

# Update on the Federal Communications Commission CVAA Implementation

Accessible Americas  
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# Access to Telecommunications and Technology Means

- Employment
- Education
- Civic Affairs
- Recreation
- Marketplace
- Health Services
- Independence
- Privacy



# Market Forces Have Not Always Guarded Access

Recognition of limits of a competitive marketplace for people with disabilities

- Each disability market is too small
- Lower incomes mean less purchasing power
- Need for adaptive equipment discourages purchases


New technologies often create gaps for people with disabilities – government steps in where market fails

# 1970s–1990s: Federal Communication Accessibility Laws

- Rehabilitation Act of 1973– federal agencies
  - Section 508 – Mandated accessible electronic, information and telecommunications technologies acquired and provided by federal government
- Hearing Aid Compatibility Act of 1988
  - Hearing aid mandates for telephone equipment expanded
- Telecommunications Accessibility Enhancement Act of 1988
  - Established federal relay system
- Americans with Disabilities Act of 1990
  - Mandated nationwide telecommunications relay services
  - Telephone access to local emergency services
- Television Decoder Circuitry Act of 1990
  - Mandated closed captioning capability for TVs with screens larger than 13 inches
- Telecommunications Act of 1996
  - Mandated access to telecommunications products and services
  - Mandated closed captioning on TV

# Turn of Century: Many Gaps in Laws

Federal laws of the 70s, 80, and 90s could not keep pace with new Internet-based and digital ICT technologies:

- No mandates for electronic messaging, such as emailing and texting
  - No mandates for accessible web browsers
  - No mandates for video description, access to emergencies on TV or accessible user interfaces on video devices for people who are blind or visually impaired
  - Limited products required to display captions; no mandates for captioning over the Internet
  - No specific protections for deaf-blind population
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# Twenty-First Century Communications and Video Accessibility Act (CVAA)

Public Law 111-260; Public Law 111-265

- Ensures that people with disabilities are not left behind as digital, Internet and mobile innovations emerge
- Aligns prior laws that focused on telecommunications and legacy technologies with current communications and video technologies
- Fills in gaps not covered by existing disability laws
- 2010 – 2014: Extensive FCC proceedings over 4 years met all CVAA deadlines possible

**CVAA addresses accessibility challenges of 21st century technologies**



# CVAA Title I – Advanced Communications (Section 716)

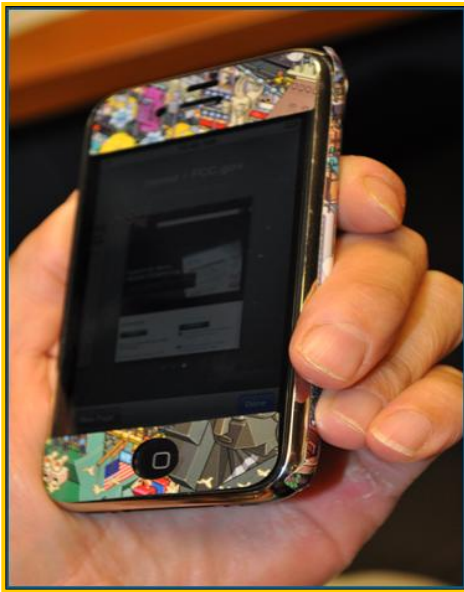
## Advanced Communications are:

- Voice over Internet protocol (VoIP) communications services
- Electronic messaging (SMS, email, instant messaging, etc.)



- Requires accessibility, usability and compatibility (unless not achievable) to advanced communications services and products.
- Identify barriers at design stage
- Industry flexibility – access may be built-in or rely on third party solutions
- Took effect October 8, 2013

# CVAA Title I: Internet Browsers on Mobile Phones ( Section 718)



- Internet browsers built into mobile phones must be accessible to and usable by persons who are blind or have a visual impairment, when achievable – e.g., entering URL address; activating home, back, forward, refresh, zooming
- Industry flexibility to incorporate access or use third party apps or peripheral devices, available to the consumer at nominal cost
- No requirement to make Internet content, apps, or services accessible
- Took effect October 8, 2013



