

the event of such a resolution, the parties shall jointly request dismissal of the complaint and the Commission shall grant such request.

(b) Reports to Congress

(1) In general

Every two years after October 8, 2010, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes the following:

(A) An assessment of the level of compliance with sections 255, 617, and 619 of this title.

(B) An evaluation of the extent to which any accessibility barriers still exist with respect to new communications technologies.

(C) The number and nature of complaints received pursuant to subsection (a) during the two years that are the subject of the report.

(D) A description of the actions taken to resolve such complaints under this section, including forfeiture penalties assessed.

(E) The length of time that was taken by the Commission to resolve each such complaint.

(F) The number, status, nature, and outcome of any actions for mandamus filed pursuant to subsection (a)(6) and the number, status, nature, and outcome of any appeals filed pursuant to section 402(b)(10) of this title.

(G) An assessment of the effect of the requirements of this section on the development and deployment of new communications technologies.

(2) Public comment required

The Commission shall seek public comment on its tentative findings prior to submission to the Committees of the report under this subsection.

(c) Comptroller General enforcement study

(1) In general

The Comptroller General shall conduct a study to consider and evaluate the following:

(A) The Commission's compliance with the requirements of this section, including the Commission's level of compliance with the deadlines established under and pursuant to this section and deadlines for acting on complaints pursuant to subsection (a).

(B) Whether the enforcement actions taken by the Commission pursuant to this section have been appropriate and effective in ensuring compliance with this section.

(C) Whether the enforcement provisions under this section are adequate to ensure compliance with this section.

(D) Whether, and to what extent (if any), the requirements of this section have an effect on the development and deployment of new communications technologies.

(2) Report

Not later than 5 years after October 8, 2010, the Comptroller General shall submit to the Committee on Commerce, Science, and Trans-

portation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the study required by paragraph (1), with recommendations for how the enforcement process and measures under this section may be modified or improved.

(d) Clearinghouse

Within one year after October 8, 2010, the Commission shall, in consultation with the Architectural and Transportation Barriers Compliance Board, the National Telecommunications and Information Administration, trade associations, and organizations representing individuals with disabilities, establish a clearinghouse of information on the availability of accessible products and services and accessibility solutions required under sections 255, 617, and 619 of this title. Such information shall be made publicly available on the Commission's website and by other means, and shall include an annually updated list of products and services with access features.

(e) Outreach and education

Upon establishment of the clearinghouse of information required under subsection (d), the Commission, in coordination with the National Telecommunications and Information Administration, shall conduct an informational and educational program designed to inform the public about the availability of the clearinghouse and the protections and remedies available under sections 255, 617, and 619 of this title.

(June 19, 1934, ch. 652, title VII, §717, as added Pub. L. 111-260, title I, §104(a), Oct. 8, 2010, 124 Stat. 2758; amended Pub. L. 111-265, §2(3), Oct. 8, 2010, 124 Stat. 2795.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(8), was in the original "this Act", meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

AMENDMENTS

2010—Subsec. (a)(5)(C). Pub. L. 111-265 substituted "provider," for "provider in the manner prescribed in paragraph (3).".

§ 619. Internet browsers built into telephones used with public mobile services

(a) Accessibility

If a manufacturer of a telephone used with public mobile services (as such term is defined in section 610(b)(4)(B) of this title) includes an Internet browser in such telephone, or if a provider of mobile service arranges for the inclusion of a browser in telephones to sell to customers, the manufacturer or provider shall ensure that the functions of the included browser (including the ability to launch the browser) are accessible to and usable by individuals who are blind or have a visual impairment, unless doing so is not achievable, except that this subsection shall not impose any requirement on such manufacturer or provider—

(1) to make accessible or usable any Internet browser other than a browser that such manufacturer or provider includes or arranges to include in the telephone; or

(2) to make Internet content, applications, or services accessible or usable (other than enabling individuals with disabilities to use an included browser to access such content, applications, or services).

