implement application program-
11 ming interfaces or similar technical mecha-
12 nisms to allow the interconnection of, and
13 achieve compatibility with, assistive tech-
14 nologies and services, existing peripheral
15 devices, and specialized customer premises
16 equipment commonly used by individuals
17 with disabilities to achieve access, includ-
18 ing—

19 “(I) third-party captioning serv-
20 ices;

21 “(II) third-party video inter-
22 preting services;

23 “(III) forms of telecommuni-
24 cations relay services that have been

1 approved by the Commission under
2 section 225;

3 “(IV) screen-readers for all user
4 interface elements; and

5 “(V) refreshable braille displays
6 and other devices used for the tactile
7 conveyance of textual information;
8 and

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

16 “(C) adopt quality requirements for built-
17 in closed captioning functionality to facilitate
18 effective communication under subparagraph
19 (B)(i).”.

20 **SEC. 302. RELAY SERVICES.**

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

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

24 (A) in subsection (a)—

1 (i) by redesignating paragraphs (2)
2 and (3) as paragraphs (4) and (5), respec-
3 tively;

4 (ii) by inserting after paragraph (1)
5 the following:

6 “(2) COMMUNICATION FACILITATOR.—The term
7 ‘communication facilitator’ means a skilled user of
8 American Sign Language who—

9 “(A) copies American Sign Language from
10 a caller, as shown on a videophone screen; and

11 “(B) provides visual information to a
12 DeafBlind person through close vision or tactile
13 American Sign Language.

14 “(3) DIRECT VIDEO CALLING SERVICE.—The
15 term ‘direct video calling service’ means telephone
16 customer support using one-to-one video communica-
17 tion that—

18 “(A) is facilitated by a contact center rep-
19 resentative; and

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

23 “(i) not less than 1 of the parties to
24 which is a governmental agency, business,

1 non-profit organization, emergency author-
2 ity, or other enterprise; and

3 “(ii) not less than 1 of the parties to
4 which—

5 “(I) is deaf, hard of hearing, or
6 DeafBlind; or

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

9 (iii) by striking paragraph (5), as so
10 redesignated, and inserting the following:

11 “(5) TELECOMMUNICATIONS RELAY SERV-
12 ICES.—The term ‘telecommunications relay services’
13 means—

14 “(A) transmission services that provide the
15 ability for an individual who is deaf, hard of
16 hearing, or DeafBlind, or who has a speech dis-
17 ability or an auditory processing disorder, to
18 engage in communication by wire or radio with
19 1 or more individuals, in a manner that is func-
20 tionally equivalent to the ability of a hearing in-
21 dividual who does not have a speech disability
22 to communicate using voice communication
23 services or advanced communications services
24 by wire or radio; and

“(B) other services facilitating functionally equivalent communication by wire or radio for an individual who is deaf, hard of hearing, or DeafBlind, or who has a speech disability or an auditory processing disorder, including the provision of communication facilitators for an individual who is DeafBlind and the provision of direct video calling services for a call center to facilitate point-to-point communication in American Sign Language between government agencies, businesses, emergency authorities, or other enterprises and users of American Sign Language.”; and

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

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

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

“(i) define as eligible for relay service support from the fund described in section 64.604(c)(5)(iii) of title 47, Code of Fed-

1 eral Regulations, as in effect on that date
2 of enactment—

3 “(I) programs that are approved
4 by the Commission to support direct
5 video calling services, including the
6 use of those services to access emer-
7 gency authorities;

8 “(II) programs that are approved
9 by the Commission to support the
10 provision of communication
11 facilitators; and

12 “(III) programs that are de-
13 signed, in accordance with subpara-
14 graph (B), to improve access to emer-
15 gency authorities by users of video
16 relay services and direct video calling
17 services to achieve the objectives de-
18 scribed in clause (ii); and

19 “(ii) achieve full, equal, and direct ac-
20 cess to public safety answering points, as
21 that term is defined in section 222(h), and
22 other local emergency authorities, includ-
23 ing emergency authorities responding to
24 wireless calls made by dialing 9-1-1, by
25 individuals who—

1 “(I) are deaf, hard of hearing, or
 2 DeafBlind, or who have a speech dis-
 3 ability; and

4 “(II) use American Sign Lan-
 5 guage.

