

the ISS under the commercial orbital transportation services program”.

On page 33, after line 25, insert the following:

(2) The extent to which the United States is reliant on non-United States systems, including foreign rocket motors and foreign launch vehicles.

On page 34, line 1, strike “(2)” and insert “(3)”.

On page 38, strike lines 10 through 14 and insert the following:

(a) FY 2011 CONTRACTS AND PROCUREMENT AGREEMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator may not execute a contract or procurement agreement with respect to follow-on commercial crew services during fiscal year 2011.

(2) EXCEPTION.—Notwithstanding paragraph (1), the Administrator may execute a contract or procurement agreement with respect to follow-on commercial crew services during fiscal year 2011 if—

(A) the requirements of paragraphs (1), (2), and (3) of subsection (b) are met; and

(B) the total amount involved for all such contracts and procurement agreements executed during fiscal year 2011 does not exceed \$50,000,000 for fiscal year 2011.

On page 88, beginning with “Upon” in line 4, strike through “centers.” in line 9 and insert “Upon completion of the study required by Section 1102, the Administrator shall establish an independent panel to examine alternative management models for NASA’s workforce, centers, and related facilities in order to improve efficiency and productivity, while nonetheless maintaining core Federal competencies and keeping appropriately governmental functions internal to NASA.”.

On page 89, beginning with “involuntary” in line 24, strike through line 2 on page 90 and insert “involuntary separations of permanent, non-Senior-Executive-Service, civil servant employees before September 30, 2013, except for cause on charges of misconduct, delinquency, or inefficiency.”

On page 103, after line 9, insert the following:

TITLE XIII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010

SEC. 1301. COMPLIANCE PROVISION.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

On page 61, line 23—after “-ers” insert “or the retrieval of NASA manned space vehicles, or significant contributions to human space flight.”

The bill (S. 3729), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The bill will be printed in a future edition of the RECORD.

EQUAL ACCESS TO 21ST CENTURY COMMUNICATIONS ACT

Mr. REID. I now ask unanimous consent that we move to Calendar No. 509.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3304) to increase the access of persons with disabilities to modern communications, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “Twenty-First Century Communications and Video Accessibility Act of 2010”.

(b) *TABLE OF CONTENTS.*—

Sec. 1. Short title; table of contents.

Sec. 2. Limitation on liability.

TITLE I—COMMUNICATIONS ACCESS

Sec. 101. Definitions.

Sec. 102. Hearing aid compatibility.

Sec. 103. Relay services.

Sec. 104. Access to advanced communications services and equipment.

Sec. 105. Universal service.

Sec. 106. Emergency Access Advisory Committee.

TITLE II—VIDEO PROGRAMMING

Sec. 201. Video Programming and Emergency Access Advisory Committee.

Sec. 202. Video description and closed captioning.

Sec. 203. Closed captioning decoder and video description capability.

Sec. 204. User interfaces on digital apparatus.

Sec. 205. Access to video programming guides and menus provided on navigation devices.

Sec. 206. Definitions.

SEC. 2. LIMITATION ON LIABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), no person shall be liable for a violation of the requirements of this Act (or of the provisions of the Communications Act of 1934 that are amended or added by this Act) with respect to video programming, online content, applications, services, advanced communications services, or equipment used to provide or access advanced communications services to the extent such person—

(1) transmits, routes, or stores in intermediate or transient storage the communications made available through the provision of advanced communications services by a third party; or

(2) provides an information location tool, such as a directory, index, reference, pointer, menu, guide, user interface, or hypertext link, through which an end user obtains access to such video programming, online content, applications, services, advanced communications services, or equipment used to provide or access advanced communications services.

(b) EXCEPTION.—The limitation on liability under subsection (a) shall not apply to any person who relies on third party applications, services, software, hardware, or equipment to comply with the requirements of this Act (or of the provisions of the Communications Act of 1934 that are amended or added by this Act) with respect to video programming, online content, applications, services, advanced communications services, or equipment used to provide or access advanced communications services.

TITLE I—COMMUNICATIONS ACCESS

SEC. 101. DEFINITIONS.

Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended—

(1) by adding at the end the following new paragraphs:

“(53) *ADVANCED COMMUNICATIONS SERVICES.*—The term ‘advanced communications services’ means—

“(A) interconnected VoIP service;

“(B) non-interconnected VoIP service;

“(C) electronic messaging service; and

“(D) interoperable video conferencing service.

“(54) *CONSUMER GENERATED MEDIA.*—The term ‘consumer generated media’ means content created and made available by consumers to online

sites and venues on the Internet, including video, audio, and multimedia content.

“(55) *DISABILITY.*—The term ‘disability’ has the meaning given such term under section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

“(56) *ELECTRONIC MESSAGING SERVICE.*—The term ‘electronic messaging service’ means a service that provides real-time or near real-time non-voice messages in text form between persons over communications networks.

“(57) *INTERCONNECTED VOIP SERVICE.*—The term ‘interconnected VoIP service’ has the meaning given such term under section 9.3 of title 47, Code of Federal Regulations, as such section may be amended from time to time.

“(58) *NON-INTERCONNECTED VOIP SERVICE.*—The term ‘non-interconnected VoIP service’—

“(A) means a service that—

“(i) enables real-time voice communications that originate from or terminate to the user’s location using Internet protocol or any successor protocol; and

“(ii) requires Internet protocol compatible customer premises equipment; and

“(B) does not include any service that is an interconnected VoIP service.

