



June 2015

ACCESSIBLE COMMUNICATIONS

FCC Should Evaluate the Effectiveness of Its Public Outreach Efforts

GAO Highlights

Highlights of [GAO-15-574](#), a report to congressional committees

Why GAO Did This Study

CVAA was enacted to help ensure that people with disabilities have full access to the benefits of technological advances in communications. The act required FCC to establish regulations and conduct public outreach and included a provision that GAO review FCC's efforts. GAO examined (1) the extent to which FCC established complaint and enforcement procedures within CVAA-required time frames and conducted public outreach, (2) the actions FCC has taken to ensure industry compliance with CVAA's recordkeeping provisions and to determine the level of industry compliance with accessibility requirements, and (3) stakeholders' views on the effect of CVAA's recordkeeping obligations on the development and deployment of new communications technologies.

GAO reviewed FCC's regulations, orders, and biennial reports to Congress; surveyed a random sample of companies certifying compliance with CVAA requirements; assessed FCC's efforts to conduct public outreach against key practices GAO previously identified through an expert panel; and interviewed FCC officials and representatives from industry associations, consumer advocate groups, and disability research organizations selected based on CVAA-related comments they submitted to FCC.

What GAO Recommends

FCC should evaluate its public outreach efforts and ensure those efforts incorporate key practices. FCC concurred with the recommendation and intends to take action to address it.

View [GAO-15-574](#). For more information, contact Mark L. Goldstein at (202) 512-2834 or goldsteinm@gao.gov.

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ACCESSIBLE COMMUNICATIONS

FCC Should Evaluate the Effectiveness of Its Public Outreach Efforts

What GAO Found

The Federal Communications Commission (FCC) established accessibility complaint and enforcement procedures within the time frames mandated by the 21st Century Communications and Video Accessibility Act of 2010 (CVAA) to ensure that people with disabilities would have access to advanced communications. FCC's complaint and enforcement procedures enable consumers to file (1) a pre-complaint Request for Dispute Assistance (RDA), (2) an informal complaint, or (3) a formal complaint if consumers believe a communications product or service is not accessible to people with disabilities. From October 8, 2013, to April 1, 2015, FCC received 48 RDAs and no informal or formal complaints. FCC has undertaken numerous efforts to inform the public about CVAA's protections and remedies by, for example, hosting seminars and webinars and publishing consumer guides on accessibility issues. However, GAO found FCC's efforts do not always align with key practices for conducting public outreach. In particular, FCC has not evaluated the effectiveness of its public outreach efforts. Without such an evaluation, FCC does not know the program's effectiveness in informing the public of the protections and remedies available under CVAA and thus cannot reasonably assure the quality, quantity, and timeliness of the outreach program. Evaluating the outreach efforts would also enable FCC to determine whether current resources allocated to the outreach program are appropriate or need adjustment.

FCC has taken limited actions to ensure industry compliance with CVAA's recordkeeping provisions and does not know the extent to which industry is fully complying with the requirements to make products and services accessible. FCC established the Recordkeeping Compliance Certification and Contact Information Registry to help ensure industry compliance with recordkeeping requirements. Companies subject to any CVAA accessibility requirement must submit an annual certification to FCC that they are maintaining records of their efforts to make their products accessible through the Registry. FCC could not say whether industry is complying with CVAA accessibility requirements because FCC lacks an objective measure for making this determination. However, developing a measure might not be cost effective given that FCC has received no informal or formal complaints asserting non-compliance with these requirements. In FCC's 2014 biennial report to Congress, FCC based its determination of industry compliance on public comments and industry association reports.

Stakeholders GAO surveyed and interviewed generally reported that CVAA's recordkeeping obligations have not affected the development and deployment of new communications technologies. Specifically, GAO estimated that between 59 and 70 percent of companies view CVAA's recordkeeping requirements as having had no effect on their development and deployment of new communications technologies. Overall, industry associations and disability advocates GAO interviewed generally agreed that accessibility improved since the passage of CVAA. Industry associations highlighted a number of association-led efforts to bring industry and consumers together to ensure that the needs of disabled consumers are being addressed. Advocates for people with disabilities indicated that there were still many ways in which the accessibility of communications technology could be further improved, but some believed that CVAA resulted in more widely available accessible technology.

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Abbreviations

CGB	Consumer and Governmental Affairs Bureau
CVAA	21st Century Communications and Video Accessibility Act of 2010
DRO	Disability Rights Office
EB	Enforcement Bureau
FCC	Federal Communications Commission
RCCCI	Recordkeeping Compliance Certification and Contact Information
RDA	Request for Dispute Assistance
VoIP	Voice over Internet Protocol

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June 25, 2015

The Honorable John Thune
Chairman
The Honorable Bill Nelson
Ranking Member
Committee on Commerce, Science
and Transportation
United States Senate

The Honorable Fred Upton
Chairman
The Honorable Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce
House of Representatives

More than 56 million people in the United States have a disability, according to data from the Census Bureau. In addition to the difficulties that living with a disability can entail, people with disabilities can experience impeded access to the labor market, buildings, and communications. In particular, the spread of Internet-based and digital technologies has transformed the communications marketplace and altered our everyday lives. Smart phones, e-mail, and video conferencing are but a few of the many communications technologies that Americans rely on daily, and many of these advances have improved the communications capabilities of individuals with disabilities. However, due to questions about whether the full range of benefits of these technological advances are sometimes not accessible to the disability community, Congress passed the 21st Century Communications and Video Accessibility Act of 2010 (CVAA).¹

CVAA required the Federal Communications Commission (FCC) to establish regulations to ensure that people with disabilities would have access to advanced communications (e.g., Voice over Internet Protocol,

¹ Pub. L. No. 111-260, 124 Stat. 2751 (2010), as codified in various sections of title 47 of the United States Code (U.S.C.).

electronic messaging services, interoperable video conferencing, and Internet browsers built into mobile phones).² These accessibility requirements for advanced communications supplement similar requirements established by law for traditional telecommunications (e.g., telephones, wireless handsets, and fax machines).³ CVAA also requires manufacturers and service providers of both traditional telecommunications and advanced communications to maintain records of their efforts to implement the act's requirements to make their products accessible and submit an annual certification to FCC indicating that the companies are maintaining the records.⁴ The companies' recordkeeping efforts include consultations with the disability community and information describing their products' accessibility features and compatibility with commonly used peripheral devices.⁵ CVAA also required FCC to establish processes to facilitate the filing of complaints alleging the violation of the requirements to make traditional and advanced communications products and services accessible, and enforcement procedures in cases of violations.⁶ CVAA required FCC to establish a clearinghouse of information on the availability of accessible communications products and to conduct an informational and educational program designed to inform the public about the clearinghouse and the protections and remedies available under the act.⁷

Section 717 of the Communications Act of 1934, as amended by CVAA,⁸ included a provision that we evaluate FCC's compliance with the enforcement and recordkeeping obligations contained in the act.⁹ In this report, we present information on (1) the extent to which FCC established complaint and enforcement procedures within the time frames required by

² 47 U.S.C. §§ 617 and 619. Voice over Internet Protocol (VoIP) is the routing of voice conversations over the Internet or any other Internet Protocol network.

³ 47 U.S.C. § 255.

⁴ 47 U.S.C. § 618(a)(5)(A) and (a)(5)(B).

⁵ 47 U.S.C. § 618(a)(5)(A).

⁶ 47 U.S.C. § 618(a).

⁷ 47 U.S.C. § 618(d) and (e).

⁸ Pub. L. No. 111-260, 124 Stat. 2751 (2010) (CVAA). CVAA is codified in various sections of Title 47 of the U.S. Code.

⁹ 47 U.S.C. § 618(c).

CVAA and conducted public outreach, (2) the actions FCC has taken to ensure industry compliance with CVAA's recordkeeping provisions and to determine the level of industry compliance with accessibility requirements, and (3) stakeholders' views on the effect of CVAA's recordkeeping obligations on the development and deployment of new communications technologies.¹⁰ We did not assess the effectiveness of CVAA's enforcement provisions and FCC's enforcement procedures to ensure compliance with CVAA because FCC had not taken any enforcement actions at the time of our review.

To address these objectives, we reviewed relevant portions of CVAA and FCC documents, such as regulations, public notices, orders, and biennial reports to Congress. We compared FCC's efforts in carrying out its responsibilities with requirements established in CVAA and assessed FCC's efforts to conduct public outreach against key practices we previously identified.¹¹ In prior work, we convened an expert panel composed of 14 senior management-level experts in strategic communications to identify the key practices of a consumer education campaign. We selected these experts—who represented private, public, and academic institutions—based on their experience overseeing a strategic communications or social marketing campaign or other relevant expertise. We believe the key practices the expert panel identified in 2007 remain relevant today since the practices are not time-sensitive. We also analyzed recordkeeping compliance certifications data covering the period January 2013 (the date the certification requirement became effective) to April 2015. We reviewed consumer complaints information covering the period October 2013 (the date the accessibility complaints process became effective) to April 1, 2015. We interviewed FCC officials and representatives from six industry associations, seven consumer advocate groups, and two disability research organizations. We selected organizations that had submitted at least two responses to FCC's solicitations for public input on implementing CVAA from October 2010 through September 2014; five organizations selected for interviews declined to speak with us or could not be reached. To obtain industry

¹⁰ We also present information on stakeholders' views on the effect of CVAA requirements for making advanced communication products and services accessible on the development and deployment of new communications technologies.

¹¹ GAO, *Digital Television Transition: Increased Federal Planning and Risk Management Could Further Facilitate the DTV Transition*, [GAO-08-43](#) (Washington, D.C.: Nov. 19, 2007).

views on the effects of CVAA's requirements on the development and deployment of new communications technologies, we surveyed a random sample of 355 companies that had certified their compliance with the recordkeeping requirements of CVAA as of December 2014. We administered the survey from February 2015 through March 2015 and received 173 responses, for a 49 percent response rate. The results of our survey generalize to the population of the companies that had certified compliance with recordkeeping obligations as of December 2014. More details about our scope and methodology can be found in appendix I and a copy of our survey in appendix II.