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

15 “(i) includes the location information
 16 of the user, to be transmitted and delivered
 17 immediate and directly to the applicable
 18 emergency authority; and

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

23 “(5) REASSESSMENT OF AVAILABLE SERVICES
 24 AND MINIMUM STANDARDS.—Not later than 4 years
 25 after the date of enactment of this paragraph, and

1 once every 4 years thereafter, the Commission shall,
 2 as necessary to respond to evolving communication
 3 technologies, reassess and, as necessary, update the
 4 regulations prescribed under this subsection to en-
 5 sure that those regulations effectively satisfy the
 6 communication needs of individuals with disabilities
 7 who are covered by this Act, including by—

8 “(A) assessing the need for new modes of
 9 telecommunications relay services;

10 “(B) increasing and improving the manda-
 11 tory minimum standards to ensure the quality
 12 of telecommunications relay services; and

13 “(C) assessing the impact that evolving
 14 communication technologies have on the privacy
 15 of users of telecommunications relay services.”;
 16 and

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

19 **“SEC. 715A. VIDEO CONFERENCING SERVICES’ SUPPORT OF**
 20 **RELAY SERVICES.**

21 “(a) DEFINITION.—In this section, the term ‘TRS
 22 Fund’ means the fund described in 64.604(c)(5)(iii) of
 23 title 47, Code of Federal Regulations, as in effect on the
 24 date of enactment of this section.

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

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

13 **SEC. 303. NATIONAL DEAFBLIND EQUIPMENT DISTRIBUTION PROGRAM.**
 14

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

17 (1) by striking subsections (a) and (b) and in-
 18 serting the following:

19 “(a) UPDATED REGULATIONS.—Not later than 18
 20 months after the date of enactment of the Communica-
 21 tions, Video, and Technology Accessibility Act of 2022, the
 22 Commission shall update the rules under section 64.610
 23 of title 47, Code of Federal Regulations, or any successor
 24 regulation, to define as eligible for telecommunications
 25 relay service support those programs that are approved

1 by the Commission for the distribution of specialized cus-
 2 tomer premises equipment and software designed to make
 3 telecommunications service, internet access service, and
 4 advanced communications, including interexchange serv-
 5 ices and advanced telecommunications and information
 6 services, accessible to individuals who are DeafBlind.

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

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

14 “(2) includes an individual who—

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

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

23 “(C) for the purposes of satisfying sub-
 24 paragraphs (A)(i) and (A)(ii) of such section
 25 206(2), has been diagnosed with both a cortical

1 or cerebral visual impairment and an auditory
2 processing disorder.”; and

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

7 **SEC. 304. ADVANCED COMMUNICATIONS SERVICES ADVI-**
8 **SORY COMMITTEE.**

9 (a) DEFINITIONS.—In this section:

10 (1) ADVANCED COMMUNICATIONS SERVICES;
11 VIDEO CONFERENCING SERVICE.—The terms “ad-
12 vanced communications services” and “video confer-
13 encing service” have the meanings given the terms
14 in section 3 of the Communications Act of 1934 (47
15 U.S.C. 153), as amended by this Act.

16 (2) ADVISORY COMMITTEE.—The term “Advi-
17 sory Committee” means the Advanced Communica-
18 tions Services Advisory Committee established under
19 subsection (b).

20 (3) CHAIR.—The term “Chair” means the
21 Chair of the Commission.

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

24 (5) TELECOMMUNICATIONS RELAY SERVICES.—
25 The term “telecommunications relay services” has

1 the meaning given the term in section 225(a) of the
2 Communications Act of 1934 (47 U.S.C. 225(a)), as
3 amended by this Act.

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

8 (c) MEMBERSHIP.—As soon as practicable after the
9 date on which the Chair establishes the Advisory Com-
10 mittee, the Chair shall appoint individuals who have the
11 technical knowledge and engineering expertise to serve on
12 the Advisory Committee in the fulfillment of the duties
13 of the Advisory Committee, including the following:

14 (1) Representatives of entities involved in the
15 provision of video conferencing services (or a na-
16 tional organization representing such entities).

17 (2) Representatives of vendors, developers, and
18 manufacturers of systems, facilities, equipment, and
19 capabilities for the provision of video conferencing
20 services (or a national organization representing
21 such vendors, developers, or manufacturers).