“(59) *INTEROPERABLE VIDEO CONFERENCING SERVICE.*—The term ‘interoperable video conferencing service’ means a service that provides real-time video communications, including audio, to enable users to share information of the user’s choosing.”; and

(2) by reordering paragraphs (1) through (52) and the paragraphs added by paragraph (1) of this section in alphabetical order based on the headings of such paragraphs and renumbering such paragraphs as so reordered.

SEC. 102. HEARING AID COMPATIBILITY.

(a) *COMPATIBILITY REQUIREMENTS.*—

(1) *TELEPHONE SERVICE FOR THE DISABLED.*—Section 710(b)(1) of the Communications Act of 1934 (47 U.S.C. 610(b)(1)) is amended to read as follows:

“(b)(1) Except as provided in paragraphs (2) and (3) and subsection (c), the Commission shall require that customer premises equipment described in this paragraph provide internal means for effective use with hearing aids that are designed to be compatible with telephones which meet established technical standards for hearing aid compatibility. Customer premises equipment described in this paragraph are the following:

“(A) All essential telephones.

“(B) All telephones manufactured in the United States (other than for export) more than one year after the date of enactment of the Hearing Aid Compatibility Act of 1988 or imported for use in the United States more than one year after such date.

“(C) All customer premises equipment used with advanced communications services that is designed to provide 2-way voice communication via a built-in speaker intended to be held to the ear in a manner functionally equivalent to a telephone, subject to the regulations prescribed by the Commission under subsection (e).”.

(2) *ADDITIONAL AMENDMENTS.*—Section 710(b) of the Communications Act of 1934 (47 U.S.C. 610(b)) is further amended—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking “initial”;

(bb) by striking “of this subsection after the date of enactment of the Hearing Aid Compatibility Act of 1988”; and

(cc) by striking “paragraph (1)(B) of this subsection” and inserting “subparagraphs (B) and (C) of paragraph (1)”;

(II) by inserting “and” at the end of clause (ii);

(III) by striking clause (iii); and

(IV) by redesignating clause (iv) as clause (iii);

(ii) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(iii) in subparagraph (B) (as so redesignated)—

(I) by striking the first sentence and inserting “The Commission shall periodically assess the appropriateness of continuing in effect the exemptions for telephones and other customer premises equipment described in subparagraph (A) of this paragraph.”; and

(II) in each of clauses (iii) and (iv), by striking “paragraph (1)(B)” and inserting “subparagraph (B) or (C) of paragraph (1)”;

(B) in paragraph (4)(B)—

(i) by striking “public mobile” and inserting “telephones used with public mobile”;

(ii) by inserting “telephones and other customer premises equipment used in whole or in part with” after “means”;

(iii) by striking “and” after “public land mobile telephone service,” and inserting “or”;

(iv) by striking “part 22 of”; and

(v) by inserting after “Regulations” the following: “, or any functionally equivalent unlicensed wireless services”; and

(C) in paragraph (4)(C)—

(i) by striking “term ‘private radio services’” and inserting “term ‘telephones used with private radio services’”; and

(ii) by inserting “telephones and other customer premises equipment used in whole or in part with” after “means”.

(b) **TECHNICAL STANDARDS.**—Section 710(c) of the Communications Act of 1934 (47 U.S.C. 610(c)) is amended by adding at the end the following: “A telephone or other customer premises equipment that is compliant with relevant technical standards developed through a public participation process and in consultation with interested consumer stakeholders (designated by the Commission for the purposes of this section) will be considered hearing aid compatible for purposes of this section, until such time as the Commission may determine otherwise. The Commission shall consult with the public, including people with hearing loss, in establishing or approving such technical standards. The Commission may delegate this authority to an employee pursuant to section 5(c). The Commission shall remain the final arbiter as to whether the standards meet the requirements of this section.”.

(c) **RULEMAKING.**—Section 710(e) of the Communications Act of 1934 (47 U.S.C. 610(e)) is amended—

(1) by striking “impairments” and inserting “loss”; and

(2) by adding at the end the following sentence: “In implementing the provisions of subsection (b)(1)(C), the Commission shall use appropriate timetables or benchmarks to the extent necessary (1) due to technical feasibility, or (2) to ensure the marketability or availability of new technologies to users.”.

(d) **RULE OF CONSTRUCTION.**—Section 710(h) of the Communications Act of 1934 (47 U.S.C. 610(h)) is amended to read as follows:

“(h) **RULE OF CONSTRUCTION.**—Nothing in the Twenty-First Century Communications and Video Accessibility Act of 2010 shall be construed to modify the Commission’s regulations set forth in section 20.19 of title 47 of the Code of Federal Regulations, as in effect on the date of enactment of such Act.”.

SEC. 103. RELAY SERVICES.

(a) **DEFINITION.**—Paragraph (3) of section 225(a) of the Communications Act of 1934 (47 U.S.C. 225(a)(3)) is amended to read as follows:

“(3) **TELECOMMUNICATIONS RELAY SERVICES.**—The term ‘telecommunications relay services’ means telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio.”.