We conducted this performance audit from September 2014 to June 2015 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

When Congress amended the Communications Act of 1934 in 1996, it added a provision to ensure access to communications technologies for people with disabilities.¹² The provision, Section 255, required manufacturers of traditional telecommunications equipment, such as telephones, wireless handsets, or fax machines, and providers of traditional telecommunications services, such as telephone calls, voice mail, or interactive voice response systems¹³ to “ensure that [their products and services] be accessible and usable by people with disabilities” if making them so was “readily achievable.”¹⁴ For a product or service to be “accessible” means that it must have certain input, control, and mechanical functions and meet certain information requirements to

¹² Telecommunications Act of 1996, Pub .L. No. 104-104, §101, 110 Stat. 56, 75 (1996).

¹³ FCC, *Consumer Guide, Telecommunications Access for People with Disabilities*, accessed June 4, 2015, <http://www.fcc.gov/guides/telecommunications-access-people-disabilities>.

¹⁴ According to 47 C.F.R. § 6.3(h), readily achievable means “easily accomplishable and able to be carried out without much difficulty or expense.”

operate and use the product.¹⁵ Whether making a product or service accessible is “readily achievable” depends, among other things, on the cost of the required action and the overall financial resources of the entity responsible for bearing that cost.¹⁶ Examples of accessibility features for equipment covered under section 255 include adjustable displays, screen readers, volume control, and tactile alerts.

CVAA was enacted to increase the access of people with disabilities to modern communications. Section 716, a new section of the Communications Act added by CVAA, requires manufacturers and service providers of “advanced communications services” to make their products accessible to people with disabilities. Advanced communication services include VoIP services, electronic messaging services, and interoperable video conferencing services. According to FCC, examples of accessibility features for equipment covered under sections 716 also include adjustable displays, screen readers, volume control, and tactile alerts. Section 718, also added by CVAA, introduced a similar accessibility requirement for manufacturers and service providers for Internet browsers built into mobile phones.¹⁷ The functions of an Internet browser—for example, typing a web address in the address bar; identifying and activating home, back, forward, refresh, reload, and stop buttons; viewing status information; and activating zooming or other features—must be accessible to individuals who are blind or visually impaired. Importantly, advanced communication services were required to be made accessible unless doing so was not achievable,¹⁸ a more rigorous standard than that applied to traditional telecommunications.

CVAA requires FCC to report biennially to Congress on its assessment of the level of industry compliance with CVAA’s accessibility requirements,

¹⁵ 47 C.F.R. § 6.3(a). For example, the product or service should be operable for persons with little or no vision or hearing and provide visual and auditory information through text, images, icons, or other cues, among other requirements.

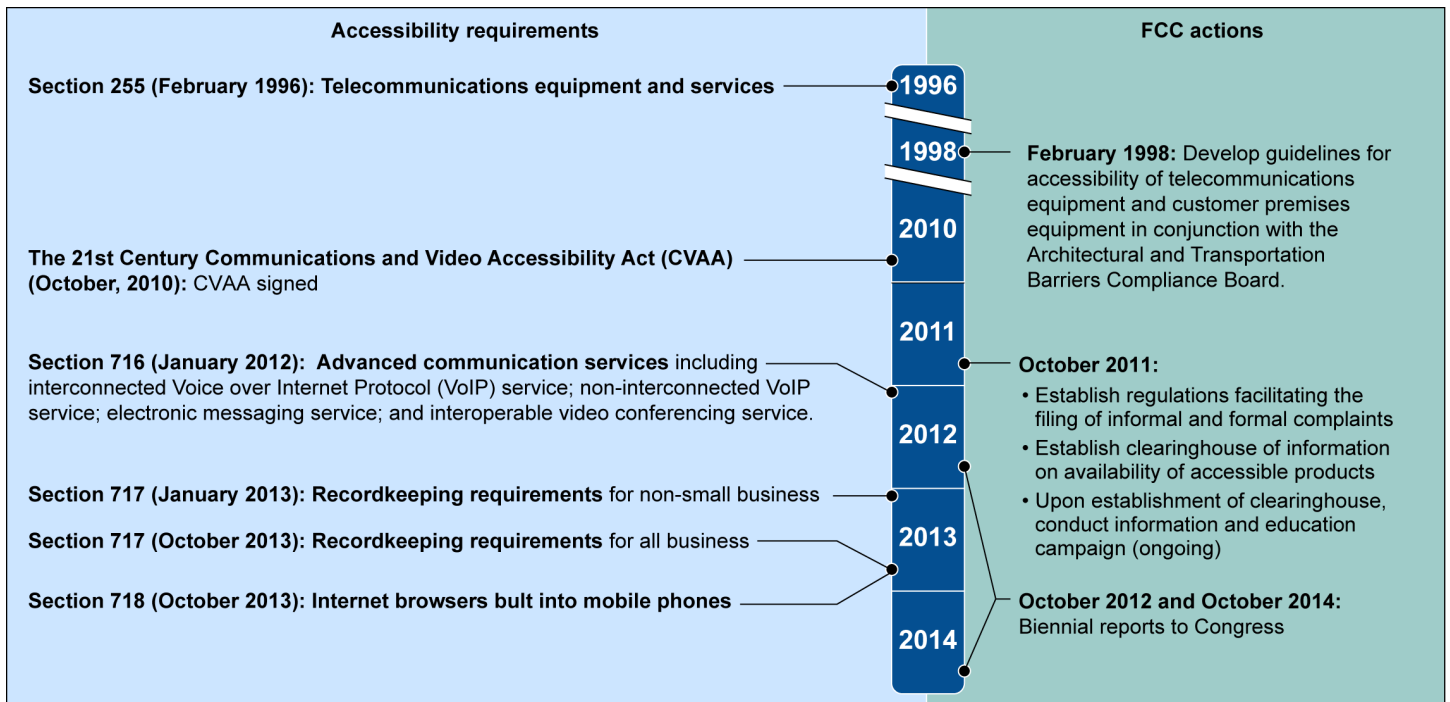
¹⁶ 47 C.F.R. § 6.3(h).

¹⁷ 47 U.S.C. § 619.

¹⁸ 47 U.S.C. § 617(g) defined achievable as “with reasonable effort or expense, as determined by FCC.” In determining achievability, FCC is required to consider certain factors, such as cost of the steps needed to meet the accessibility requirements and the technical and economic impact on the operation of both the company and product in question.

an evaluation of accessibility barriers that exist with respect to new communications technologies, and complaints received during the reporting period and their outcomes, among other things. See figure 1 for a timeline of selected CVAA requirements and FCC's actions to implement them.

Figure 1: Timeline of Communications Act Accessibility Requirements and Federal Communications Commission (FCC) Actions Implementing Those Requirements



Source: GAO analysis of FCC information. | GAO-15-574

FCC Established Complaint and Enforcement Procedures in a Timely Manner, but Public Outreach Could Be Improved

FCC Established Accessibility Complaint and Enforcement Procedures within Mandated Time Frames

FCC established accessibility procedures for filing complaints alleging violations of CVAA's accessibility requirements and enforcement procedures for cases of a violation on October 7, 2011, within the 1-year statutory deadline.¹⁹ See appendix III for more detail on FCC's actions implementing Section 717's complaint and enforcement provisions. In developing its complaint and enforcement regulations and procedures, FCC took into account industry and consumer feedback. For example, 2 weeks after CVAA's October 2010 enactment, FCC issued a public notice soliciting input on complaint and enforcement procedures,²⁰ and 6 months after enactment, a Notice of Proposed Rulemaking seeking public comment on implementing both complaint and enforcement requirements.²¹ FCC received about 100 public comments from October 2010 to May 2011 after publishing those two solicitations. When FCC adopted its complaint procedures in October 2011, it discussed its rationale for accepting or rejecting some public suggestions. FCC continued to seek and receive public comments after adoption of the

¹⁹ 47 U.S.C. § 618(a). These procedures were published in the Federal Register in December 2011 and were included under title 47, part 14 of the Code of Federal Regulations. They became effective in January 2012, 76 Fed. Reg. 82354 (Dec. 30, 2011).

²⁰ FCC, *Public Notice: Consumer & Governmental Affairs Bureau and Wireless Telecommunications Bureau Seek Comment on Advanced Communication Provisions of the Twenty-First Century Communications and Video Accessibility Act of 2010*, CG Docket No. 10-213, DA 10-2029 (Oct. 21, 2010).

²¹ FCC, *Notice of Proposed Rulemaking: In the Matter of Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010* (among other matters), 26 FCC Rcd 3133 (2011).

procedures to prepare its first biennial report, published in October 2012, to Congress on FCC's implementation of CVAA.²²

FCC's complaint and enforcement procedures contain three types of actions that consumers can take with FCC's assistance. According to FCC, the procedures enable consumers to contact companies directly by using FCC's database of company contact information—the Recordkeeping Compliance Certification and Contact Information (RCCCI) Registry.²³ FCC's intention in adopting these procedures was to facilitate settlements between consumers and companies as informally as possible and assist consumers with bringing their complaints to companies. The three types of consumer actions FCC established are (1) the pre-complaint Request for Dispute Assistance (RDA) process, (2) the informal complaint process, and (3) the formal complaint process. As of April 1, 2015, FCC had received 48 RDAs and no informal or formal complaints.

Pre-Complaint RDA Process

Example of a Request for Dispute Assistance

A blind consumer was having difficulty finding an accessible mobile handset that had a full read out of all menu levels and audible keystrokes to work with his mobile service provider and that had sufficiently strong signal reception to work in his home. FCC's Disability Rights Office facilitated a resolution by having the service provider work with the consumer to test several models until the consumer was able to find an accessible handset that he could use.

