

113TH CONGRESS
1ST SESSION

S. 555

To amend the Americans with Disabilities Act of 1990 to require captioning
and video description at certain movie theaters.

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2013

Mr. HARKIN introduced the following bill; which was read twice and referred
to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Americans with Disabilities Act of 1990 to
require captioning and video description at certain movie
theaters.

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 “Captioning and Image
5 Narration to Enhance Movie Accessibility Act” or the
6 “CINEMA Act”.

7 **SEC. 2. MOVIE THEATER ACCESSIBILITY.**

8 Section 302(b) of the Americans with Disabilities Act
9 of 1990 (42 U.S.C. 12182(b)) is amended—

1 (1) by redesignating paragraph (3) as para-
2 graph (4); and

3 (2) by inserting after paragraph (2) the fol-
4 lowing:

5 “(3) MOVIE THEATER ACCESSIBILITY.—

6 “(A) DEFINITIONS.—In this paragraph:

7 “(i) CLOSED CAPTIONING.—The term
8 ‘closed captioning’ means a method, proc-
9 ess, or mechanism, which may include a
10 device, that—

11 “(I) allows an individual who is
12 deaf or hard of hearing to have access
13 to the content of a motion picture;
14 and

15 “(II) allows that access by dis-
16 playing, through an individual device
17 or individually used technology, all of
18 the audio portion of the motion pic-
19 ture (including displaying the dialogue
20 and any narration, as well as descrip-
21 tions of on- and off-screen sounds
22 such as sound effects, music, or lyrics
23 for music, and information identifying
24 the character who is speaking) as text
25 that can be effectively viewed and con-

1 trolled by that individual while the in-
 2 dividual simultaneously watches the
 3 motion picture.

4 “(ii) COVERED ENTITY.—The term
 5 ‘covered entity’ means an entity—

6 “(I) that operates a complex of 2
 7 or more movie theaters, screening
 8 rooms, or similar venues, at a single
 9 location, that are used for the exhi-
 10 bition of copyrighted motion pictures,
 11 if such exhibition is open to the pub-
 12 lic; and

13 “(II) whose operations affect
 14 commerce.

15 “(iii) OPEN CAPTIONING.—The term
 16 ‘open captioning’ means a method, process,
 17 or mechanism that—

18 “(I) allows an individual who is
 19 deaf or hard of hearing to have access
 20 to the content of a motion picture;
 21 and

22 “(II) allows that access by openly
 23 displaying on the movie screen in-
 24 volved all of the audio portion of the
 25 motion picture (including displaying

1 the dialogue and any narration, as
 2 well as descriptions of on- and off-
 3 screen sounds such as sound effects,
 4 music, or lyrics for music, and infor-
 5 mation identifying the character who
 6 is speaking) as text that can be effec-
 7 tively viewed by that individual and
 8 other members of the audience while
 9 the individual and members simulta-
 10 neously watch the motion picture.

11 “(iv) VIDEO DESCRIPTION.—The term
 12 ‘video description’ means a method, proc-
 13 ess, or mechanism, including a device,
 14 that—

15 “(I) allows an individual who is
 16 blind or visually impaired to have ac-
 17 cess to the key visual elements of a
 18 motion picture (such as actions, set-
 19 tings, facial expressions, costumes,
 20 and scene changes); and

21 “(II) allows that access through
 22 the provision of contemporaneous
 23 audio narrated descriptions of those
 24 elements during the natural pauses in
 25 the audio portion of the motion pic-

1 ture, or during the audio portion if
2 necessary.

3 “(B) ACCESSIBILITY.—It shall be discrimi-
4 natory for any person who owns, leases (or
5 leases to), or operates a covered entity to fail to
6 ensure that all motion pictures shown at the
7 complex involved are accessible to individuals
8 with disabilities, including—

9 “(i) providing, or making available,
10 open captioning for individuals with dis-
11 abilities, including individuals who are deaf
12 or hard of hearing;

13 “(ii) providing, or making available,
14 closed captioning for individuals with dis-
15 abilities, including individuals who are deaf
16 or hard of hearing; and

17 “(iii) providing, or making available,
18 video description for individuals with dis-
19 abilities, including individuals who are
20 blind or visually impaired.

21 “(C) RULE OF CONSTRUCTION.—Nothing
22 in this Act shall be construed to limit or pro-
23 hibit an individual with a disability from uti-
24 lizing technology in connection with a personal
25 device in a manner that may provide the indi-

1 vidual with access to closed captioning, open
2 captioning, or video description that is equiva-
3 lent to or greater than the corresponding access
4 required under subparagraph (B).”.

5 **SEC. 3. CONFORMING AMENDMENT.**

6 Section 308(a)(2) of the Americans with Disabilities
7 Act of 1990 (42 U.S.C. 12188(a)(2)) is amended by strik-
8 ing “and section 303(a)” and inserting “, 302(b)(3), and
9 303(a)”.

10 **SEC. 4. EFFECTIVE DATE.**

11 This Act takes effect 1 year after the date of enact-
12 ment of this Act.

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