(b) **INTERNET PROTOCOL-BASED RELAY SERVICES.**—Title VII of such Act (47 U.S.C. 601 et

seq.) is amended by adding at the end the following new section:

“SEC. 715. INTERNET PROTOCOL-BASED RELAY SERVICES.

“Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, each interconnected VoIP service provider and each provider of non-interconnected VoIP service shall participate in and contribute to the Telecommunications Relay Services Fund established in section 64.604(c)(5)(iii) of title 47, Code of Federal Regulations, as in effect on the date of enactment of such Act, in a manner prescribed by the Commission by regulation to provide for obligations of such providers that are consistent with and comparable to the obligations of other contributors to such Fund.”.

SEC. 104. ACCESS TO ADVANCED COMMUNICATIONS SERVICES AND EQUIPMENT.

(a) **TITLE VII AMENDMENT.**—Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.), as amended by section 103, is further amended by adding at the end the following new sections:

“SEC. 716. ACCESS TO ADVANCED COMMUNICATIONS SERVICES AND EQUIPMENT.

“(a) **MANUFACTURING.**—With respect to equipment manufactured after the effective date of the regulations established pursuant to subsection (e), and subject to those regulations, a manufacturer of equipment used for advanced communications services, including end user equipment, network equipment, and software, shall ensure that the equipment and software that such manufacturer designs, develops, and fabricates shall be accessible to and usable by individuals with disabilities, unless the requirement of this subsection is not achievable.

“(b) **SERVICE PROVIDERS.**—With respect to services provided after the effective date of the regulations established pursuant to subsection (e), and subject to those regulations, a provider of advanced communications services shall ensure that such services offered by such provider are accessible to and usable by individuals with disabilities, unless the requirement of this subsection is not achievable.

“(c) **COMPATIBILITY.**—Whenever the requirements of subsections (a) or (b) are not achievable, a manufacturer or provider shall ensure that its equipment or service is compatible with existing peripheral devices or specialized customer premises equipment commonly used by individuals with disabilities to achieve access, unless the requirement of this subsection is not achievable.

“(d) **NETWORK FEATURES, FUNCTIONS, AND CAPABILITIES.**—Each provider of advanced communications services has the duty not to install network features, functions, or capabilities that do not impede accessibility or usability.

“(e) **REGULATIONS.**—Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall promulgate such regulations as are necessary to implement this section. In prescribing the regulations, the Commission shall—

“(1) include performance requirements to ensure the accessibility, usability, and compatibility of advanced communications services and the equipment used for advanced communications services by individuals with disabilities;

“(2) provide that advanced communications services, the equipment used for advanced communications services, and networks used to provide advanced communications services may not impair or impede the accessibility of information content when accessibility has been incorporated into that content for transmission through advanced communications services, equipment used for advanced communications services, or networks used to provide advanced communications services;

“(3) determine the obligations under this section of manufacturers, service providers, and

providers of applications or services accessed over service provider networks;

“(4) not mandate technical standards, except that the Commission may adopt technical standards as a safe harbor for such compliance if necessary to facilitate the manufacturers’ and service providers’ compliance with sections (a) through (c); and

“(5) not mandate the use or incorporation of specific proprietary technology.

“(f) **SERVICES AND EQUIPMENT SUBJECT TO SECTION 255.**—The requirements of this section shall not apply to any equipment or services, including interconnected VoIP service, that are subject to the requirements of section 255 on the day before the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010. Such services and equipment shall remain subject to the requirements of section 255.

“(g) **ACHIEVABLE DEFINED.**—For purposes of this section, the term ‘achievable’ means with reasonable effort or expense, as determined by the Commission. In determining whether the requirements of a provision are achievable, the Commission shall consider the following factors:

“(1) The nature and cost of the steps needed to meet the requirements of this section with respect to the specific equipment or service in question.

“(2) The technical and economic impact on the operation of the manufacturer or provider and on the operation of the specific equipment or service in question, including on the development and deployment of new communications technologies.

“(3) The type of operations of the manufacturer or provider.

“(4) The extent to which the service provider or manufacturer in question offers accessible services or equipment containing varying degrees of functionality and features, and offered at differing price points.

“(h) **COMMISSION FLEXIBILITY.**—The Commission shall have the authority, on its own motion or in response to a petition by a manufacturer or provider, to waive the requirements of this section for any feature or function of equipment used to provide or access advanced communications services, or for any class of such equipment, that—

“(1) is capable of accessing an advanced communications service; and

“(2) is designed for multiple purposes, but is designed primarily for purposes other than using advanced communications services.

“SEC. 717. ENFORCEMENT AND RECORDKEEPING OBLIGATIONS.

“(a) **COMPLAINT AND ENFORCEMENT PROCEDURES.**—Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall establish regulations that facilitate the filing of formal and informal complaints that allege a violation of section 255 or 716, establish procedures for enforcement actions by the Commission with respect to such violations, and implement the recordkeeping obligations of paragraph (5) for manufacturers and providers subject to such sections. Such regulations shall include the following provisions:

“(1) **NO FEE.**—The Commission shall not charge any fee to an individual who files a complaint alleging a violation of section 255 or 716.

“(2) **RECEIPT OF COMPLAINTS.**—The Commission shall establish separate and identifiable electronic, telephonic, and physical receptacles for the receipt of complaints filed under section 255 or 716.