Source: GAO summary of FCC data. | GAO-15-574

An RDA is the most informal action a consumer can take and the process begins with the consumer sending a dispute request to FCC's Consumer and Governmental Affairs Bureau (CGB) explaining why the consumer believes the manufacturer or service provider is in violation and what the consumer needs to resolve the dispute. The consumer has multiple methods for filing an RDA form, including telephone, online, mail, e-mail, and fax. CGB's Disability Rights Office (DRO) assists in resolving the accessibility problem by contacting the consumer to learn more about the problem and working with the consumer and company to try to resolve the problem within 30 days. The consumer may request one or more extensions in 30-day increments to continue working with DRO officials, according to FCC's online Consumer Help Center.²⁴ If a consumer is not satisfied with the results of an RDA, the consumer may file an informal complaint but must do so within 60 days after the initial or extended 30-

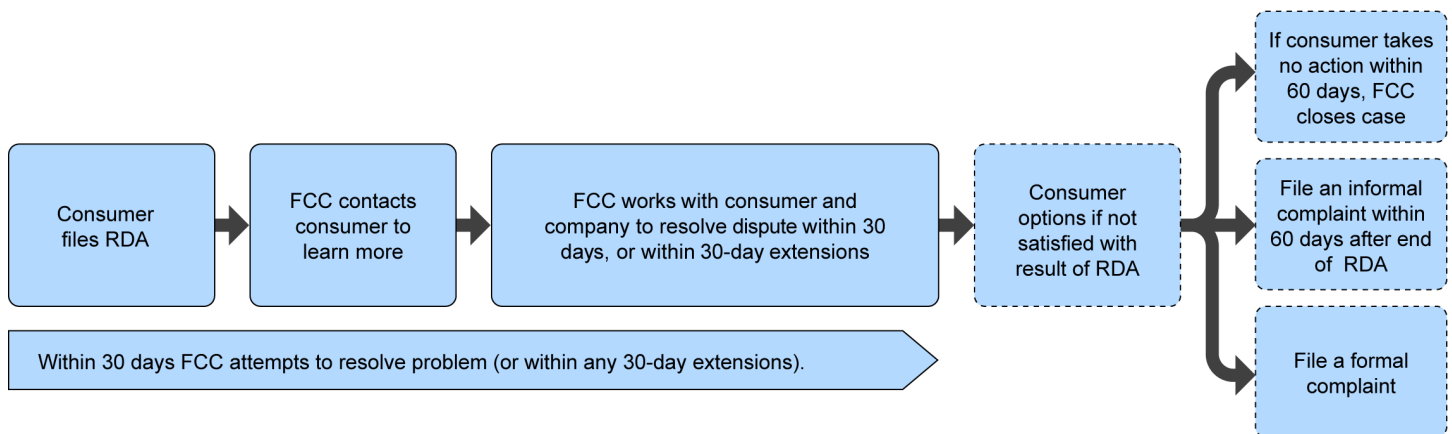
²² FCC, *Biennial Report to Congress as Required by the Twenty-First Century Communications and Video Accessibility Act of 2010: In the Matter of Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*, 27 FCC Rcd 12204 (2012).

²³ FCC requires companies who are subject to the accessibility requirements of Sections 255, 716, and 718 to submit contact information to the RCCCI Registry. 47 C.F.R. § 14.31(b)(2).

²⁴ <https://consumercomplaints.fcc.gov/hc/en-us/articles/202939874-Take-Action-Options-for-Filing-an-Accessibility-Complaint>. Accessed on March 4, 2015.

day period ends. If a consumer takes no action after 60 days, FCC closes the case. See figure 2 for a flowchart of the RDA process.

Figure 2: The Federal Communications Commission’s (FCC) Pre-Complaint Request for Dispute Assistance (RDA) Process



Source: GAO analysis of FCC information and the Code of Federal Regulations. | GAO-15-574

According to FCC’s October 2011 Report and Order,²⁵ the pre-complaint RDA process is to provide an appropriate amount of time to facilitate settlements and provide assistance to consumers to rapidly and efficiently resolve accessibility issues with companies. In addition, FCC’s intention with the RDA process is to lessen the hesitation of some consumers to approach companies about their concerns or complaints by themselves. Further, the report and order stated that FCC’s involvement before a complaint is filed will benefit both consumers and industry by helping to clarify the accessibility needs of consumers for the manufacturers or service providers against which they may be contemplating a complaint, encouraging settlement discussions between the parties, and resolving accessibility issues without the expenditure of time and resources in the informal complaint process. According to FCC, 48 RDAs were filed between October 8, 2013, the date the new CVAA accessibility complaint rules took effect, and April 1, 2015. DRO facilitated a resolution for 43 RDAs by contacting the consumer and the company, and none were escalated to an informal complaint for investigation. DRO dismissed 2

²⁵ FCC, *Report and Order and Further Notice of Proposed Rulemaking: In the Matter of Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010* (among other matters), 29 FCC Rcd 11909 (2011).

RDAs because it was unable to obtain a response from the consumer to obtain additional information about the accessibility problem or to facilitate resolution. One RDA was withdrawn by the consumer, and at the time of our review, 2 RDAs were pending as dialog continued among DRO, the consumers, and the service providers.

Informal Complaint Process

The informal complaint process begins when a consumer files an informal complaint form.²⁶ DRO fills out the form based on the information from the consumer's RDA filing. As required by CVAA,²⁷ a consumer has multiple methods for filing the informal complaint form, including telephone, online, mail, e-mail, and fax. FCC's procedures require the Enforcement Bureau (EB) to review the informal complaint form for completeness, including whether it shows a possible violation. EB will dismiss the complaint without prejudice to refile if the form is incomplete, but the consumer may then refile an informal complaint with the correct information. If complete, EB will serve the complaint to the company named in the complaint, which must respond within 20 days of receiving the complaint and send the consumer and FCC a non-confidential summary of its response. In this answer, the company must provide sufficient evidence demonstrating that the product or service is accessible, or, if not accessible, that accessibility was not achievable under the rules or readily achievable. The consumer may reply to the company's response in writing but must do so within 10 days. EB will investigate the consumer's allegation and the company's written response, and is required by CVAA²⁸ to issue an order within 180 days finding whether the company violated sections 255, 716, or 718—i.e., that the company did not ensure its product was accessible and could not prove that ensuring accessibility was unachievable—or any of FCC's implementing rules described in the Code of Federal Regulations.²⁹ If a violation is found, FCC may direct the company to bring its product into compliance within a reasonable period

²⁶ Prior to filing an informal complaint, a consumer must first work through the RDA process.

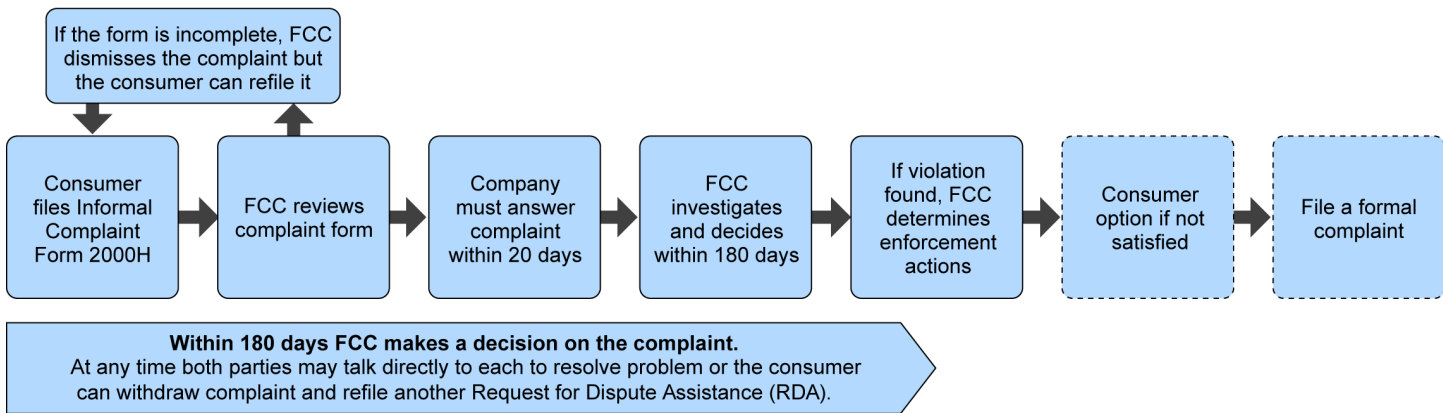
²⁷ 47 U.S.C. § 618(a)(2).

²⁸ 47 U.S.C. § 618(a)(3)(B).

²⁹ See 47 C.F.R. Part 6—Access To Telecommunications Service, Telecommunications Equipment And Customer Premises Equipment By Persons With Disabilities, Part 7—Access To Voicemail And Interactive Menu Services And Equipment By Persons With Disabilities, and Part 14—Access To Advanced Communications Services And Equipment By Persons With Disabilities.

of time and take other appropriate enforcement action. The rules allow a company the opportunity to comment on a proposed remedial action before FCC issues a final order. See figure 3 for a flowchart of the informal complaint process.

Figure 3: The Federal Communications Commission’s (FCC) Informal Complaint Process for Accessibility Complaints



Source: GAO analysis of FCC information and the Code of Federal Regulations. | GAO-15-574

FCC’s rationale for making an RDA a prerequisite for filing an informal complaint is that after a consumer has undertaken the RDA process, all parties involved—DRO officials, the consumer, and the company—should have identified the correct manufacturer or service provider that the consumer will name in the informal complaint and the consumer should have obtained all the information necessary to satisfy the minimum requirements for filing an informal complaint. FCC does not intend the informal complaint process to require legal representation and allows at any time for both parties to resolve the problem on their own or the consumer to withdraw the informal complaint and file another RDA.

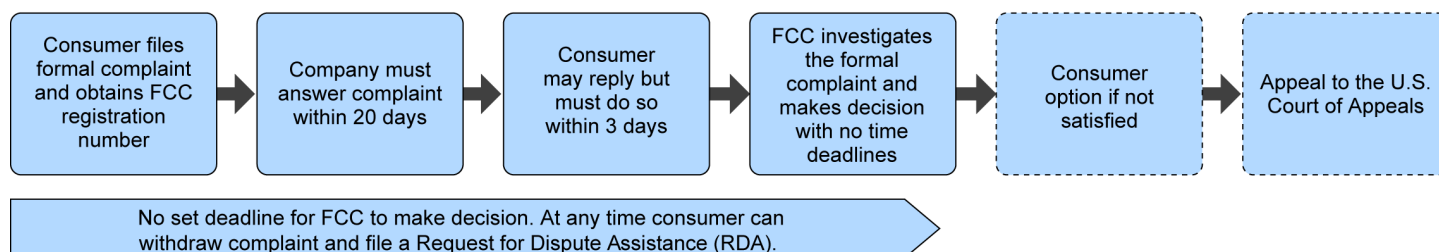
Formal Complaint Process

To file a formal complaint, the consumer must first obtain an FCC registration number.³⁰ FCC sends the complaint to the company, which

³⁰ The formal complaint process generally requires legal representation for consumers who are not versed in formal legal proceedings, according to FCC officials. This process is generally resolved on a written record consisting of a complaint, answer, and joint statement of stipulated facts, disputed facts, and key legal issues, along with all associated affidavits, exhibits, and other attachments. FCC proceedings may also include other written submissions such as briefs, written interrogatories, and other supplementary documents or pleadings. See 47 C.F.R. § 14.38.

must answer with a defense within 20 days of receipt. The consumer may file and serve a reply to the company's defense but must do so within 3 days of receiving the company's answer. EB staff review and investigate the consumer's formal complaint filings and the company's answer to the complaint, and make a decision. FCC's procedures do not include a deadline for making a decision on the complaint. As shown in figure 4, the filing of an RDA or an informal complaint is not a prerequisite for filing a formal complaint.

