



The 21st Century Communications and Video Accessibility Act of 2010 (CVAA)

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What is the 21st Century Communications and Video Accessibility Act of 2010?

On October 8, 2010, President Barack Obama signed into law the 21st Century Communications and Video Accessibility Act of 2010 (CVAA). The purpose of the CVAA is to “ensure that individuals with disabilities have access to emerging Internet Protocol-based communication and video programming technologies in the 21st century.” With rapidly advancing technology, some goods and services have overlooked the needs of persons with specific disabilities, such as the hearing aid compatibility with cell phones, but through the CVAA complaint process, overlooked accommodations are brought to light and manufacturers will need to find a resolution.

Biennial Reports

The Federal Communications Commission (FCC) must submit a report to Congress every two years after the enactment of the CVAA on October 8, 2010, to assess the level of compliance, evaluation of accessibility barriers that still exist, the number of complaints and actions to resolve those complaints. The biennial report must include accessibility of telecommunications services and equipment, advanced communications services and equipment, and accessibility of internet browsers built into mobile phones.

The first biennial report was adopted on October 5, 2012. In preparation for the report, public notices were released inviting comments related to the development of the report, and notices of proposed rule-making seeking comment on CVAA-related issues. The FCC has worked with consumer, industry and government stakeholders to confirm effectiveness and timeliness of the new law.

The A&I Initiative

In addition to Public Notices and advisory committees, the FCC Accessibility and Innovation Initiative (A&I Initiative) has sponsored or hosted events or attended conferences to get the word out. Most recently, the A&I Initiative hosted a two-day event called “Developing with Accessibility.” This event was planned to increase cooperation among developers from industry, government sectors, educational entities and consumers.

Exceptions

Telecommunications service and manufacturers of telecommunication equipment have been required to make services and equipment accessible to persons with disabilities since 1996. In the case where that equipment itself is not accessible, then services and equipment must be compatible with existing peripheral devices. This includes, but is not limited to, call waiting, speed dialing, caller I.D., voice mail, cordless and wireless telephones, fax machines, and answering machines.

Advanced communications services (this would include Voice over Internet Protocol or VoIP) and equipment, also must be accessible by individuals with disabilities unless doing so is not achievable with reasonable effort or expense. Mobile phone service providers and manufacturers also must make internet browsers built into mobile phones accessible to people who are blind have a visual impairment, unless, once again, that doing so is not achievable with reasonable effort or expense.

The FCC will review waivers when the accommodation is considered "economically burdensome". However, in the case of one video programming distributor who did not supply closed captioning, the requested waiver was denied.

National Deaf-Blind Equipment Distribution Program

When the CVAA was signed into law in October 2010, the FCC was to set up rules for a program to allow low-income, deaf-blind individuals to have equipment for accessible communication and internet access. Within the six-months, the FCC adopted rules to establish a two-year pilot program called the National Deaf-Blind Equipment Distribution Program (NDBEDP). This pilot program has the option of extending into a third year, and was launched on July 1, 2012 and the Perkins School for the Blind, in partnership with the Helen Keller National Center (HKNC) and Fable Vision, was selected to conduct national outreach. The pilot program is designed to find the most effective way to establish a permanent program.

Emergency Access Advisory Committee

The Emergency Access Advisory Committee (EAAC) was established by the FCC, under the direction of the CVAA, to find the most effective and efficient technologies for persons with disabilities to have access to emergency services. A national survey was sent out in March of 2011, subcommittees were formed to discuss technical issues and the EAAC submitted a final report to the FCC in December 2011. The EAAC recommended areas for further research, and in March 2012 hosted an Exhibition Fair with several text-to-911 technologies from 10 different vendors.

Work is continuing on communications with next generation 911 (NG911) so that the public can send emergency communications via text, photo, video, and data.

More Information

For complete information on the 21st Century Communications and Video Accessibility Act, go to:
<http://transition.fcc.gov/cgb/dro/cvaa.html>

For the complete biennial report of the CVAA released October 5, 2012, go to:
http://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db1005/DA-12-1602A1.pdf

Information on the National Deaf-Blind Equipment Distribution Program, visit this website:
www.icanconnect.org

To view Emergency Access Advisory Committee reports, visit:
www.fcc.gov/encyclopedia/emergency-access-advisory-committee-eaac

For information on the historic agreement between the National Association of the Deaf and Netflix regarding closed captioning, visit:
www.nad.org/news/2012/10/netflix-and-national-association-deaf-reach-historic-agreement-provide-100-closed-capti