“(3) **COMPLAINTS TO THE COMMISSION.**—

“(A) **IN GENERAL.**—Any person alleging a violation of section 255 or 716 by a manufacturer of equipment or provider of service subject to such sections may file a formal or informal complaint with the Commission.

“(B) **INVESTIGATION OF INFORMAL COMPLAINT.**—The Commission shall investigate the

allegations in an informal complaint and, within 180 days after the date on which such complaint was filed with the Commission, issue an order concluding the investigation, unless such complaint is resolved before such time. The order shall include a determination whether any violation occurred.

“(i) VIOLATION.—If the Commission determines that a violation has occurred, the Commission may, in the order issued under this subparagraph or in a subsequent order, require the manufacturer or service provider to take such remedial action as is necessary to comply with the requirements of this section.

“(ii) NO VIOLATION.—If a determination is made that a violation has not occurred, the Commission shall provide the basis for such determination.

“(C) CONSOLIDATION OF COMPLAINTS.—The Commission may consolidate for investigation and resolution complaints alleging substantially the same violation.

“(4) OPPORTUNITY TO RESPOND.—Before the Commission makes a determination pursuant to paragraph (3), the party that is the subject of the complaint shall have a reasonable opportunity to respond to such complaint, and may include in such response any factors that are relevant to such determination.

“(5) RECORDKEEPING.—(A) Beginning one year after the effective date of regulations promulgated pursuant to section 716(e), each manufacturer and provider subject to sections 255 and 716 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 and 716, 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.

“(B) An officer of a manufacturer or provider shall submit to the Commission an annual certification that records are being kept in accordance with subparagraph (A).

“(C) After the filing of a formal or informal complaint against a manufacturer or provider in the manner prescribed in paragraph (3), the Commission may request, and shall keep confidential, a copy of the records maintained by such manufacturer or provider pursuant to subparagraph (A) of this paragraph that are directly relevant to the equipment or service that is the subject of such complaint.

“(6) FAILURE TO ACT.—If the Commission fails to carry out any of its responsibilities to act upon a complaint in the manner prescribed in paragraph (3), the person that filed such complaint may bring an action in the nature of mandamus in the United States Court of Appeals for the District of Columbia to compel the Commission to carry out any such responsibility.

“(7) COMMISSION JURISDICTION.—The limitations of section 255(f) shall apply to any claim that alleges a violation of section 255 or 716. Nothing in this paragraph affects or limits any action for mandamus under paragraph (6) or any appeal pursuant to section 402(b)(10).

“(8) PRIVATE RESOLUTIONS OF COMPLAINTS.—Nothing in the Commission’s rules or this Act shall be construed to preclude a person who files a complaint and a manufacturer or provider from resolving a formal or informal complaint prior to the Commission’s final determination in a complaint proceeding. In the event of such a resolution, the parties shall jointly request dismissal of the complaint and the Commission shall grant such request.

“(b) REPORTS TO CONGRESS.—

“(1) IN GENERAL.—Every two years after the date of enactment of the Twenty-First Century

Communications and Video Accessibility Act of 2010, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes the following:

“(A) An assessment of the level of compliance with section 255 and 716.

“(B) An evaluation of the extent to which any accessibility barriers still exist with respect to new communications technologies.

“(C) The number and nature of complaints received pursuant to subsection (a) during the two years that are the subject of the report.

“(D) A description of the actions taken to resolve such complaints under this section, including forfeiture penalties assessed.

“(E) The length of time that was taken by the Commission to resolve each such complaint.

“(F) The number, status, nature, and outcome of any actions for mandamus filed pursuant to subsection (a)(6) and the number, status, nature, and outcome of any appeals filed pursuant to section 402(b)(10).

“(G) An assessment of the effect of the requirements of this section on the development and deployment of new communications technologies.

“(2) PUBLIC COMMENT REQUIRED.—The Commission shall seek public comment on its tentative findings prior to submission to the Committees of the report under this subsection.

“(c) COMPTROLLER GENERAL ENFORCEMENT STUDY.—

“(1) IN GENERAL.—The Comptroller General shall conduct a study to consider and evaluate the following:

“(A) The Commission’s compliance with the requirements of this section, including the Commission’s level of compliance with the deadlines established under and pursuant to this section and deadlines for acting on complaints pursuant to subsection (a).

“(B) Whether the enforcement actions taken by the Commission pursuant to this section have been appropriate and effective in ensuring compliance with this section.

“(C) Whether the enforcement provisions under this section are adequate to ensure compliance with this section.

“(D) Whether, and to what extent (if any), the requirements of this section have an effect on the development and deployment of new communications technologies.

“(2) REPORT.—Not later than 5 years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the study required by paragraph (1), with recommendations for how the enforcement process and measures under this section may be modified or improved.

“(d) CLEARINGHOUSE.—Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall, in consultation with the Architectural and Transportation Barriers Compliance Board, the National Telecommunications and Information Administration, trade associations, and organizations representing individuals with disabilities, establish a clearinghouse of information on the availability of accessible products and services and accessibility solutions required under sections 255 and 716. Such information shall be made publicly available on the Commission’s website and by other means, and shall include an annually updated list of products and services with access features.

“(e) OUTREACH AND EDUCATION.—Upon establishment of the clearinghouse of information required under subsection (d), the Commission, in coordination with the National Telecommunications and Information Administration, shall conduct an informational and educational pro-

gram designed to inform the public about the availability of the clearinghouse and the protections and remedies available under sections 255 and 716.”.