22 (3) Representatives of vendors, developers, and
23 manufacturers of systems, facilities, equipment, and
24 capabilities for the provision of assistive technologies
25 used with video conferencing services (or a national

1 organization representing such vendors, developers,
2 or manufacturers).

3 (4) Representatives of manufacturers of con-
4 sumer electronics or information technology equip-
5 ment engaged in the provision of video conferencing
6 services (or a national organization representing
7 such manufacturers).

8 (5) Representatives of national organizations
9 representing accessibility advocates, including people
10 with disabilities and older Americans.

11 (6) Representatives of service agencies engaged
12 in the provision of captioning and interpretation
13 services for video conferencing services.

14 (7) Representatives of providers of tele-
15 communications relay services.

16 (8) Academic experts or representatives of re-
17 search institutions with expertise regarding ad-
18 vanced communication services.

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

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

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

4 (f) DEVELOPMENT OF RECOMMENDATIONS.—

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

11 (A) A recommended schedule of deadlines
 12 for—

13 (i) making video conferencing services
 14 and equipment accessible to individuals
 15 with disabilities; and

16 (ii) compliance with quality metrics
 17 and thresholds for built-in closed cap-
 18 tioning functionality for video conferencing
 19 services and equipment.

20 (B) An identification of the protocols, tech-
 21 nical capabilities, and technical procedures
 22 needed to—

23 (i) permit video conferencing services
 24 to include built-in closed captioning
 25 functionality; and

1 (ii) allow the interconnection of, and
2 compatibility with, assistive technologies
3 and services, existing peripheral devices,
4 and specialized customer premises equip-
5 ment commonly used by individuals with
6 disabilities to achieve access.

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

11 (D) A recommendation for standards to be
12 used to ensure that the quality of built-in closed
13 captioning functionality for video conferencing
14 services facilitates effective communication.

15 (2) CONSIDERATION OF WORK BY STANDARDS-
16 SETTING ORGANIZATIONS.—The recommendations of
17 the Advisory Committee contained in the report sub-
18 mitted under paragraph (1) shall, to the extent pos-
19 sible, incorporate the standards, protocols, and pro-
20 cedures that have been adopted by recognized indus-
21 try standard-setting organizations for each of the
22 purposes described in that paragraph.

23 (g) MEETINGS.—

24 (1) INITIAL MEETING.—The initial meeting of
25 the Advisory Committee shall take place not later

1 than 45 days after the date on which the Chair ap-
2 points the members of the Advisory Committee
3 under subsection (c).

4 (2) OTHER MEETINGS.—After the initial meet-
5 ing of the Advisory Committee under paragraph (1),
6 the Advisory Committee shall meet at the call of the
7 Chair.

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

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

12 (B) open to the public.

13 (h) PROCEDURAL RULES.—

14 (1) QUORUM.—The presence of $\frac{1}{3}$ of the mem-
15 bers of the Advisory Committee shall constitute a
16 quorum for conducting the business of the Advisory
17 Committee.

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

23 (3) ADDITIONAL PROCEDURAL RULES.—The
24 Advisory Committee may adopt other procedural
25 rules as needed.

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

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

6 Title VII of the Communications Act of 1934 (47
 7 U.S.C. 601 et seq.) is amended by inserting after section
 8 716 (47 U.S.C. 617) the following:

9 **“SEC. 716A. REAL-TIME TEXT.**

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

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

18 “(2) connectivity of real-time text to public
 19 safety answering points, as defined in section
 20 222(h).”.

21 **SEC. 306. ADVANCED COMMUNICATIONS SERVICES SOFT-**
 22 **WARE.**

23 Section 716(e) of the Communications Act of 1934
 24 (47 U.S.C. 617(e)) is amended by adding at the end the
 25 following:

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

10 **TITLE IV—EMERGING** 11 **TECHNOLOGY**

12 **SEC. 401. EMERGING TECHNOLOGY.**

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

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

17 “(a) REPORTS TO CONGRESS.—Not later than 3
 18 years after the date of enactment of this section, and every
 19 5 years thereafter, the Commission shall, in consultation
 20 with the United States Access Board, submit to the Com-
 21 mittee on Commerce, Science, and Transportation of the
 22 Senate and the Committee on Energy and Commerce of
 23 the House of Representatives a report assessing—