Figure 4: The Federal Communications Commission's (FCC) Formal Complaint Process for Accessibility Complaints



Source: GAO analysis of FCC information and the Code of Federal Regulations. | GAO-15-574

Section 717 directed FCC to establish procedures for enforcement actions against violations of Sections 255, 716, and 718.³¹ The procedures include the process established for handling informal and formal complaints. As of April 1, 2015, FCC had not taken any enforcement actions against a company because no informal or formal complaints had been filed.

FCC Has Conducted Public Outreach Efforts but Has Not Evaluated Their Effectiveness

FCC has undertaken numerous efforts to conduct its CVAA-mandated informational and educational program to inform the public about the act's protections and remedies. FCC established a clearinghouse of information on accessibility products and services within the 1-year statutory deadline,³² and is conducting an outreach program to inform the public about the clearinghouse and CVAA's protections and remedies. For example, FCC has hosted seminars and webinars on accessibility issues; published consumer guides and news releases; sought public

³¹ 47 U.S.C. § 618. FCC's rules are codified at 47 C.F.R. § 14.30.

³² 47 U.S.C. § 618(d) and (e).

comment on rulemaking and waiver requests in advance of orders; and updated subscribers to its public e-mail service on accessibility-related information. FCC also maintains the Accessibility Clearinghouse on its website, which provides links to, for example, disability organizations, resources by type of disability, products and services, and consumer guides. In addition, FCC established the Disability Advisory Committee, which is charged with making recommendations to FCC on the full range of disability access issues, suggesting ways to facilitate the participation of consumers with disabilities in proceedings before FCC, and providing an effective means for stakeholders to exchange ideas and develop recommendations for accessibility solutions.³³

While FCC has undertaken efforts to conduct public outreach, it has not evaluated the effectiveness of its efforts. We previously identified nine key practices that are important to conducting a consumer education campaign.³⁴ We compared FCC’s accessibility public outreach efforts with the key practices we identified and found FCC’s efforts did not always align with the key practices, as shown in table 1. In particular, we found FCC’s efforts do not align with two of the key practices related to defining goals and objectives and establishing process and outcome metrics.

Table 1: The Federal Communications Commission’s (FCC) Efforts Compared with Key Practices for Conducting Public Outreach

Key practices for conducting consumer education	FCC’s public outreach efforts to inform public about accessibility-related protections and remedies	How FCC’s efforts align with practice
Define goals and objectives	Section 717 of the Communications Act of 1934, as amended, defined the goals of the public outreach, namely to inform the public about the availability of the clearinghouse and the protections and remedies contained in the 21st Century Communications and Video Accessibility Act of 2010 (CVAA); however, FCC has not set formal objectives for its outreach program.	Do not align
Analyze the situation	FCC includes analyses in its biennial reports to Congress on, for example, industry’s compliance with CVAA’s accessibility requirements and remaining accessibility barriers.	Align

³³ The Disability Advisory Committee membership includes representatives of organizations and other entities representing people with disabilities, state or local governments, industry, and other individuals with significant expertise in the disability and accessibility issues.

³⁴ [GAO-08-43](#).

Key practices for conducting consumer education	FCC's public outreach efforts to inform public about accessibility-related protections and remedies	How FCC's efforts align with practice
Identify stakeholders	FCC's Consumer and Governmental Affairs Bureau (CGB) has identified consumer advocacy groups representing people with disabilities, industry associations, and other interested stakeholders through, for example, the over 150 conferences CGB had attended that were related to CVAA and accessibility issues and public notices it had issued seeking comment on proposed accessibility rules between October 2010 and October 2014.	Align
Identify available budgetary and other resources	Since February 2012, FCC has been identifying specific CVAA-related activities and broad targets in its annual fiscal-year budget requests to Congress. In addition, FCC identified human resources—such as CGB and Disability Rights Office (DRO) staff to attend accessibility conferences, meetings, and other events; Consumer Affairs and Outreach Division staff to plan, develop, and conduct consumer outreach and education initiatives; and Web and Print Publishing Division staff to develop and maintain content for consumers on FCC's website and Consumer Publications Library.	Align
Research target audiences	CGB regularly attends telecommunications accessibility conferences.	Align
Develop consistent and clear messages	While CGB has developed and presented messages through its various efforts, it has not assessed the consistency and clarity of the messages.	Somewhat align
Identify credible messengers	CGB and DRO are responsible for outreach on consumer issues and for implementing CVAA.	Align
Design media mix	CGB uses a mix of media for delivering information on CVAA—such as through its website, public AccessInfo@fcc.gov e-mail subscription, seminars, webinars, and in-person attendance at conferences and events.	Align
Establish both process and outcome metrics to measure success in achieving objectives	FCC has not established any metrics to measure success in achieving objectives of the outreach campaign. Process metrics assure the quality, quantity, and timeliness of the work. Outcome metrics evaluate how well the campaign influenced the attitudes and behaviors of the target audience that FCC set out to influence.	Do not align

Sources: GAO analysis of GAO-08-43 and FCC internal and public documents. | GAO-15-574

FCC has not established objectives for the outreach or metrics for measuring success in achieving objectives. Without such metrics, FCC does not know the program's effectiveness in informing the public of CVAA's accessibility provisions and thus, cannot reasonably assure the quality, quantity, and timeliness of its outreach program. Establishing process and outcome metrics could help FCC determine whether the current levels of budgetary and other resources allocated to the outreach program need adjustment. We previously reported that evaluation is an essential element of any public education campaign and that it was considered by experts participating in our panel as a "must do" even with limited resources. The experts also stressed the importance of having a clear understanding of the goals and objectives of the public outreach campaign when designing the metrics that comprise the evaluation

component. Once the goals are clearly defined, planners can establish the necessary targets to measure the effectiveness of the public outreach.³⁵ While the consumer advocate groups we interviewed generally had mixed views about the effectiveness of FCC's public outreach efforts, some offered suggestions for FCC to improve its efforts, such as making its accessibility and complaint websites easier to use; being more proactive in instructing the disability community in how to file complaints; and explaining the differences between CVAA and the American with Disabilities Act.³⁶ FCC officials acknowledged that establishing a process by which they could measure how effective their outreach efforts are would be very beneficial. They said such an evaluation is needed to provide them with important information, such as nationwide data on the different disabilities and the required product features and functions to achieve accessibility for each type of disability.

FCC Has Taken Limited Actions to Ensure and Determine Compliance with Recordkeeping Provisions and with Accessibility Requirements

FCC Established a Database to Facilitate Industry Self-Certifications

The primary action FCC has taken to ensure industry's compliance with CVAA's recordkeeping requirements³⁷ was to establish the Recordkeeping Compliance Certification and Contact Information (RCCCI) Registry, which is maintained on FCC's website. Companies

³⁵ [GAO-08-43](#).

³⁶ Pub. L. No. 101-336, 104 Stat. 353 (1990). The Americans with Disabilities Act, a civil rights law, prohibits discrimination against individuals with disabilities in several areas.

³⁷ 47 U.S.C. § 618(d).

subject to any of CVAA's accessibility requirements must submit an annual certification to FCC that they are maintaining records of their efforts to make their products accessible through the RCCCI Registry. Companies enter three types of information into RCCCI: (1) contact information for a person within the company authorized to resolve consumer complaints; (2) contact information for a person within the company in the event of an informal or formal complaint; and (3) a certification that the company is maintaining records of its efforts to make its products and services accessible. To inform companies of their recordkeeping and annual certification obligations, FCC has been posting public notices and sending e-mails to its AccessInfo subscribers since 2013, reminding them to submit the required information into the RCCCI Registry annually by April 1. The RCCCI Registry was made available on FCC's website in January 2013, and as of April 2015, FCC had received approximately 3,777 industry certifications.

FCC Does Not Know the Extent of Industry's Compliance with CVAA Requirements

During our review, FCC officials were unable to say whether the actual number of compliance certifications recorded in the RCCCI Registry represents full industry compliance with CVAA's certification requirements. In particular, although FCC estimated over 28,000 companies could be affected by CVAA's requirements, FCC officials told us that this estimate does not accurately capture the number of companies subject to CVAA's recordkeeping requirements.³⁸ Additionally, we found some companies that certified compliance with CVAA's recordkeeping requirements did not believe they were subject to CVAA. For example, a representative from a certifying company in Nebraska we selected randomly to interview told us the company was not maintaining records in accordance with CVAA since the company had not received any complaints about the inaccessibility of its services and there were no people with disabilities in its service area. However, CVAA's accessibility

³⁸ As part of securing authorization to implement CVAA's recordkeeping requirement, FCC was required under the Paperwork Reduction Act to provide the Office of Management and Budget's Office of Information and Regulatory Affairs with an estimate of the number of manufacturers and service providers that could be affected by CVAA's requirements. To develop this estimate, FCC used the North American Industry Classification System, which federal statistical agencies developed to classify businesses, and U.S. Census Bureau information, as well as prior estimates FCC had developed for regulations covering related equipment and services. FCC estimated that up to 28,077 companies could be affected by CVAA's recordkeeping requirements once those requirements were fully in effect.

and recordkeeping requirements are tied to the manufacturing of communications equipment or the provision of communications services, and not whether a company's clients, in its judgment, are people with disabilities. A few companies responding to our survey indicated that they did not believe the accessibility or recordkeeping requirements of the act applied to them since they were wholesalers rather than retailers of telecommunications or advanced communications services. Nevertheless, these companies had self-certified to FCC that they were complying with CVAA's recordkeeping requirements.