(b) TITLE V AMENDMENTS.—Section 503(b)(2) of such Act (47 U.S.C. 503(b)(2)) is amended by adding after subparagraph (E) the following:

“(F) Subject to paragraph (5) of this section, if the violator is a manufacturer or service provider subject to the requirements of section 255 or 716, and is determined by the Commission to have violated any such requirement, the manufacturer or provider shall be liable to the United States for a forfeiture penalty of not more than \$100,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$1,000,000 for any single act or failure to act.”.

(c) REVIEW OF COMMISSION DETERMINATIONS.—Section 402(b) of such Act (47 U.S.C. 402(b)) is amended by adding the following new paragraph:

“(10) By any person who is aggrieved or whose interests are adversely affected by a determination made by the Commission under section 717(a)(3).”.

SEC. 105. RELAY SERVICES FOR DEAF-BLIND INDIVIDUALS.

Title VII of the Communications Act of 1934, as amended by section 104, is further amended by adding at the end the following:

“SEC. 718. RELAY SERVICES FOR DEAF-BLIND INDIVIDUALS.

“(a) IN GENERAL.—Within 6 months after the date of enactment of the Equal Access to 21st Century Communications Act, the Commission shall establish rules that define as eligible for relay service support those programs that are approved by the Commission for the distribution of specialized customer premises equipment designed to make telecommunications service, Internet access service, and advanced communications, including interexchange services and advanced telecommunications and information services, accessible by individuals who are deaf-blind.

“(b) INDIVIDUALS WHO ARE DEAF-BLIND DEFINED.—For purposes of this subsection, the term ‘individuals who are deaf-blind’ has the same meaning given such term in the Helen Keller National Center Act, as amended by the Rehabilitation Act Amendments of 1992 (29 U.S.C. 1905(2)).

“(c) ANNUAL AMOUNT.—The total amount of support the Commission may provide from its interstate relay fund for any fiscal year may not exceed \$10,000,000.”.

SEC. 106. EMERGENCY ACCESS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—For the purpose of achieving equal access to emergency services by individuals with disabilities, as a part of the migration to a national Internet protocol-enabled emergency network, not later than 60 days after the date of enactment of this Act, the Chairman of the Commission shall establish an advisory committee, to be known as the Emergency Access Advisory Committee (referred to in this section as the “Advisory Committee”).

(b) MEMBERSHIP.—As soon as practicable after the date of enactment of this Act, the Chairman of the Commission shall appoint the members of the Advisory Committee, ensuring a balance between individuals with disabilities and other stakeholders, and shall designate two such members as the co-chairs of the Committee. Members of the Advisory Committee shall be selected from the following groups:

(1) STATE AND LOCAL GOVERNMENT AND EMERGENCY RESPONDER REPRESENTATIVES.—Representatives of State and local governments and representatives of emergency response providers, selected from among individuals nominated by national organizations representing such governments and representatives.

(2) SUBJECT MATTER EXPERTS.—Individuals who have the technical knowledge and expertise

to serve on the Advisory Committee in the fulfillment of its duties, including representatives of—

(A) providers of interconnected and non-interconnected VoIP services;

(B) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of interconnected and non-interconnected VoIP services;

(C) national organizations representing individuals with disabilities and senior citizens;

(D) Federal agencies or departments responsible for the implementation of the Next Generation E 9-1-1 system;

(E) the National Institute of Standards and Technology; and

(F) other individuals with such technical knowledge and expertise.

(3) REPRESENTATIVES OF OTHER STAKEHOLDERS AND INTERESTED PARTIES.—Representatives of such other stakeholders and interested and affected parties as the Chairman of the Commission determines appropriate.

(c) DEVELOPMENT OF RECOMMENDATIONS.—Within 1 year after the completion of the member appointment process by the Chairman of the Commission pursuant to subsection (b), the Advisory Committee shall conduct a national survey of individuals with disabilities, seeking input from the groups described in subsection (b)(2), to determine the most effective and efficient technologies and methods by which to enable access to emergency services by individuals with disabilities and shall develop and submit to the Commission recommendations to implement such technologies and methods, including recommendations—

(1) with respect to what actions are necessary as a part of the migration to a national Internet protocol-enabled network to achieve reliable, interoperable communication transmitted over such network that will ensure access to emergency services by individuals with disabilities;

(2) for protocols, technical capabilities, and technical requirements to ensure the reliability and interoperability necessary to ensure access to emergency services by individuals with disabilities;

(3) for the establishment of technical standards for use by public safety answering points, designated default answering points, and local emergency authorities;

(4) for relevant technical standards and requirements for communication devices and equipment and technologies to enable the use of reliable emergency access;

(5) for procedures to be followed by IP-enabled network providers to ensure that such providers do not install features, functions, or capabilities that would conflict with technical standards;

(6) for deadlines by which providers of interconnected and non-interconnected VoIP services and manufacturers of equipment used for such services shall achieve the actions required in paragraphs (1) through (5), where achievable, and for the possible phase out of the use of current-generation TTY technology to the extent that this technology is replaced with more effective and efficient technologies and methods to enable access to emergency services by individuals with disabilities;

(7) for the establishment of rules to update the Commission's rules with respect to 9-1-1 services and E-911 services (as defined in section 158(e)(4) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(e)(4))), for users of telecommunications relay services as new technologies and methods for providing such relay services are adopted by providers of such relay services; and

(8) that take into account what is technically and economically feasible.

