

108TH CONGRESS
2D SESSION

H. R. 4311

To reinstate the Federal Communications Commission's rules for the description of video programming.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2004

Mr. MARKEY introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To reinstate the Federal Communications Commission's rules for the description of video programming.

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.**

4 This Act may be cited as the "Video Description Res-
5 toration Act of 2004".

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The Federal Communications Commission
9 promulgated video description rules that became ef-
10 fective in April of 2002.

1 (2) Those video description rules were con-
2 sistent with a long line of policies pursued by the
3 Commission and the Congress to enhance access to
4 telecommunications technology, news, entertainment,
5 and information for all Americans.

6 (3) The video description rules required major
7 networks and cable channels in the top 25 markets
8 to present at least 4 hours of described program-
9 ming per week and required such service in other
10 markets where equipment was available to provide
11 video description.

12 (4) The Commission's video description rules
13 were struck down by a court decision citing lack of
14 authority for the Commission to promulgate such
15 rules.

16 (5) The public interest would be served by clari-
17 fying the Commission's authority to promulgate such
18 rules and the intent of Congress that such rules be
19 restored.

20 **SEC. 3. REINSTATEMENT OF VIDEO DESCRIPTION RULES.**

21 (a) **RULES REINSTATED.**—The video description
22 rules of the Federal Communications Commission con-
23 tained in the report and order identified as Implementa-
24 tion of Video Description of Video Programming, Report
25 and Order, 15 F.C.C.R. 15,230 (2000), shall, notwith-

1 standing the decision of the United States Court of Ap-
2 peals for the District of Columbia Circuit in Motion Pic-
3 ture Association of America, Inc., et al., v. Federal Com-
4 munications Commission, et al. (309 F. 3d 796, November
5 8, 2002), be considered to be authorized and ratified by
6 law.

7 (b) CONTINUING AUTHORITY OF COMMISSION.—The
8 Federal Communications Commission—

9 (1) shall, within 45 days after the date of en-
10 actment of this Act, republish its video description
11 rules contained in the report and order identified as
12 Implementation of Video Description of Video Pro-
13 gramming, Report and Order, 15 F.C.C.R. 15,230
14 (2000);

15 (2) may amend, repeal, or otherwise modify
16 such rules; and

17 (3) shall initiate a proceeding within 180 days
18 after the date of enactment of this Act to consider
19 whether it is economically and technically feasible
20 and consistent with the public interest to include ac-
21 cessible information in its video description rules.

22 (c) ACCESSIBLE INFORMATION DEFINED.—In this
23 section, the term “accessible information” may include
24 written information displayed on television screens during
25 regular programming, hazardous warnings and other

- 1 emergency information, local and national news bulletins,
- 2 and any other information the Commission deems appro-
- 3 priate.