Furthermore, FCC cannot say whether industry is fully complying with the requirements to make products and services accessible. As stated previously, CVAA requires FCC to report biennially to Congress on the level of industry compliance with Sections 255, 716, and 718.³⁹ However, FCC lacks an objective measure for making this determination. In the 2014 biennial report to Congress,⁴⁰ FCC based its determination of industry compliance primarily on the public comments it received and industry association reports to prepare the final report.⁴¹ For example, based on comments it received, FCC determined that Section 255 companies increased the availability of accessible telecommunications equipment and that Section 716 and 718 companies "made efforts to comply." Although such commentary does not enable FCC to objectively determine industry compliance, developing an objective measure might not be cost-effective because to date, FCC has received no informal or formal complaints asserting non-compliance with CVAA accessibility requirements.

³⁹ 47 U.S.C. § 618(b)(1)(A).

⁴⁰ FCC, *Biennial Report to Congress as Required by the Twenty-First Century Communications and Video Accessibility Act of 2010: In the Matter of Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*, 29 FCC Rcd 11909 (2014).

⁴¹ To prepare the October 2014 second biennial report to Congress, FCC issued three public notices from June 17 to August 28, 2014, seeking input from the public by September 11, 2014, and received 45 public comments.

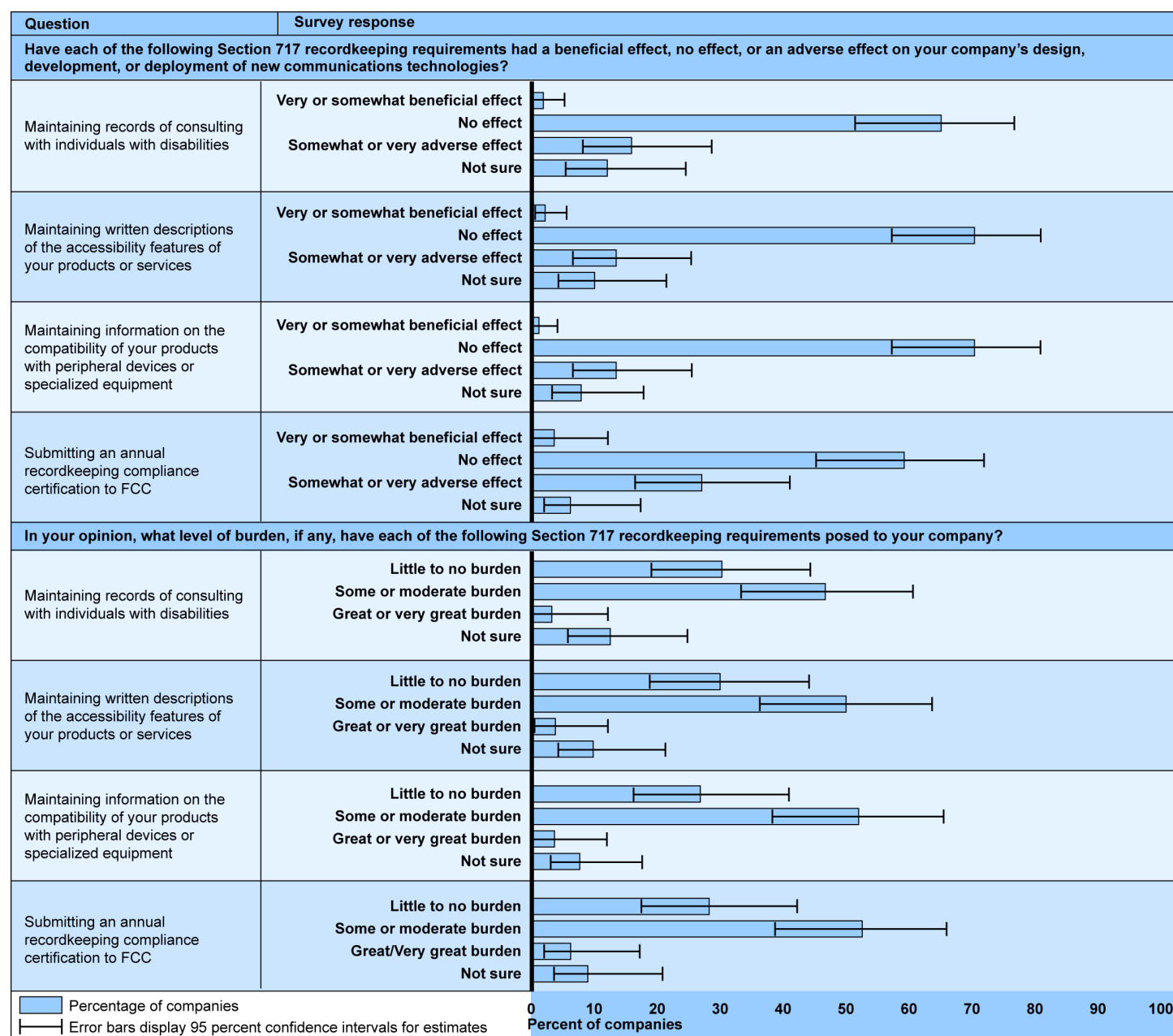
Stakeholders Indicate CVAA's Recordkeeping Obligations Have Had Minimal Effects Thus Far on the Development and Deployment of New Communications Technologies

Stakeholders we surveyed and interviewed generally reported that CVAA's recordkeeping obligations have not affected the development and deployment of new communications technologies. We asked companies if CVAA's requirements to maintain records of their efforts⁴² to make their products and services accessible affected the development and deployment of new communications technologies. As shown in figure 5, based on responses from the random sample of certifying companies that we surveyed, estimates of the percentages of companies that view CVAA's recordkeeping requirements as having had no effect on their development and deployment of new communications technology range from 59 and 70 percent (across the four recordkeeping requirements). All percentage estimates from the survey have margins of error at the 95 percent confidence level of plus or minus 14 percentage points or less, unless otherwise noted. Furthermore, we estimate that between 27 and 30 percent of companies view the recordkeeping requirements as posing little or no burden to their company; between 47 and 53 percent view the requirements as posing either "some" or a "moderate" burden.⁴³ A few companies that described themselves as small commented that the burdens of complying with the recordkeeping requirement had little or no corresponding benefit to consumers. Stakeholders we interviewed did not raise specific harms or benefits associated with CVAA's recordkeeping obligations on the development and deployment of new communications technologies.

⁴² The recordkeeping requirements include maintaining records of consulting with individuals with disabilities, maintaining written descriptions of the accessibility features of products and services, maintaining information on the capability of products with peripheral devices, and submitting an annual recordkeeping compliance certification to FCC. 47 U.S.C. § 618(a)(5).

⁴³ Based on our survey, we estimate that 33 percent of companies would like more specific guidance from FCC on how to comply with CVAA's recordkeeping requirements.

Figure 5: Company Views on Selected Survey Questions Related to the Recordkeeping Requirements of the 21st Century Communications and Video Accessibility Act of 2010

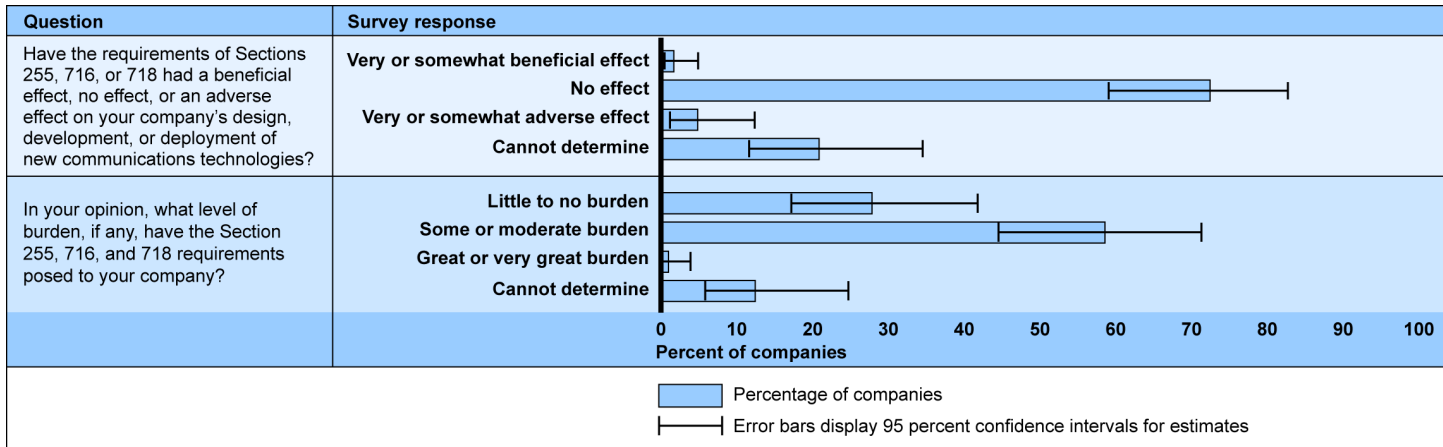


Source: GAO analysis of survey data. | GAO-15-574

As part of our survey, we also asked companies if CVAA's requirements to make their products and services accessible affected the development and deployment of new communications technologies. As shown in figure 6, we estimate that 72 percent of companies view those requirements as having had no effect on their development and deployment of new communications technologies. An estimated 28 percent of companies view the product accessibility requirements as posing little to no burden on their businesses; another 59 percent described those requirements as posing either "some" or a "moderate" burden on their companies. Additionally, we estimate that 21 percent of companies increased their efforts to incorporate accessibility features into their products or services due to the passage of CVAA. Another 64 percent reported that there had been no change in their efforts to incorporate accessibility features in their products or services as a result of CVAA; however, many of these companies indicated that they had been subject to product accessibility requirements before its passage.⁴⁴ A few companies responding to our survey commented that either because they were small or because they were service providers rather than manufacturers, they had very little or no influence over whether technology was more accessible and that the primary way for them to increase the accessibility of their services was through vendor selection.

⁴⁴The companies that already had to make their products and services accessible were those subject to 47 U.S.C. § 255, which was added in 1996.

Figure 6: Company Views on Selected Survey Questions Related to the Product and Service Accessibility Requirements of the 21st Century Communications and Video Accessibility Act of 2010



Source: GAO analysis of survey data. | GAO-15-574

In our interviews, industry associations and advocates for people with disabilities generally indicated that product accessibility had improved since the passage of CVAA. Representatives from industry associations highlighted a number of association-led efforts to bring industry and consumers together to ensure that the needs of consumers with disabilities are being addressed. For example, the Consumer Electronics Association hosts an accessibility roundtable at its annual International Consumer Electronics Show. FCC officials noted that the collaboration of CTIA-The Wireless Association was instrumental in launching the accessibility clearinghouse, and CTIA started its own Accessibility Outreach Initiative in 2013. Representatives from the Telecommunications Industry Association cited their role in efforts to increase the quality of personal sound amplification devices. Advocates for people with disabilities indicated that there were still many ways in which the accessibility of communications technology could be further improved, but some believed that CVAA resulted in more widely available accessible technology.