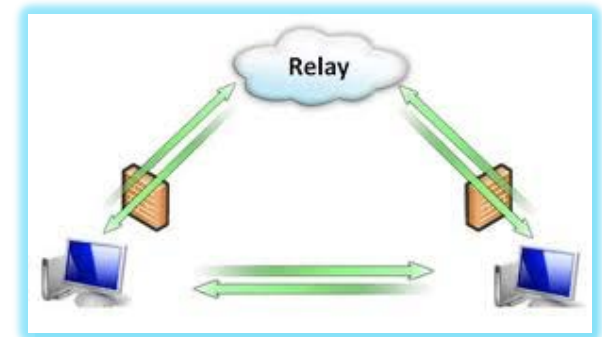
# Improved Accountability and Enforcement Measures

- Industry Recordkeeping Requirements – Companies must keep records (for 2 years) of accessibility and compatibility features, efforts to consult with people with disabilities.
- ▶ Request for Dispute Assistance – New FCC procedures require consumers to first request assistance from the FCC on CVAA matters.
- ▶ Consumer has right to bring informal complaint after 30 days – goes to Enforcement Bureau. EB must investigate and issue order within 180 days. May impose remedies: Up to \$100,000 for each day of continuing violation – maximum of \$1 million; may require compliance in next generation of equipment within reasonable time; damages against common carriers available
- ▶ FCC submits biennial reports to Congress (first one filed in October 2012).


# Americans with Disabilities Act Title IV – Telecommunications Relay Services

Relay services must be functionally equivalent to voice telephone services (since 1993)

- ◆ Unrestricted hours of operation
- ◆ No limits on length or number of calls
- ◆ Unrestricted types of calls
- ◆ Confidentiality guaranteed
- ◆ Emergency access guaranteed
- ◆ Funding support from telephone subscribers / phone companies



# Types of Relay Services


- ▶ VRS: Remote sign language interpreters interpret conversations via broadband
  - ▶ Speech to Speech Relay: Uses operators specially trained in understanding variety of speech disabilities
  - ▶ Text-to-Voice: TTY to voice – declining in use
  - ▶ IP Relay: Same as TTY to voice relay, except that consumer connects and texts to CA via the Internet
  - ▶ Captioned Telephone Service: Hard of hearing persons **speak** directly to the other person on the phone; **listen** to the extent possible to the other person; and simultaneously **read** captions of what the other person is saying (captions re-voiced or transcribed by operator)
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# CVAA Changes to Telecommunications Relay Service Program

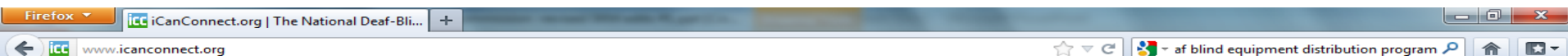


- Requires voice over Internet protocol (VoIP) contributions to TRS Fund
- Updates relay service definition to:
  - Include people who are deaf-blind
  - Permit calls using multiple forms of relay services

# National Deaf-Blind Equipment Distribution Program (NDBEDP) Launched July 1, 2012

- Authorizes \$10 million annually for distributing communications equipment to low income people who are deaf-blind
  - Covers equipment to make telecommunications service, Internet access service, and advanced communications, services accessible
  - Covers reasonable costs of assessments, training, equipment warranties, maintenance, repairs, and outreach
  - 53 state entities certified to distribute equipment
  - National outreach coordinator selected for nationwide campaign to educate community
- 

# National Deaf-Blind Equipment Distribution Program



PHONE: 800.825.4595 | TTY: 888.320.2656

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## iCanConnect

The National Deaf-Blind Equipment Distribution Program

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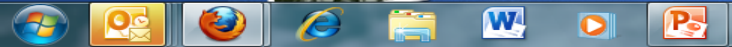
The goal of the **National Deaf-Blind Equipment Distribution Program (NDBEDP)** is to ensure that every person with combined hearing and vision loss has access to modern telecommunication tools and the training necessary to use them, granting every individual the opportunity to interact with the world as an involved, contributing member of society. The program — promoted by **iCanConnect** — provides outreach, assessments, telecommunications technology and training free of charge to those who meet federal eligibility guidelines. For more information about the **NDBEDP**, including the Federal Communications Commission's (FCC) consumer guide and eligibility rules, visit [www.fcc.gov/NDBEDP](http://www.fcc.gov/NDBEDP).

