



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

August 7, 2015

The Honorable Jason Chaffetz
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Chaffetz:

On June 25, 2015, the Government Accountability Office (GAO) issued a report entitled *Accessible Communications: FCC Should Evaluate the Effectiveness of Its Public Outreach Efforts* (GAO 15-574) (GAO Report or Report). The GAO Report examined the following issues: (1) the extent to which the Federal Communications Commission (FCC or Commission) established complaint and enforcement procedures within the time frames required by the Twenty-First Century Communications and Video Accessibility Act (CVAA) and conducted public outreach; (2) the actions the FCC has taken to ensure industry compliance with the CVAA's recordkeeping provisions and to determine the level of industry compliance with accessibility requirements; and (3) stakeholders' views on the effect of the CVAA's recordkeeping obligations on the development of new communications technologies.¹

The GAO Report provided important feedback on the FCC's implementation of the advanced communications accessibility requirements established by the CVAA. Among other things, GAO found that (1) the FCC established complaint and enforcement procedures in a timely manner, as required by the CVAA; (2) the Commission established a clearinghouse of information on accessibility products and services within the 1 year statutory deadline; and (3) stakeholders generally reported that the CVAA's recordkeeping obligations have not affected the development and deployment of new communications technologies.²

GAO also concluded that the FCC has taken action to ensure industry compliance with the CVAA's recordkeeping provisions. While GAO found that the FCC lacks an objective measure to determine whether industry is fully complying with the requirements to make products and services accessible, it reported that, in its interviews with stakeholders, "industry associations and advocates for people with disabilities generally indicated that product accessibility had improved since the passage of

¹ See GAO Report at 3. Section 104(a) of the CVAA added Section 717(c) to the Communications Act, which requires the Comptroller General to conduct a study to consider and evaluate these issues, and to submit a report to Congress within five years after the date of the enactment of the CVAA (by October 8, 2015) on the results of its study with recommendations for how the enforcement process and measures may be modified or improved. See 47 U.S.C. § 618(c). GAO did not assess whether the enforcement actions taken by the FCC have been appropriate and effective in ensuring compliance with the CVAA because the FCC had not taken any enforcement actions at the time of GAO's review. See 47 U.S.C. § 618(c)(1)(B).

² GAO Report at 18. GAO also reported that most companies that it surveyed indicated that the CVAA's accessibility requirements had no effect on (*i.e.*, did not help or hinder) the development and deployment of new communications technologies. GAO Report at 22.

[the] CVAA.”³ GAO further concluded that “developing an objective measure might not be cost-effective because to date, the FCC has received no informal or formal complaints asserting non-compliance with CVAA accessibility requirements.”⁴

Finally, GAO found that the “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.”⁵ Nevertheless, GAO concluded that the FCC’s public outreach efforts could be improved. In this regard, GAO compared the FCC’s outreach efforts with nine key practices for conducting public outreach that GAO had previously identified,⁶ and concluded that the Commission’s public outreach efforts aligned with all but the following two practices:

- (1) defining objectives for the outreach goals established by the CVAA,⁷ and
- (2) establishing process and outcome metrics for measuring success in achieving those objectives.

GAO thus recommended that the Chairman of the FCC “evaluate the effectiveness of [the] FCC’s accessibility-related public outreach efforts and ensure that those efforts incorporate key practices identified in this report, such as defining objectives and establishing process and outcome metrics.”⁸

The Commission appreciates GAO’s recognition of the Commission’s public outreach efforts on the CVAA. We are committed to continuing to provide comprehensive information to consumers on the availability of accessible communications products and services through the accessibility clearinghouse, and on the protections and remedies available under the CVAA. I agree that establishing objectives for our CVAA-related outreach, along with metrics for measuring its success will assist the Commission in learning more about the effectiveness of our 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.⁹ To this end, the Commission has undertaken the following actions:

³ GAO Report at 21.

⁴ GAO Report at 17.

⁵ GAO Report at 12-13.