Conclusions

CVAA requires manufacturers and service providers of advanced communications services to make their products accessible to people with disabilities and requires FCC to inform the public about the availability of the act's protections and remedies. Although FCC has undertaken numerous efforts to conduct its informational and educational program, we found FCC could strengthen its public outreach efforts by

following key practices, especially related to (1) defining objectives and (2) establishing process and outcome metrics. FCC has spent time and resources conducting public outreach, such as hosting seminars on accessibility issues and attending accessibility conferences. However, FCC has not established formal objectives for the outreach program or process and outcome metrics to assess the extent to which the program is meeting CVAA's goals. It is important for FCC to have a clear understanding of the goals and objectives of its public outreach prior to establishing the necessary targets to measure the effectiveness of its outreach efforts. By establishing process and outcome metrics, FCC could determine whether the current levels of budgetary and other resources allocated to the outreach program need adjustment. Furthermore, FCC could better ensure the quality, quantity, and timeliness of its outreach regarding CVAA's protections and remedies.

Recommendation for Executive Action

We recommend the Chairman of FCC evaluate the effectiveness of FCC's accessibility-related public outreach efforts and ensure those efforts incorporate key practices identified in this report, such as defining objectives and establishing process and outcome metrics.

Agency Comments

We provided a draft of this report to FCC for its review and comment. FCC provided written comments (reprinted in app. IV) and technical comments, which we incorporated as appropriate. In the written comments, FCC stated that it agreed with our recommendation and noted that evaluating its public outreach efforts could enable FCC to determine whether current resources allocated to these efforts are appropriate and help to ensure the quality, quantity, and timeliness of such efforts. FCC stated it is committed to achieving CVAA's goals with respect to conducting public outreach and it will look to define objectives and establish process and outcome metrics to measure success in achieving those objectives.

We are sending copies of this report to the Chairman of the Federal Communications Commission and appropriate congressional committees. In addition, the report will be available at no charge on GAO's website at <http://www.gao.gov>.

If you or members of your staff have any questions about this report, please contact me at (202) 512-2834 or goldsteinm@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Major contributors to this report are listed in appendix V.

A handwritten signature in black ink, appearing to read 'M. Goldstein', with a long horizontal flourish extending to the right.

Mark L. Goldstein
Director, Physical Infrastructure Issues

Appendix I: Objectives, Scope, and Methodology

Section 717 of the Communications Act of 1934, as amended by the 21st Century Communications and Video Accessibility Act of 2010 (CVAA),¹ included a provision that we evaluate the Federal Communication Commission's (FCC) compliance with the enforcement and recordkeeping obligations contained in the act.² This report presents information on (1) the extent to which FCC established complaint and enforcement procedures within the time frames required by CVAA and conducted public outreach, (2) the actions FCC has taken to ensure industry compliance with CVAA's recordkeeping provisions and to determine the level of industry compliance with accessibility requirements, and (3) stakeholders' views on the effect of CVAA's recordkeeping obligations on the development and deployment of new communications technologies.³ We did not assess the effectiveness of CVAA's enforcement provisions and FCC's enforcement procedures to ensure compliance with CVAA because FCC had not taken any enforcement actions at the time of our review.

To determine whether FCC established complaint and enforcement procedures within the required time frames of CVAA, we reviewed the Section 717 provisions related to those procedures⁴ and compared them with FCC's implementing actions. Specifically, we reviewed the procedures FCC publically released in its October 2011 *Report and Order and Further Notice of Proposed Rulemaking*,⁵ those procedures

¹ Pub. L. No. 111-260, 124 Stat. 2751 (2010) (CVAA). CVAA is codified in various sections of Title 47 of the U.S. Code (U.S.C.).

² 47 U.S.C. § 618(c).

³ We also present information on stakeholders' views on the effect of CVAA requirements for making their products and services accessible on the development and deployment of new communications technologies.

⁴ 47 U.S.C. § 618(a).

⁵ FCC, *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*, CG Docket No. 10-213; *Amendments to the Commission's Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1966*, WT Docket No. 96-198; *Accessible Mobile Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision*, CG Docket No. 10-145; 26 FCC Rcd 14557 (2011).

published as final rules in December 2011 in the *Federal Register*,⁶ and the final rules codified in the U.S. Code of Federal Regulations (C.F.R.).⁷ To determine what information FCC provides to the public about filing accessibility complaints, we reviewed its Consumer Help Center web page (<https://consumercomplaints.fcc.gov/hc/en-us>), which FCC had redesigned and opened during the course of our review. The Consumer Help Center instructs the public in how to seek FCC's assistance and file complaints not only on accessibility issues, but also on other issues related to TV, phone, internet, radio, and emergency communications. To determine FCC's efforts to inform the public about the availability of the clearinghouse and the protections and remedies available under sections 255, 716, and 718,⁸ we reviewed the contents of FCC's Accessibility Clearinghouse of Information, which can be found at <http://ach.fcc.gov/>; October 2012 and October 2014 biennial reports to Congress; online Consumer Help Center; and AccessInfo@fcc.gov e-mails that update public subscribers on accessibility and disability issues. In addition, we reviewed FCC's October 2011 *Report and Order and Further Notice of Proposed Rulemaking* and other FCC documents to determine whether FCC established the Accessibility Clearinghouse within the time frames required by CVAA.⁹ We assessed FCC's public outreach efforts against the key practices for consumer education planning identified in our November 2007 report.¹⁰ To identify the key practices of a consumer education campaign, we convened an expert panel composed of 14 senior management-level experts in strategic communications. We selected these experts, who represented private, public, and academic

⁶ *Federal Communications Commission Final Rule: 47 CFR Parts 1, 6, 7, and 14 [CG Docket No. 10–213; WT Docket No. 96–198; CG Docket No. 10–145; FCC 11–151] Implementing the Provisions of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*; 76 Fed. Reg. 82354 (Dec. 30, 2011).

⁷ See *Title 47: Telecommunication, Part 14—Access to Advanced Communications Services and Equipment by People with Disabilities*, of the Code of Federal Regulations (47 C.F.R. § 14).

⁸ 47 U.S.C. § 618(e).

⁹ 47 U.S.C. § 618(d).

¹⁰ GAO, *Digital Television Transition: Increased Federal Planning and Risk Management Could Further Facilitate the DTV Transition*, [GAO-08-43](#), (Washington, D.C.: Nov. 19, 2007).

institutions, based on their experience overseeing a strategic communications or social marketing campaign or other relevant expertise.

To determine the actions FCC has taken to ensure industry compliance with CVAA's recordkeeping¹¹ and annual certification obligations,¹² we reviewed FCC's October 2011 *Report and Order and Further Notice of Proposed Rulemaking*, October 2012 and October 2014 biennial reports to Congress; and interviewed officials from FCC's Consumer and Governmental Affairs Bureau and Enforcement Bureau. We also assessed FCC's efforts for determining the level of industry compliance with Sections 255, 716, and 718 by analyzing FCC's assessments in its biennial reports to Congress, analyzing data (covering January 2013 to April 2015) from the Recordkeeping Compliance Certification and Contact Information Registry to determine the number of distinct companies certifying their compliance with CVAA, and interviewing Consumer and Governmental Affairs Bureau officials.

To determine the telecommunications industry's views on the effect of CVAA's certification and recordkeeping obligations on the development and deployment of new communications technologies, we conducted a web-based survey. We drew a stratified random sample of 355 companies from the population of 3,549 companies that had submitted recordkeeping certifications to FCC as of December 5, 2014. To obtain these 355 companies, we divided the companies into those that had identified themselves as only being subject to the product accessibility requirements of Section 255 of the Communications Act, and those subject to the product accessibility requirements of Sections 716 and 718 of the Communications Act. Companies that submitted a certification to FCC without identifying themselves by a section were excluded from the sample. Additionally, because oftentimes the same person served as the contact person for multiple companies, we took a systematic sample within each stratum to ensure that no one respondent received more than four surveys from us. With this probability sample, each member of the study population had a nonzero probability of being included, and that probability could be computed for any member. Each sample element was subsequently weighted in the analysis to account statistically for all the members of the population, including those who were not selected. To

¹¹ 47 U.S.C. § 618(a)(5)(A)(i)-(iii).

¹² 47 U.S.C. § 618(a)(5)(B).

ensure that our survey questions were clear and logical and that respondents could answer the questions without undue burden, we pre-tested our questionnaire with five companies. We interviewed pretest companies that varied in company size, accessibility requirement section, and equipment manufacturing or service provision. We administered the survey from February 2015 through March 2015. We received 173 responses, for a 49 percent response rate. Because we followed a probability procedure based on random selections, our sample is only one of a large number of samples that we might have drawn. Since each sample could have provided different estimates, we express our confidence in the precision of our particular sample's results as a 95 percent confidence interval. This is the interval that would contain the actual population value for 95 percent of the samples we could have drawn. All percentage estimates from the survey have margins of error at the 95 percent confidence level of plus or minus 14 percentage points or less, unless otherwise noted.

In addition to sampling errors, the practical difficulties of conducting any survey may also introduce other types of errors, commonly referred to as non-sampling errors. For example, difficulties in how a particular question is interpreted, in the sources of information available to respondents, or in how the data were entered into a database or were analyzed can introduce unwanted variability into the survey results. With this survey, we took a number of steps to minimize these non-sampling errors. For example, our staff with subject matter expertise designed the questionnaire in collaboration with our survey specialists. As noted earlier, the questionnaire was pretested to ensure that the questions were relevant and clearly stated. When the data were analyzed, a second independent GAO analyst independently verified the analysis programs to ensure the accuracy of the code and the appropriateness of the methods used for the computer-generated analysis. Since this was a web-based survey, respondents entered their answers directly into the electronic questionnaire, thereby eliminating the need to have the data keyed into a database, thus avoiding a source of data entry error.

