

CLOSED CAPTIONING: THE LAW

What is Section 508?

Section 508 of the Rehabilitation Act requires that all federal agencies make their electronic or video information accessible to all people. Government agencies must caption their videos and multimedia product for deaf and hard of hearing people and describe the same materials for blind and individuals with severely reduced vision.

How Will This Affect My Video Or Multimedia Program?

All government agencies must have their videos and other multimedia Closed or open-captioned for deaf and hard of hearing people and audio described for blind and visually impaired people. Multimedia product includes DVD, CD-ROM, and streaming media.

January 1, 2006 and thereafter:

100% of distributors' new programming must be captioned.

January 1, 2003:

A minimum of 30% of pre-rule programming must air with captions.

January 1, 2008:

A minimum of 75% of pre-rule programming must air with captions.

U.S. Department of Justice Section 508 Overview:

The following is a summary of the Section 508 laws relating to captioning and video description.

Section 508 requires that when Federal agencies develop, procure, maintain, or use electronic and information technology, they shall ensure that the electronic and information technology allows Federal employees with disabilities to have access to that information as well as any members of the public seeking information or services from a Federal agency.

-All training and informational video and multimedia presentations that contain visual information necessary for the comprehension of the content shall be video (audio) described.

-When audio presentations are available on a web page, because audio is a non-textual element, text in the form of captioning must accompany the audio, to allow people who are deaf or hard of hearing to comprehend the content.

-All training and informational video and multimedia presentations that contain speech or other audio information necessary for the comprehension of the content which supports an agency's mission, shall be open or closed captioned regardless of the anticipated audience.

Federal Communications Facts

As directed by Congress in the Telecommunications Act of 1996, the Federal Communications Commission (Commission or FCC) has adopted rules requiring closed captioning of most, though not all, television programming. The rules became effective January 1, 1998. This fact sheet provides general answers to questions that may arise about the implementation of the rules. The rules can be found at the Commission's web site, <http://ftp.fcc.gov/cgb/dro/ccrules.html>. For further information, please contact the Commission toll-free at 1-888-CALL-FCC (1-888-225-5322); TTY 1-888-TELL-FCC (1-888-835-5322); or (202) 418-7096; TTY (202) 418-7172.

Who is required to provide closed captions under the new rules?

The rules require people or companies that distribute television programs directly to home viewers ("video program distributors") to make sure that those programs are captioned. Video program distributors include local broadcast television stations, satellite television services (such as DirectTV and the Dish Network), local cable television operators, and other companies that distribute video programming directly to the home. In some situations, video program providers will be responsible for captioning programs. A video program provider could be a television program network (for example, ABC, CBS, NBC, FOX, UPN, WB, A&E, Lifetime and USA Network) or other companies that makes a particular television program.

-When will I be able to see more closed captioned programming?

A: The rules create transition periods during which the amount of closed captioned programming will gradually increase. Under the rules, there are two categories of programming: new programming and pre-rule programming. Certain exemptions from the captioning requirements apply to both categories of programming.

-New Programming: Programs first shown on or after January 1, 1998, are considered "new" programming. Under the rules, 100% of new, non-exempt programs must be captioned over an eight year period. Compliance with the captioning requirements will be determined on a quarterly basis. In other words, the Commission will look at how much captioning is provided in each of the four calendar quarters: January-March; April-June; July-September; and October-December.

The rules set up the following schedule for new programs: In 2000 and 2001, video program distributors must provide at least 450 hours of captioned new programs per channel during each calendar quarter. In 2002 and 2003, that number will increase to 900 hours per channel, per calendar quarter. In 2004 and 2005, that number will increase to an average of 1,350 hours per channel, per calendar quarter. ***As of January 1, 2006, 100% of the distributor's new, nonexempt programs must be provided with captions.***

FOR MORE ON INFORMATION PLEASE VISIT:

www.section508.gov

www.fcc.gov