

# *Communications, Video, and Technology Accessibility Act of 2023 (CVTA)*

**Introduced by Senator Edward J. Markey (D-Mass.) and Congresswoman Anna G. Eshoo (D-CA-18)**

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On July 25, 2023 – the eve of the 33<sup>rd</sup> anniversary of the landmark Americans with Disabilities Act – Senator Markey and Congresswoman Eshoo introduced the *Communications, Video, and Technology Accessibility Act of 2023* to ensure that people with disabilities have full access to the range of mainstream communication, video programming, and emerging technologies needed to participate equally in professional, educational, recreational, and civic contexts. This legislation builds upon the *21<sup>st</sup> Century Communications and Video Accessibility Act (CVAA)* of 2010 by ensuring access to these current and emerging products and services that continue to become essential to our daily lives.

The major ways that the CVTA will enhance communications, video and technology accessibility are by:

## Video Programming Access

- Requiring closed captioning for online video programming that mirrors current televised video programming requirements, with a limited exemption for certain user-generated video;
- Requiring audio description for both televised and online video programming (with the same limited user-generated video exemption) and requiring such programming to be labeled and easily searchable;
- Directing the FCC to regularly update its closed captioning quality standards, revisit old categorical exemptions from the captioning requirements, and establish audio description quality standards;
- Requiring video programming devices, such as televisions and computers, to include features that allow easy activation and customization of closed captioning and audio description preferences and compatibility with assistive technologies, such as braille, sip & puff and voice control technologies;
- Directing the FCC to establish standards that ensure the visibility of American Sign Language (ASL) interpreters when these individuals are used on news and other video programming;

## Communications Access

- Requiring video conferencing services to have built-in accessibility features and the ability to connect with assistive technologies, including ASL interpreters, captioning, visual image descriptive services, telecommunications relay services (TRS), screen readers, braille displays, and hands free and voice control technologies;
- Expanding the scope of the National DeafBlind Equipment Distribution Program to reach a greater number of eligible persons who could benefit from receiving accessible communications devices;
- Ensuring that deaf people who use ASL have equitable access to 9-1-1 emergency services through the use of direct video calling and TRS — for example through one step wireless access that can deliver location information to 911 emergency centers;
- Expanding the scope of the TRS program to better assist ASL users and people who are DeafBlind, and adding video conferencing providers to the list of contributors that must help fund TRS;
- Requiring the FCC to complete its pending rulemaking on real-time text for wireline and wireless Voice over the Internet (VoIP) services to ensure text-based telephone access for people who are deaf and hard of hearing after the full migration to digital telephone technologies;
- Empowering the FCC to ensure that its accessibility regulations keep pace with emerging technologies, such as artificial intelligence and virtual reality platforms.

## **What is the CVAA and how does it relate to the CVTA?**

On October 8, 2010, President Obama signed the Twenty-First Century Communications and Video Accessibility Act (CVAA) into law. The CVAA updated federal communications laws to increase access of persons with disabilities to modern communications.

But technology has changed significantly since 2010, so in November of 2022, during the previous session of Congress, Senator Edward J. Markey and Representative Anna G. Eshoo introduced the Communications, Video, and Technology Accessibility Act (CVTA). The proposed legislation has now been updated and reintroduced, amending the CVAA to keep pace with essential technologies that have emerged since passage of the CVAA more than a decade ago. Every day brings new tools, services and platforms into our homes, schools, workplaces and society. The CVTA directs the FCC to take appropriate actions to ensure that these innovations will be accessible to and usable by all users.

### **There are many accessibility barriers that continue to exist. Here are just a few examples...**

- Under federal law, only a small percentage of video programming must include audio description for users who are blind or have low vision.
- It is difficult to find and activate audio description and closed captioning on television sets and other video devices.
- Video conferencing services lack many features needed by people with disabilities, excluding them from full participation in the workforce.
- Deaf people who communicate in sign language face accessibility barriers to 911 emergency services.

### **The CVTA will address these issues by...**

- Requiring full access to audio description on television shows, and expanding both audio description and closed captioning requirements to most online video streaming platforms.
- Requiring the easy activation and customization of controls used for closed captions and audio description on video devices, including television sets, set-top boxes, laptops, and tablets.
- Improving emergency access to 911 services for sign language users who are deaf, and ensuring that where sign language interpreters are provided on television and online video programming, they are visible on the viewer's screen.
- Empowering the Federal Communications Commission (FCC) to apply its accessibility regulations to emerging technologies.

**Coalition of Organizations for Accessible Technology:** <https://www.cvtaaccess.org/cvta>

**Contact Congress:** <https://www.cvtaaccess.org/home-1>

Dear <INSERT CONGRESSPERSON'S NAME>

I ask that you cosponsor the Communications, Video, and Technology Accessibility (CVTA) Act introduced by Senator Markey and Representative Eshoo.

Since Congress enacted the bipartisan 21st Century Communications and Video Accessibility Act (CVAA) in 2010, accessibility requirements for people with disabilities have not kept pace with changing technologies. As a result, these individuals do not have full access to many communication and video tools that are essential today. Therefore, Congress must act to promote the full inclusion of people with disabilities in all aspects of daily life through accessible communication tools, video programming, and emerging technologies.

The CVTA Act would enhance communications, video and technology accessibility for individuals with disabilities by:

- Requiring closed captioning for online video programming, mirroring current televised video programming requirements;
- Requiring audio description for both online and televised video programming;
- Directing the FCC to create and update quality standards for video programming accessibility;
- Requiring video conferencing services to have built-in accessibility features, such as automatic captioning functions, and the ability to connect sign language interpreters and assistive technologies that are designed to increase access for people with disabilities (e.g., refreshable braille displays);
- Establishing standards for American Sign Language interpretation when provided during video programming;
- Ensuring people with disabilities have equitable access to 9-1-1 emergency services through the use of direct video calling or telecommunications relay services;

- Requiring manufacturers of devices that display video programming, such as televisions and computers, to include features that allow easy activation and customization of closed captioning and audio description preferences;
- Expanding the contribution base for the Telecommunications Relay Services Interstate Fund to ensure its sustainability; and
- Empowering the FCC to ensure accessibility regulations keep pace with emerging technologies, such as artificial intelligence and virtual reality platforms.

[INSERT PERSONAL STORY OF BARRIER HERE IF YOU WANT]

Please ensure full access to communication and video tools for people with disabilities by cosponsoring the Communications, Video, and Technology Accessibility (CVTA) Act.

Thank you,

Your Name