24 “(1) the extent to which any accessibility bar-
 25 riers exist for individuals with disabilities, including

1 individuals who are blind, deaf, or DeafBlind or in-
2 dividuals who have low vision, an auditory proc-
3 essing disorder, or a cortical or cerebral visual im-
4 pairment, with respect to emerging communications
5 and video programming technologies and services,
6 including communication and video programming
7 technologies that use augmented reality, virtual re-
8 ality, extended reality, dual reality, artificial intel-
9 ligence and other advanced machine learning, robot-
10 ics, the Internet of Things, and other forms of ad-
11 vanced computing power; and

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

16 “(A) are accessible to individuals with dis-
17 abilities;

18 “(B) provide the necessary hardware and
19 software to achieve compatibility with existing
20 peripheral devices or specialized customer prem-
21 ises equipment commonly used by individuals
22 with disabilities to achieve access; and

23 “(C) can be used to eliminate barriers for
24 individuals with disabilities, including individ-
25 uals who are blind, deaf, or DeafBlind, individ-

1 uals who have low vision, an auditory proc-
 2 essing disorder, a cortical or cerebral visual im-
 3 pairment, or a speech disability, and individuals
 4 who use augmentative and alternative commu-
 5 nication.

6 “(b) CONSIDERATION OF EFFECT ON INDIVIDUALS
 7 WITH PARTICULAR BARRIERS.—In preparing each report
 8 required under subsection (a), the Commission shall con-
 9 sider the effect of emerging technologies on individuals
 10 with disabilities who use those technologies and have par-
 11 ticular barriers to participation and communication with
 12 those technologies, including individuals with disabilities
 13 using those technologies—

14 “(1) who have limited language or limited
 15 English language;

16 “(2) who have significant or targeted disabil-
 17 ities, including individuals who have a speech dis-
 18 ability and individuals who use augmentative and al-
 19 ternative communication;

20 “(3) who have disabilities limiting communica-
 21 tion;

22 “(4) who lack access to broadband services and
 23 technology; or

24 “(5) who face heightened barriers due to race,
 25 ethnicity, national origin, age, sex, sexual orienta-

1 tion, gender identity, Tribal affiliation, or socio-
2 economic status.

3 “(c) REGULATIONS.—Not later than 2 years after the
4 date on which the Commission submits each report re-
5 quired under subsection (a), the Commission shall issue
6 new or update existing regulations for ensuring the acces-
7 sibility of emerging communications and video program-
8 ming technologies and services by individuals with disabil-
9 ities where doing so is necessary to further the goals of
10 the statutory provisions implemented by the regulations
11 of the Commission under parts 6, 7, 14, and 79 of title
12 47, Code of Federal Regulations, or any successor regula-
13 tion, intended to fulfill these goals.

14 “(d) AUGMENTATIVE AND ALTERNATIVE COMMU-
15 NICATION DEFINED.—In this section, the term ‘augment-
16 ative and alternative communication’ means any tool,
17 method, technology, strategy, service, training, coaching,
18 or other support used to supplement or replace speech.”.

19 **TITLE V—ENFORCEMENT AND** 20 **REPORTING**

21 **SEC. 501. ACCESSIBILITY ENFORCEMENT.**

22 Section 503(b)(5) of the Communications Act of
23 1934 (47 U.S.C. 503(b)(5)) is amended by inserting after
24 “uses that tower” the following: “, or in the case of viola-
25 tions of this Act related to requirements of accessibility

1 for individuals with disabilities, including violations of sec-
 2 tion 225, section 255, section 276(b)(1)(A), subsections
 3 (u) through (cc) of section 303, section 330(b), section
 4 710, section 711, section 713, or sections 715 through
 5 719”.

6 **SEC. 502. REPORTS TO CONGRESS.**

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

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

11 (A) by striking subsection (b);

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

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

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

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

20 “Not later than 2 years after the date of enactment
 21 of this section, and every 2 years thereafter, the Commis-
 22 sion shall submit to the Committee on Commerce, Science,
 23 and Transportation of the Senate and the Committee on
 24 Energy and Commerce of the House of Representatives
 25 a report that includes the following:

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

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

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

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

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