For information on eligibility, or to file an informal complaint with the FCC, visit: [www.fcc.gov/guides/national-deaf-blind...](http://www.fcc.gov/guides/national-deaf-blind...)

Click for Brochure



"When we do the best that we can, we never know what miracle is wrought in our life, or in the life of another." ~ Helen Keller





# Emergency Access to 911



- CVAA authorizes rules for disability access to Next Generation (NG) IP-based telephone emergency services
- Text-to-911 rules- Relies in part on CVAA authority: text access to telephone emergency centers

# Accessibility Clearinghouse



## Accessibility Clearinghouse

- HOME
- RESOURCES BY DISABILITY
- PRODUCTS & SERVICES
- TECHNOLOGIES
- RELATED INFO
- FOR DEVELOPERS

Welcome to our information hub about phones and innovative ways to communicate, especially for people who may have a disability.

The FCC is dedicated to ensuring that all Americans – including Americans with disabilities – have full access to our nation's communications' revolution. The [21<sup>st</sup> Century Communications and Video Accessibility Act](#) put into motion new requirements to ensure that everyone has access to communications as well as the ability to send and receive emergency information and services.

### BROWSE RESOURCES BY DISABILITY



#### [Blind or Visually Impaired](#)

Genetic, congenital or acquired vision disabilities including color blindness.



#### [Cognitive Disabilities](#)

Intellectual deficits or impaired thinking, which include intellectual disabilities, learning disabilities, acquired brain injuries, neurodegenerative diseases like dementia.



#### [Deaf-Blind Disability](#)

Genetic, congenital or acquired limitations in peripheral vision and chronic hearing impairments.



#### [Hearing, Language and Speech Disabilities](#)

Deaf, hard of hearing, late deafened, problems with voice, difficulties pronouncing sounds, or articulation disorders.



#### [Mobility and Physical Disabilities](#)

Includes auto-immune disorders that can make it difficult to use a phone; and spinal cord injuries, quadriplegia and paraplegia.

### DISABILITY RELATED EVENTS

[View All Events...](#)

### RELATED INFORMATION

- [Fact Sheets](#)
- [Programs & Initiatives](#)
- [Disability Organizations](#)
- [Veterans' Resources](#)
- [Children and Parents' Resources](#)
- [Senior Citizens' Resources](#)
- [Other Directories](#)

### ABOUT THE CLEARINGHOUSE

- [21<sup>st</sup> Century Communications and Video Accessibility Act](#)
- [Inclusion Criteria](#)
- [Usage and Disclaimer](#)
- [For Developers](#)

[AccessWireless.org](#)

### DISCUSS

[How can we publicize this clearinghouse to people who might use it?](#)

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# Closed Captioning

- 1990 – Television Decoder Circuitry Act mandated closed captioning capability on TVs with screens larger than 13 inches
- ▶ 1996 – Telecommunications Act of 1996 required closed captioning on TV programming. FCC adopted rules adopted in 1997 phasing in captioning by 2012. Captioning is now required for English, Spanish and bilingual programming as follows:
  - **100%** of all new, non-exempt programming
  - **75%** of older programming (first shown before January 1998)
  - Covers on-demand programming
- ▶ Exemptions for
  - some overnight programming (2:00–6:00 a.m. local time)
  - advertisements under 5 minutes
  - channels producing annual revenues under \$3 million
  - music without lyrics
- ▶ No provider must spend more than 2% of its annual revenues on captioning.

# FCC Closed Captioning New Quality Standards (adopted February 2014)

## ▶ 4 Quality Components

- **Accuracy**: Captions must reflect the dialogue and other sounds and music in the audio track to the fullest extent possible and must identify speakers.
- **Synchronicity**: Captions must be synchronous with their corresponding dialogue and other sounds to the fullest extent possible and must appear at a speed that can be read by viewers.
- **Program Completeness**: Captions must run from the beginning to the end of the program, to the fullest extent possible.
- **Placement**: Captions may not cover up other important on-screen information, such as character faces, featured text, graphics, or other information essential to the understanding or accessing of a program's content, and other information may not cover up captions.

FCC will consider challenges of live and near-live programming (e.g., lack of an opportunity to review captions) in enforcing new quality rules.