In addition, as shown in table 2, we interviewed representatives from 15 organizations to obtain their views of FCC's action to implement the provisions of CVAA and CVAA's effect on increasing the accessibility for people with disabilities. We selected organizations that had submitted two

or more comments in reply to FCC’s solicitation of public comments on proposed rules, regulations, and biennial report drafts.¹³

Table 2: Organizations Interviewed

	Organization	Representation
Industry Associations	Alliance for Telecommunications Industry Solutions	Represents global information and communications technology companies.
	Consumer Electronics Association	Represents the consumer technology industry.
	CTIA-The Wireless Association	Represents the wireless communications industry, including wireless carriers and their suppliers, as well as providers and manufacturers of wireless data services and products.
	National Cable & Telecommunications Association	Represents U.S. cable industry.
	Telecommunications Industry Association	Represents the global information and communications technology industry.
	Voice on the Net Coalition	Represents developers, providers, and users of Internet communications applications, products, and services.
Consumer Groups	American Council of the Blind	Represents blind and visually-impaired people.
	American Foundation for the Blind	Represents people with vision loss.
	Hearing Loss Association of America	Represents people with hearing loss.
	National Association of the Deaf	Represents deaf and hard of hearing people.
	National Federation of the Blind	Represents blind and low-vision people.
	Telecommunications for the Deaf and Hard of Hearing	Represents deaf, hard of hearing, late deafened, and deaf-blind individuals.
Research Organizations	RERC-Trace Research and Development Center, University of Wisconsin Madison	Promotes accessibility and usability in telecommunications products for people with all types of disabilities.
	Wireless RERC, Georgia Tech	Develops wireless technologies and products that meet the needs of individuals with disabilities.
Other	American Library Association	Represents libraries, librarians, and library users.

Source: GAO and organization information. | GAO-15-574

¹³ Although other organizations—including the Information Technology Industry Council, the Internet Association, the Enterprise Wireless Alliance, the American Association of People With Disabilities, and the Entertainment Software Association—also submitted two or more comments to FCC on this matter, those organizations either declined to speak with us or could not be reached. We did not interview individuals who submitted comments to FCC.

Appendix II: Copy of Survey to Certifying Companies

The questions we asked in our survey of certifying officers of companies subject to the reporting requirements of Section 717 of the Communications Act of 1934, as amended by Title I of the 21st Century Communications and Video Accessibility Act of 2010, P.L. 111-260 (CVAA) are shown below. Our survey was composed of closed- and open-ended questions. In this appendix, we include all survey questions and aggregate results of responses to selected closed-ended questions; we do not provide information on responses provided to the open-ended questions. For a more detailed discussion of our methodology, see appendix I.

Section 1: Demographics

Data intentionally not reported for questions in Section 1: Demographics

This questionnaire covers the following company:

(Company name was inserted)

1. Which of the following describes your company?

(Check all that apply.)

- ☐ Section 255 - Interconnected VoIP Equipment Manufacturer
- ☐ Section 255 - Interconnected VoIP Service Provider
- ☐ Section 255 - Telecommunications Equipment Manufacturer
- ☐ Section 255 - Telecommunications Service Provider
- ☐ Section 716 - Electronic Messaging Equipment Manufacturer
- ☐ Section 716 - Electronic Messaging Service Provider
- ☐ Section 716 - Interoperable Video Conferencing Equipment Manufacturer
- ☐ Section 716 - Interoperable Video Conferencing Service Provider
- ☐ Section 716 - Non-interconnected VoIP Equipment Manufacturer
- ☐ Section 716 - Non-interconnected VoIP Service Provider
- ☐ Section 718 - Mobile Phone Equipment Manufacturer that includes an Internet browser
- ☐ Section 718 - Mobile Phone Service Provider that arranges for inclusion of an Internet browser
- ☐ Other - Please specify: _____

2. How many people did your company employ as of December 31, 2014?

(Please include part-time and temporary staff.)

- ☐ Less than 500
- ☐ 501 - 2,000
- ☐ 2,001 - 5,000
- ☐ More than 5,000

- ☐ Cannot determine

3. What was your company's annual revenue for calendar year 2014?

Calendar year 2014 annual revenue: \$ _____ ☐ No response

4a. Approximately what percentage of your company's annual revenue is accounted for by products or services that are required to be made accessible under Sections 255, 716, and 718 of the Communications Act as amended by CVAA?

- ☐ None
- ☐ 1-25 percent
- ☐ 26-50 percent
- ☐ 51-75 percent
- ☐ 76-100 percent

- ☐ Cannot determine

If you selected "None," please explain:

4b. Approximately what percentage of your company’s products or services is required to be made accessible under Sections 255, 716, and 718 of the Communications Act as amended by CVAA?

- ☐ None
- ☐ 1-25 percent
- ☐ 26-50 percent
- ☐ 51-75 percent
- ☐ 76-100 percent

☐ Cannot determine

If you selected “None,” please explain:

Section 2: CVAA Requirements: Products and Services

Please note: Sections 255, 716, and 718 contain requirements for manufacturers and service providers to make **their products and services accessible to people with disabilities**, to the extent achievable.

5. Have the requirements of Sections 255, 716, or 718 had a beneficial effect, no effect, or an adverse effect on your company’s design, development, and deployment of new communications technologies?

Response	Estimated Percentage	95 percent confidence interval - lower bound (percentage)	95 percent confidence interval - upper bound (percentage)
Very/Somewhat beneficial effect	1.71	0.34	4.96
No effect	72.45	59.01	82.76
Somewhat/Very adverse effect	4.85	1.24	12.38
Cannot determine	20.86	11.64	34.52

5a. If you would like to expand on your response to Question 5, please include examples of products or services whose design, development, and deployment were either beneficially or adversely affected by the requirement to be made accessible.

Data intentionally not reported

6. In your opinion, what level of burden, if any, have the Section 255, 716, and 718 requirements posed to your company?

Response	Estimated Percentage	95 percent confidence interval - lower bound (percentage)	95 percent confidence interval - upper bound (percentage)
Little to no burden	27.85	17.19	41.80
Some/Moderate burden	58.58	44.59	71.31
Great/Very great burden	0.99	0.09	3.87
Cannot determine	12.43	5.77	24.74

6a. If you would like to expand on your response to Question 6, please include examples where the requirement to make your product or service accessible represented what you see as a burden.

Data intentionally not reported

Section 3: CVAA Requirements: Recordkeeping

Please note: Section 717 states you “shall maintain, in the ordinary course of business and for a reasonable period, records of the efforts taken by such manufacturer or provider to implement sections 255, 716, and 718, including the following:

(i) Information about the manufacturer’s or provider’s efforts to consult with individuals with disabilities.

(ii) Descriptions of the accessibility features of its products and services.

(iii) Information about the compatibility of such products and services with peripheral devices or specialized customer premise equipment commonly used by individuals with disabilities to achieve access.”

Section 717 also requires that “An officer of a manufacturer or provider shall submit to the

(Federal Communications) Commission an annual certification that records are being kept in accordance with” CVAA.

7. Have each of the following Section 717 recordkeeping requirements had a beneficial effect, no effect, or an adverse effect on your company’s design, development, and deployment of new communications technologies?
(Select one answer in each row.)

Response		Estimated Percentage	95 percent confidence interval - lower bound (percentage)	95 percent confidence interval - upper bound (percentage)
a. Maintaining records of consulting with individuals with disabilities	Very/Somewhat beneficial effect	1.85	0.41	5.16
	No effect	65.02	51.34	76.61
	Somewhat/Very adverse effect	15.85	8.15	28.58
	Not sure	12.00	5.43	24.47
	Not applicable	5.13	1.95	12.85
b. Maintaining written descriptions of the accessibility features of your products or services	Very/Somewhat beneficial effect	2.13	0.54	5.57
	No effect	70.31	57.11	80.82
	Somewhat/Very adverse effect	13.42	6.58	25.43

Appendix II: Copy of Survey to Certifying Companies

Response		Estimated Percentage	95 percent confidence interval - lower bound (percentage)	95 percent confidence interval - upper bound (percentage)
c. Maintaining information on the compatibility of your products with peripheral devices or specialized equipment	Not sure	10.00	4.33	21.40
	Not applicable	4.00	0.69	12.13
	Very/Somewhat beneficial effect	1.14	0.13	4.10
	No effect	70.31	57.11	80.82
	Somewhat/Very adverse effect	13.42	6.58	25.43
d. Submitting an annual recordkeeping compliance certification to FCC	Not sure	7.85	3.25	17.76
	Not applicable	7.14	2.72	17.46
	Very/Somewhat beneficial effect	3.57	0.45	12.12
	No effect	59.15	45.11	71.84
	Somewhat/Very adverse effect	27.00	16.42	41.05
	Not sure	6.14	2.01	17.26
	Not applicable	1.42	0.23	4.53

7a. If you would like to expand on your response to Question 7, please include examples of products or services whose design, development, and deployment were either beneficially or adversely affected by the recordkeeping requirements.

Data intentionally not reported

8. In your opinion, what level of burden, if any, have each of the following Section 717 recordkeeping requirements posed to your company? (Select one answer in each row.)

Response		Estimated Percentage	95 percent confidence interval - lower bound (percentage)	95 percent confidence interval - upper bound (percentage)
a. Maintaining records of consulting with individuals with disabilities	Little or no burden	30.29	19.11	44.42
	Some/Moderate burden	46.72	33.33	60.60
	Great/Very great burden	3.28	0.32	12.19
	Not sure	12.57	5.89	24.84
	Not applicable	7.00	2.61	17.41

Appendix II: Copy of Survey to Certifying Companies

Response		Estimated Percentage	95 percent confidence interval - lower bound (percentage)	95 percent confidence interval - upper bound (percentage)
b. Maintaining written descriptions of the accessibility features of your products or services	Little or no burden	30.00	18.85	44.16
	Some/Moderate burden	50.01	36.37	63.64
	Great/Very great burden	3.85	0.61	12.11
	Not sure	9.85	4.22	21.32
	Not applicable	6.14	2.01	17.26
c. Maintaining information on the compatibility of your products with peripheral devices or specialized equipment	Little or no burden	26.86	16.30	40.92
	Some/Moderate burden	52.01	38.27	65.45
	Great/Very great burden	3.71	0.53	12.11
	Not sure	7.71	3.14	17.69
	Not applicable	9.43	3.89	21.10
d. Submitting an annual recordkeeping compliance certification to FCC	Little or no burden	28.28	17.57	42.18
	Some/Moderate burden	52.58	38.80	65.98
	Great/Very great burden	6.28	2.11	17.27
	Not sure	9.00	3.57	20.90
	Not applicable	3.71	0.53	12.11

8a. If you would like to expand on your response to Question 8, please include examples where the recordkeeping requirements represented what you see as a burden.