⁶ GAO Report at 12-15. Key practices to achieve an effective outreach program identified by GAO are the following: (1) defining goals and objectives; (2) analyzing the situation; (3) identifying stakeholders; (4) identifying available budgetary and other resources; (5) researching target audiences; (6) developing consistent and clear messages; (7) identifying credible messengers; (8) designing media mix; and (9) establishing both process and outcome metrics to measure success in achieving objectives. GAO Report at 13-14. *See also* GAO, *Digital Television Transition: Increased Federal Planning and Risk Management Could Further Facilitate the DTV Transition*, GAO-08-43, p. 26 (Washington, D.C.: Nov. 19, 2007), available at <http://www.gao.gov/products/GAO-08-43> (last viewed July 15, 2015).

⁷ This entails defining and setting formal objectives to meet the CVAA’s goals to inform the public about the availability of the accessibility clearinghouse⁷ and the protections and remedies contained in the CVAA.

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⁹ According to GAO, “it is important for the 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

First, we have set as our objective for the accessibility clearinghouse a goal of enabling consumers to easily locate and learn about the accessible products and services that are required by the CVAA. We intend to achieve this by updating the clearinghouse on a regular basis and coding its contents so that they appear on Google for certain keyword searches. We further intend to reach out to individual companies and trade associations whose product and service information are not presently on the website, to invite them to include such information to share with consumers. Additionally, we will continue to share information about the clearinghouse in our consumer materials, at conferences, through our newly formed Disability Advisory Committee and through our e-distribution list. We intend to measure the success of these outreach efforts by reviewing the number of website and individual page views. The clearinghouse page had 16,571 page views in the previous year (as measured on July 20, 2015). Visitors most frequently viewed pages on mobile devices, followed by views of assistive technologies and resources for developers. Information about the number of visitors will assist the Commission in determining the effectiveness of the clearinghouse's design and contents.

Second, in conducting outreach, we have set a goal of ensuring that consumers with disabilities become aware of the CVAA's protections and remedies. To achieve this, we intend to continue the various activities noted in the report, namely, hosting seminars and webinars; publishing consumer guides and news releases; seeking public comment on rulemakings and waiver requests in advance of orders; updating subscribers to our public e-mail service ("AccessInfo"), and giving presentations at conferences.¹⁰ To measure our success in satisfying this objective, we will track the number of CVAA inquiries received and complaints filed with the Commission, as well as the frequency with which our staff informally works with consumers and companies to resolve disputes. As noted by the GAO report, between October 8, 2013, and April 1, 2015, the FCC facilitated 48 informal disputes. To date, no complaints have been filed. That companies have resolved disputes rather than letting them go to a complaint stage demonstrates, in part, the success of our implementation of the CVAA, including its outreach provisions.

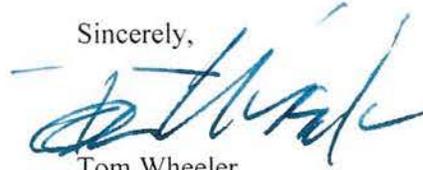
Finally, this past year, we established a Disability Advisory Committee (DAC), a federal advisory committee charged with making recommendations to the Commission on a full range of disability access issues. The DAC provides extensive opportunities to provide direct outreach and education to consumer and industry stakeholders who are affected by the CVAA's provisions. On June 23, 2015, the DAC voted to approve a recommendation urging the Commission to encourage academia, industry, and other stakeholders to share non-proprietary, privacy-protected data and reports about the needs and preferences of people with disabilities and to recommend best practices for educating and informing people with disabilities about accessible telecommunications and advanced communications products and services. Once such data and reports have been gathered, the DAC recommends that the Commission seek input from interested stakeholders to identify the scope of research needed to reduce gaps in existing and available research about the telecommunications and advanced communications product and service preferences, barriers, and information or educational needs of people with disabilities. Data about the information needs of people with disabilities, when obtained, will enable the Commission to conduct a more effective and efficient public outreach campaign.

establishing process and outcome metrics, FCC could determine whether the current levels of budgetary and other resources allocated to the outreach program need adjustment." GAO Report at 22.

¹⁰ See GAO Report at 12-13.

The Commission and its staff appreciate GAO's analysis and its recommendation. We look forward to continuing to work with GAO and Congress in our efforts to implement the CVAA. Please let me know if I can be of further assistance.

Sincerely,

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Tom Wheeler



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Tom Wheeler