(b) Industry flexibility

A manufacturer or provider may satisfy the requirements of subsection (a) with respect to such telephone or services by—

(1) ensuring that the telephone or services that such manufacture or provider offers is accessible to and usable by individuals with disabilities without the use of third party applications, peripheral devices, software, hardware, or customer premises equipment; or

(2) using third party applications, peripheral devices, software, hardware, or customer premises equipment that is available to the consumer at nominal cost and that individuals with disabilities can access.

(June 19, 1934, ch. 652, title VII, § 718, as added Pub. L. 111-260, title I, § 104(a), Oct. 8, 2010, 124 Stat. 2761.)

EFFECTIVE DATE

Pub. L. 111-260, title I, § 104(b), Oct. 8, 2010, 124 Stat. 2761, provided that: “Section 718 of the Communications Act of 1934 [47 U.S.C. 619], as added by subsection (a), shall take effect 3 years after the date of enactment of this Act [Oct. 8, 2010].”

§ 620. Relay services for deaf-blind individuals

(a) In general

Within 6 months after October 8, 2010, the Commission shall establish rules that define as eligible for relay service support those programs that are approved by the Commission for the distribution of specialized customer premises equipment designed to make telecommunications service, Internet access service, and advanced communications, including inter-exchange services and advanced telecommunications and information services, accessible by low-income individuals who are deaf-blind.

(b) Individuals who are deaf-blind defined

For purposes of this subsection,¹ the term “individuals who are deaf-blind” has the same meaning given such term in the Helen Keller National Center Act, as amended by the Rehabilitation Act Amendments of 1992 (29 U.S.C. 1905(2)).

(c) Annual amount

The total amount of support the Commission may provide from its interstate relay fund for any fiscal year may not exceed \$10,000,000.

(June 19, 1934, ch. 652, title VII, § 719, as added Pub. L. 111-260, title I, § 105, Oct. 8, 2010, 124 Stat. 2762; amended Pub. L. 111-265, § 2(4), (5), Oct. 8, 2010, 124 Stat. 2795.)

REFERENCES IN TEXT

The Helen Keller National Center Act, referred to in subsec. (b), is title II of Pub. L. 98-221, Feb. 22, 1984, 98 Stat. 32, which is classified principally to chapter 21 (§ 1901 et seq.) of Title 29, Labor. The term “individuals who are deaf-blind” is defined in section 206(2) of the

Act, as amended by Pub. L. 102-569, which is classified to section 1905(2) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of Title 29 and Tables.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-265, § 2(5), inserted “low-income” after “accessible by”.

Pub. L. 111-265, § 2(4), made technical amendment to reference in original act which appears in text as reference to “October 8, 2010”.

§ 621. Rulemaking on loud commercials required

(a) Rulemaking required

Within 1 year after December 15, 2010, the Federal Communications Commission shall prescribe pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.) a regulation that is limited to incorporating by reference and making mandatory (subject to any waivers the Commission may grant) the “Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television” (A/85), and any successor thereto, approved by the Advanced Television Systems Committee, only insofar as such recommended practice concerns the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor.

(b) Implementation

(1) Effective date

The Federal Communications Commission shall prescribe that the regulation adopted pursuant to subsection (a) shall become effective 1 year after the date of its adoption.

(2) Waiver

For any television broadcast station, cable operator, or other multichannel video programming distributor that demonstrates that obtaining the equipment to comply with the regulation adopted pursuant to subsection (a) would result in financial hardship, the Federal Communications Commission may grant a waiver of the effective date set forth in paragraph (1) for 1 year and may renew such waiver for 1 additional year.

(3) Waiver authority

Nothing in this section affects the Commission’s authority under section 1.3 of its rules (47 C.F.R. 1.3) to waive any rule required by this Act, or the application of any such rule, for good cause shown to a television broadcast station, cable operator, or other multichannel video programming distributor, or to a class of such stations, operators, or distributors.

(c) Compliance

Any broadcast television operator, cable operator, or other multichannel video programming distributor that installs, utilizes, and maintains in a commercially reasonable manner the equipment and associated software in compliance with the regulations issued by the Federal Communications Commission in accordance with subsection (a) shall be deemed to be in compliance with such regulations.

(d) Definitions

For purposes of this section—

¹ So in original. Probably should be “section.”