Data intentionally not reported

The following statement is excerpted from an FCC Notice of Proposed Rulemaking:

“We will not mandate any one form for keeping records (i.e., we adopt a flexible approach to recordkeeping). While we establish uniform recordkeeping and enforcement procedures for entities subject to Sections 255, 716, and 718, we believe that covered entities should not be required to maintain records in a specific format. Allowing covered entities the flexibility to implement individual recordkeeping procedures takes into account the variances in covered entities (e.g., size, experience with the Commission), recordkeeping methods, and products and services covered by the provisions.” (FCC 11-151, paragraph 223)

9. Would more specific guidance from FCC on how to satisfy Section 717’s recordkeeping requirements be helpful to your company?

Response	Estimated Percentage	95 percent confidence interval - lower bound (percentage)	95 percent confidence interval - upper bound (percentage)
Yes	33.00	21.33	47.22
No	40.14	27.51	54.23
Not sure	26.57	16.04	40.67

10. Does your company maintain any of the following documents in support of the Section 717 recordkeeping requirements?
(Select all that apply.)

Data intentionally not reported

Marketing related documents, including:

- ☐ Product requirements
- ☐ Product definitions
- ☐ Market research documents
- ☐ Customer and end user surveys and responses
- ☐ E-mails
- ☐ Other

Engineering documents, including:

- ☐ Device and system requirements
- ☐ Device and product design documents

- ☐ Requirements analysis
- ☐ Planning documents
- ☐ E-mails
- ☐ Other

**Meeting records that discuss relevant subject material,
including:**

- ☐ Agendas
- ☐ Presentations and documents studied during the meeting
- ☐ Meeting minutes
- ☐ Meeting summaries
- ☐ Other

Relevant test documents, including:

- ☐ Test plans
- ☐ Results
- ☐ Summaries
- ☐ Other

**Documents that specifically address Section 255, 716, 717, or
718 requirements, including:**

- ☐ Checklists
- ☐ Device analysis
- ☐ E-mails
- ☐ Other

Other documents not listed above:

- ☐ Other

-
- ☐ No response

Section 4: Changes Since the Passage of CVAA

Please note: CVAA was signed into law on October 8, 2010.

11. Due to the passage of CVAA, has your company increased or decreased its efforts to incorporate accessibility features in its products or services?

Response	Estimated Percentage	95 percent confidence interval - lower bound (percentage)	95 percent confidence interval - upper bound (percentage)
Decreased greatly/somewhat	0.14	0.00	2.41
No change	63.59	49.68	75.54
Increased somewhat/greatly	20.70	11.90	33.55
Not sure	15.29	7.67	28.15

Section 5: Comments, Respondent Information, and Survey Completion Question

12. If you would like to expand upon any of your responses to the questions above, or have any other comments about the effect of Section 717’s recordkeeping requirements on your company’s ability to develop and deploy new communications technologies, please enter them below.

Data intentionally not reported

13. In case we need to clarify any of your responses, please provide your name and contact information:

Name: _____

Title: _____

Organization: _____

E-mail: _____

Telephone: _____

Data intentionally not reported

Appendix III: Federal Communications Commission's (FCC) Actions Implementing the Accessibility Complaint and Enforcement Procedures Required by the 21st Century Communications and Video Accessibility Act of 2010 (CVAA)

Section 717 ^a provisions related to FCC's establishment of complaint and enforcement procedures	FCC's actions implementing the provisions
FCC shall establish regulations within one year after CVAA's enactment on October 8, 2010, that facilitate the filing of formal and informal complaints that allege a violation of Section 255, 716, or 718. (§ 717(a))	FCC released the procedures on October 7, 2011, and published them under title 47, Part 14 of the Code of Federal Regulations (47 C.F.R. Part 14) on December 30, 2011. The procedures became effective on January 30, 2012.
FCC shall establish procedures for enforcement actions with respect to such violations. (§ 717(a))	FCC established enforcement procedures within the regulations setting forth the process for filing formal and informal complaints. As of March 2015, no informal or formal complaints have been filed with FCC.
FCC shall not charge any fee to an individual who files a complaint. (§ 717(a)(1))	FCC does not charge a fee for filing an informal complaint. In the case of a formal complaint, FCC officials stated that they do not interpret any filing fee requirements to apply to asserting violations of sections 255, 716, or 718. FCC's October 2011 Report and Order implementing Section 717 indicated that there was a filing fee associated with the formal complaint process. ^b
FCC shall establish separate and identifiable electronic, telephonic, and physical receptacles for the receipt of complaints filed (§ 717(a)(2))	FCC's procedures allow persons to file RDAs and informal complaints online and by telephone, mail, e-mail, and fax.
FCC shall investigate allegations in an informal complaint, and issue an order concluding the investigation, include a determination whether any violation occurred. (§ 717(a)(3)(B))	FCC established investigation actions in its procedures: 47 C.F.R. § 14.37 for informal complaints and 47 C.F.R. § 14.38 for formal complaints.
In the case of a violation determination, FCC may direct the company to bring its service or the next generation of its equipment or device into compliance within a reasonable time. (§ 717(a)(3)(B)(i))	FCC established this requirement in its procedures: 47 C.F.R. § 14.37(b)(1). As of March 2015, no informal or formal complaints have been filed with FCC.
Before FCC makes a violation determination, the company shall have a reasonable opportunity to respond to such complaint. (§ 717(a)(4))	FCC established this requirement in its procedures: 47 C.F.R. § 14.36(b) for informal complaints and 47 C.F.R. § 14.38 for formal complaints.
Before issuing a final order, FCC shall provide the company a reasonable opportunity to comment on any proposed remedial action. (§ 717(a)(4))	FCC established this requirement in its procedures: 47 C.F.R. § 14.37(c) for informal complaints.
After the filing of a formal or informal complaint against a company, FCC may request, and shall keep confidential, a copy of the records maintained by the company that are directly relevant to the complaint. (§ 717(a)(5)(C))	FCC established the requirement for requesting records in its procedures: 47 C.F.R. § 14.31(c) for informal and formal complaints. The procedures require companies to submit a request for confidentiality of these records.

Appendix III: Federal Communications Commission's (FCC) Actions Implementing the Accessibility Complaint and Enforcement Procedures Required by the 21st Century Communications and Video Accessibility Act of 2010 (CVAA)

Section 717^a provisions related to FCC's establishment of complaint and enforcement procedures

Nothing in FCC's rules shall be construed to preclude a person who files a complaint and a company from resolving a formal or informal complaint prior to FCC's final determination in a complaint proceeding. In the event of such a resolution, the parties shall jointly request dismissal of the complaint and FCC shall grant such request. (§ 717(a)(8))

FCC's actions implementing the provisions

FCC's intent in adopting its procedures was to encourage the non-adversarial resolution of disputes. The informal complaint procedures (47 C.F.R. § 14.37) (1) allow a consumer and a company to talk to each other at any time to resolve the complaint by mutual agreement, and a consumer to withdraw an informal complaint and file another request for dispute assistance, and (2) require the consumer to notify the Enforcement Bureau if either of those two actions has occurred. The formal complaint procedures (47 C.F.R. § 14.50) allow both parties to meet and settle any matter in controversy by agreement and require that both submit a joint statement to FCC of the agreed upon proposals.

Source: GAO analysis of CVAA, the Code of Federal Regulations, and FCC documents. | GAO-15-574

^a Sec. 717 of the Communications Act of 1934, which was added by the CVAA.

^b FCC, *Report and Order and Further Notice of Proposed Rulemaking: In the Matter of Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010* (among other matters), 29 FCC Rcd 11909 (2011).

Appendix IV: Comments from the Federal Communications Commission



Federal Communications Commission
Washington, D.C. 20554

June 10, 2015

Mark L. Goldstein
Director, Physical Infrastructure Issues
Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Goldstein:

Thank you for the opportunity to review and comment on the U.S. Government Accountability Office (GAO) draft report entitled *Accessible Communications – FCC Should Evaluate the Effectiveness of its Public Outreach Efforts*. The Commission is dedicated to expanding the information it provides to consumers on accessible communications and the protections and remedies available under the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA). We appreciate GAO's recognition of the Commission's public outreach efforts to date, which include maintaining a web-based Accessibility Clearinghouse; hosting seminars and webinars; attending and presenting at accessibility conferences; publishing consumer guides and news releases; seeking public comment on rulemaking and waiver requests in advance of orders; and updating subscribers to our public email service on accessibility-related information. GAO also noted the newly formed Disability Advisory Committee, a federal advisory committee charged with making recommendations to the Commission on a full range of disability access issues, including suggesting ways to facilitate the participation of consumers in disability proceedings before the Commission.

GAO recommends that the Commission evaluate the effectiveness of its public outreach efforts in the near term and ensure those efforts incorporate key practices identified by GAO in its report. We agree that such an evaluation could assist the Commission in learning more about the effectiveness of its public outreach efforts; enable the Commission to determine whether current resources allocated to these efforts are appropriate; and help to ensure the quality, quantity, and timeliness of such efforts. As part of that effort, the Commission will look to defining objectives and establishing process and outcome metrics to measure success in achieving those objectives. We are committed to achieving the CVAA's goals with respect to the Commission's public outreach efforts on accessible communications.

Thank you for the opportunity to respond to the recommendation in the draft report. We look forward to working with GAO in the future.

Sincerely,

A handwritten signature in blue ink, reading "Karen Peltz Strauss".

Karen Peltz Strauss
Deputy Chief
Consumer and Governmental Affairs Bureau

Appendix V: GAO Contact and Staff Acknowledgments

GAO Contact

Mark Goldstein, (202) 512-2834 or goldsteinm@gao.gov

Staff Acknowledgments

In addition to the individual named above, Sally Moino (Assistant Director), Amy Abramowitz, Enyinnaya David Aja, Susan Baker, Russell Burnett, Justin Fisher, Sam Hinojosa, David Hooper, Stuart Kaufman, Josh Ormond, Dae Park, and Amy Rosewarne made key contributions to this report.

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