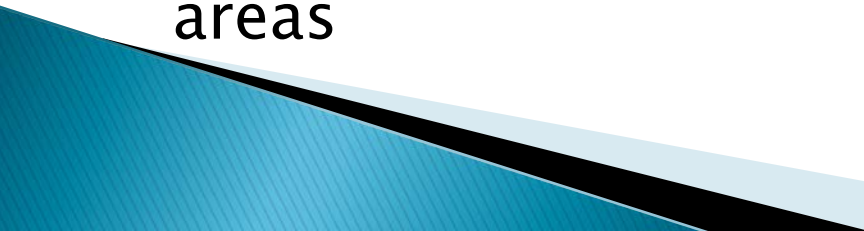
# CVAA Title II: IP Captioning of Video Programming

- Requires television programs to be closed captioned when delivered via Internet protocol (if they were captioned on TV)
- Programming must be closed captioned immediately when put on the Internet (except for programming archived on a website)
- Covers full length programming and video clips - no consumer generated media or pirated postings
- Video devices of all sizes must provide captioning, if achievable and technically feasible (covers recording devices, cables)



# CVAA Title II – Video Description

Covers:

- ◆ 4 national broadcast networks in top 25 markets (top 60 as of July 1, 2015)
  - ◆ Top 5 cable channels: Disney Channel, Nickelodeon, TBS, TNT, and USA
  - Amount of programming: 4 hours of prime time or children's programming per week
  - CVAA authorizes expansion to 7 hours of video description per week and eventually all market areas
- 



# Access to Televised Emergency Information

- Must provide visual access to television programming containing emergency information (generally achieved with closed captions). Effective now.
- Must provide aural access on the secondary audio stream (SAP channel), after an aural tone on the main program audio for people with vision loss. Effective May 2015 (new obligation added by CVAA).
  - Examples covered: Extreme weather, such as tornadoes, hurricanes, floods, earthquakes, heavy snows, widespread fires; community situations, such as power failures, explosions, civil disorders and school closings.
  - Must include critical details regarding the emergency and how to respond
  - Video devices must provide secondary audio channel to carry video description and emergency information (as of May 2015)

# Video Apparatus – User Interfaces

## Sections 204 and 205

### Effective December 2016

- ▶ User interfaces on digital video apparatus and set top boxes (including for use with the Internet) must be accessible if achievable
- ▶ On–screen text menus or visual indicators used to access apparatus functions must have audio accessibility (may be integrated or peripheral to the device) at no charge to consumer
- ▶ Requires built–in access to closed captioning and video description through a mechanism reasonably comparable to a button, key, or icon

# Consumer Guides

- Section 255, Telecommunications Access for Persons with Disabilities:  
<http://www.fcc.gov/guides/telecommunications-access-people-disabilities>
- Hearing Aid Compatibility for Wireless Telephones:  
<http://www.fcc.gov/guides/hearing-aid-compatibility-wireless-telephones>
- Hearing Aid Compatibility for Wireline Telephones:  
<http://www.fcc.gov/guides/hearing-aid-compatibility-wireline-telephones>
- Telecommunications Relay Services (TRS):  
<http://www.fcc.gov/guides/telecommunications-relay-service-trs>

# Consumer Guides (Continued)

- Closed Captioning:  
<http://www.fcc.gov/guides/closed-captioning>
- Closed Captioning of Internet Video Programming:  
<http://www.fcc.gov/guides/captioning-internet-video-programming>
- Display of Captioning on Equipment Used to View Video Programming:  
<http://www.fcc.gov/guides/display-captioning-equipment-used-view-video-programming>
- Video Description:  
<http://www.fcc.gov/document/video-description-consumer-guide>
- National Deaf-Blind Distribution Program:  
<http://www.fcc.gov/guides/national-deaf-blind-equipment-distribution-program>

# Helpful Information

- Accessibility Clearinghouse:  
<http://apps.fcc.gov/accessibilityclearinghouse/>
- CVAA Webpage:  
<http://www.fcc.gov/encyclopedia/twenty-first-century-communications-and-video-accessibility-act-0>
- First FCC Biennial CVAA Report to Congress - October 5, 2012:  
[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-12-1602A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-12-1602A1.pdf)
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