(d) MEETINGS.—

(1) INITIAL MEETING.—The initial meeting of the Advisory Committee shall take place not later than 45 days after the completion of the member appointment process by the Chairman of the Commission pursuant to subsection (b).

(2) OTHER MEETINGS.—After the initial meeting, the Advisory Committee shall meet at the call of the chairs, but no less than monthly until the recommendations required pursuant to subsection (c) are completed and submitted.

(3) NOTICE; OPEN MEETINGS.—Any meetings held by the Advisory Committee shall be duly noticed at least 14 days in advance and shall be open to the public.

(e) RULES.—

(1) QUORUM.—One-third of the members of the Advisory Committee shall constitute a quorum for conducting business of the Advisory Committee.

(2) SUBCOMMITTEES.—To assist the Advisory Committee in carrying out its functions, the chair may establish appropriate subcommittees composed of members of the Advisory Committee and other subject matter experts as determined to be necessary.

(3) ADDITIONAL RULES.—The Advisory Committee may adopt other rules as needed.

(f) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

(g) IMPLEMENTING RECOMMENDATIONS.—The Commission shall have the authority to promulgate regulations to implement the recommendations proposed by the Advisory Committee, as well as any other regulations, technical standards, protocols, and procedures as are necessary to achieve reliable, interoperable communication that ensures access by individuals with disabilities to an Internet protocol-enabled emergency network, where achievable and technically feasible.

(h) DEFINITIONS.—In this section—

(1) the term “Commission” means the Federal Communications Commission;

(2) the term “Chairman” means the Chairman of the Federal Communications Commission; and

(3) except as otherwise expressly provided, other terms have the meanings given such terms in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

TITLE II—VIDEO PROGRAMMING

SEC. 201. VIDEO PROGRAMMING AND EMERGENCY ACCESS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Chairman shall establish an advisory committee to be known as the Video Programming and Emergency Access Advisory Committee.

(b) MEMBERSHIP.—As soon as practicable after the date of enactment of this Act, the Chairman shall appoint individuals who have the technical knowledge and engineering expertise to serve on the Advisory Committee in the fulfillment of its duties, including the following:

(1) Representatives of distributors and providers of video programming or a national organization representing such distributors.

(2) Representatives of vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of video programming delivered using Internet protocol or a national organization representing such vendors, developers, or manufacturers.

(3) Representatives of manufacturers of consumer electronics or information technology equipment or a national organization representing such manufacturers.

(4) Representatives of video programming producers or a national organization representing such producers.

(5) Representatives of national organizations representing accessibility advocates, including individuals with disabilities and the elderly.

(6) Representatives of the broadcast television industry or a national organization representing such industry.

(7) Other individuals with technical and engineering expertise, as the Chairman determines appropriate.

(c) COMMISSION OVERSIGHT.—The Chairman shall appoint a member of the Commission's

staff to moderate and direct the work of the Advisory Committee.

(d) TECHNICAL STAFF.—The Commission shall appoint a member of the Commission's technical staff to provide technical assistance to the Advisory Committee.

(e) DEVELOPMENT OF RECOMMENDATIONS.—

(1) CLOSED CAPTIONING REPORT.—Within 6 months after the date of the first meeting of the Advisory Committee, the Advisory Committee shall develop and submit to the Commission a report that includes the following:

(A) A recommended schedule of deadlines for the provision of closed captioning service.

(B) An identification of the performance requirement for protocols, technical capabilities, and technical procedures needed to permit content providers, content distributors, Internet service providers, software developers, and device manufacturers to reliably encode, transport, receive, and render closed captions of video programming, except for consumer generated media, delivered using Internet protocol.

(C) An identification of additional protocols, technical capabilities, and technical procedures beyond those available as of the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010 for the delivery of closed captions of video programming, except for consumer generated media, delivered using Internet protocol that are necessary to meet the performance requirements identified under subparagraph (B).

(D) A recommendation for technical standards to address the performance requirements identified in subparagraph (B).

(E) A recommendation for any regulations that may be necessary to ensure compatibility between video programming, except for consumer generated media, delivered using Internet protocol and devices capable of receiving and displaying such programming in order to facilitate access to closed captions.

(2) VIDEO DESCRIPTION, EMERGENCY INFORMATION, USER INTERFACES, AND VIDEO PROGRAMMING GUIDES AND MENUS.—Within 18 months after the date of enactment of this Act, the Advisory Committee shall develop and submit to the Commission a report that includes the following:

(A) A recommended schedule of deadlines for the provision of video description and emergency information.

(B) An identification of the performance requirement for protocols, technical capabilities, and technical procedures needed to permit content providers, content distributors, Internet service providers, software developers, and device manufacturers to reliably encode, transport, receive, and render video descriptions of video programming, except for consumer generated media, and emergency information delivered using Internet protocol or digital broadcast television.

(C) An identification of additional protocols, technical capabilities, and technical procedures beyond those available as of the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010 for the delivery of video descriptions of video programming, except for consumer generated media, and emergency information delivered using Internet protocol that are necessary to meet the performance requirements identified under subparagraph (B).

(D) A recommendation for technical standards to address the performance requirements identified in subparagraph (B).

(E) A recommendation for any regulations that may be necessary to ensure compatibility between video programming, except for consumer generated media, delivered using Internet protocol and devices capable of receiving and displaying such programming, except for consumer generated media, in order to facilitate access to video descriptions and emergency information.

(F) With respect to user interfaces, a recommendation for the standards, protocols, and

procedures used to enable the functions of apparatus designed to receive or display video programming transmitted simultaneously with sound (including apparatus designed to receive or display video programming transmitted by means of services using Internet protocol) to be accessible to and usable by individuals with disabilities.

(G) With respect to user interfaces, a recommendation for the standards, protocols, and procedures used to enable on-screen text menus and other visual indicators used to access the functions on an apparatus described in subparagraph (F) to be accompanied by audio output so that such menus or indicators are accessible to and usable by individuals with disabilities.

(H) With respect to video programming guides and menus, a recommendation for the standards, protocols, and procedures used to enable video programming information and selection provided by means of a navigation device, guide, or menu to be accessible in real-time by individuals who are blind or visually impaired.

(3) **CONSIDERATION OF WORK BY STANDARD-SETTING ORGANIZATIONS.**—The recommendations of the advisory committee shall, insofar as possible, incorporate the standards, protocols, and procedures that have been adopted by recognized industry standard-setting organizations for each of the purposes described in paragraphs (1) and (2).

(f) **MEETINGS.**—

(1) **INITIAL MEETING.**—The initial meeting of the Advisory Committee shall take place not later than 180 days after the date of the enactment of this Act.

(2) **OTHER MEETINGS.**—After the initial meeting, the Advisory Committee shall meet at the call of the Chairman.

(3) **NOTICE; OPEN MEETINGS.**—Any meeting held by the Advisory Committee shall be noticed at least 14 days before such meeting and shall be open to the public.

(g) **PROCEDURAL RULES.**—

(1) **QUORUM.**—The presence of one-third of the members of the Advisory Committee shall constitute a quorum for conducting the business of the Advisory Committee.

(2) **SUBCOMMITTEES.**—To assist the Advisory Committee in carrying out its functions, the Chairman may establish appropriate subcommittees composed of members of the Advisory Committee and other subject matter experts.

(3) **ADDITIONAL PROCEDURAL RULES.**—The Advisory Committee may adopt other procedural rules as needed.

(h) **FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

(i) **ADOPTION OF STANDARDS, PROTOCOLS, PROCEDURES, AND OTHER TECHNICAL REQUIREMENTS.**—

(1) **CLOSED CAPTIONING.**—Not later than 6 months after the date on which the Advisory Committee transmits its report under subsection (e)(1) to the Commission, the Commission shall take all actions necessary to adopt relevant technical standards, protocols, procedures, and other technical requirements to ensure compatibility between video programming delivered using Internet protocol and devices capable of receiving and displaying such programming in order to facilitate access to closed captions.

(2) **VIDEO DESCRIPTION AND EMERGENCY INFORMATION.**—Not later than 18 months after the date on which the Advisory Committee transmits its report under subsection (e)(2) to the Commission, the Commission shall take all actions necessary to adopt relevant technical standards, protocols, procedures, and other technical requirements to ensure compatibility between video programming, except for consumer generated media, delivered using Internet protocol or digital broadcast television and devices capable of receiving and displaying such programming in order to facilitate access to video descriptions and emergency information.

(j) **COMMISSION AUTHORITY.**—

(1) **IN GENERAL.**—The Commission shall adopt the recommendations contained in the reports required under paragraphs (1) and (2) of subsection (e) if the Commission finds that the recommendations are sufficient to meet the objectives of this Act.

(2) **ALTERNATIVE ADOPTION OF REQUIREMENTS.**—If the Commission finds that the recommendations are, in whole or in part, insufficient to meet the objectives of this Act, the Commission shall adopt the standards, protocols, procedures, or other technical requirements that it determines are necessary to meet the objectives of this Act.

SEC. 202. VIDEO DESCRIPTION AND CLOSED CAPTIONING.

(a) **VIDEO DESCRIPTION.**—Section 713 of the Communications Act of 1934 (47 U.S.C. 613) is amended—

(1) by striking subsections (f) and (g);

(2) by redesignating subsection (h) as subsection (j); and

(3) by inserting after subsection (e) the following:

“(f) **VIDEO DESCRIPTION.**—

“(1) **REINSTATEMENT OF REGULATIONS.**—On the day that is 1 year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall, after a rulemaking, reinstate its video description regulations contained in the Implementation of Video Description of Video Programming Report and Order (15 F.C.C.R. 15,230 (2000)), modified as provided in paragraph (2).

“(2) **MODIFICATIONS TO REINSTATED REGULATIONS.**—Such regulations shall be modified only as follows:

“(A) The regulations shall apply to video programming, as defined in subsection (h), that is transmitted for display on television in digital format.

“(B) The Commission shall update the list of the top 25 designated market areas, the list of the top 5 national nonbroadcast networks, and the beginning calendar quarter for which compliance shall be calculated.

“(C) The regulations may permit a provider of video programming or a program owner to petition the Commission for an exemption from the requirements of this section upon a showing that the requirements contained in this section be economically burdensome.

“(D) The Commission may exempt from the regulations established pursuant to paragraph (1) a service, class of services, program, class of programs, equipment, or class of equipment for which the Commission has determined that the application of such regulations would be economically burdensome for the provider of such service, program, or equipment.

“(E) The regulations shall not apply to live or near-live programming.

“(F) The regulations shall provide for an appropriate phased schedule of deadlines for compliance.

“(G) The Commission shall consider extending the exemptions and limitations in the reinstated regulations for technical capability reasons to all providers and owners of video programming.

“(3) **INQUIRIES ON FURTHER VIDEO DESCRIPTION REQUIREMENTS.**—The Commission shall commence the following inquiries not later than 1 year after the completion of the phase-in of the reinstated regulations and shall report to Congress 1 year thereafter on the findings for each of the following:

“(A) **VIDEO DESCRIPTION IN TELEVISION PROGRAMMING.**—The availability, use, and benefits of video description on video programming distributed on television, the technical and creative issues associated with providing such video description, and the financial costs of providing such video description for providers of video programming and program owners.

“(B) **VIDEO DESCRIPTION IN VIDEO PROGRAMMING DISTRIBUTED ON THE INTERNET.**—The tech-

nical and operational issues, costs, and benefits of providing video descriptions for video programming that is delivered using Internet protocol.

“(g) **EMERGENCY INFORMATION.**—Not later than 1 year after the Advisory Committee report under subsection (e)(2) is submitted to the Commission, the Commission shall complete a proceeding to—

“(1) identify methods to convey emergency information (as that term is defined in section 79.2 of title 47, Code of Federal Regulations) in a manner accessible to individuals who are blind or visually impaired; and

“(2) promulgate regulations that require video programming providers and video programming distributors (as those terms are defined in section 79.1 of title 47, Code of Federal Regulations) and program owners to convey such emergency information in a manner accessible to individuals who are blind or visually impaired.

“(h) **RESPONSIBILITIES.**—

“(1) **VIDEO PROGRAMMING OWNER.**—A video programming owner shall ensure that any closed captioning and video description required pursuant to this section is provided in accordance with the technical standards, protocols and procedures established by the Commission.

“(2) **VIDEO PROGRAMMING PROVIDER OR DISTRIBUTOR.**—A video programming provider or video programming distributor shall be deemed in compliance with this section and the rules and regulation promulgated thereunder if such entity enables the rendering or the pass through of closed captions and video description signals.

“(i) **DEFINITIONS.**—For purposes of this section, section 303, and section 330:

“(1) **VIDEO DESCRIPTION.**—The term ‘video description’ means the insertion of audio narrated descriptions of a television program’s key visual elements into natural pauses between the program’s dialogue.

“(2) **VIDEO PROGRAMMING.**—The term ‘video programming’ means programming by, or generally considered comparable to programming provided by a television broadcast station, but not including consumer-generated media (as defined in section 3).”.

(b) **CLOSED CAPTIONING ON VIDEO PROGRAMMING DELIVERED USING INTERNET PROTOCOL.**—Section 713 of such Act is further amended by striking subsection (c) and inserting the following:

“(c) **DEADLINES FOR CAPTIONING.**—

“(1) **IN GENERAL.**—The regulations prescribed pursuant to subsection (b) shall include an appropriate schedule of deadlines for the provision of closed captioning of video programming once published or exhibited on television.

“(2) **DEADLINES FOR PROGRAMMING DELIVERED USING INTERNET PROTOCOL.**—

“(A) **REGULATIONS ON CLOSED CAPTIONING ON VIDEO PROGRAMMING DELIVERED USING INTERNET PROTOCOL.**—Not later than 6 months after the submission of the report to the Commission required by subsection (e)(1) of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall revise its regulations to require the provision of closed captioning on video programming delivered using Internet protocol that was published or exhibited on television with captions after the effective date of such regulations.

“(B) **SCHEDULE.**—The regulations prescribed under this paragraph shall include an appropriate schedule of deadlines for the provision of closed captioning, taking into account whether such programming is prerecorded and edited for Internet distribution, or whether such programming is live or near-live and not edited for Internet distribution.

“(C) **COST.**—The Commission may delay or waive the regulation promulgated under subparagraph (A) to the extent the Commission finds that the application of the regulation to live video programming delivered using Internet protocol with captions after the effective date of

such regulations would be economically burdensome to providers of video programming or program owners.

“(D) REQUIREMENTS FOR REGULATIONS.—The regulations prescribed under this paragraph—

“(i) shall contain a definition of ‘near-live programming’ and ‘edited for Internet distribution’;

“(ii) may exempt any service, class of service, program, class of program, equipment, or class of equipment for which the Commission has determined that the application of such regulations would be economically burdensome for the provider of such service, program, or equipment; and

“(iii) shall provide that de minimis failure to comply with such regulations by a video programming provider or owner shall not be treated as a violation of the regulations.”.

(c) CONFORMING AMENDMENT.—Section 713(d) of such Act is amended by striking paragraph (3) and inserting the following:

“(3) a provider of video programming or program owner may petition the Commission for an exemption from the requirements of this section, and the Commission may grant such petition upon a showing that the requirements contained in this section would be economically burdensome. During the pendency of such a petition, such provider or owner shall be exempt from the requirements of this section. The Commission shall act to grant or deny any such petition, in whole or in part, within 6 months after the Commission receives such petition, unless the Commission finds that an extension of the 6-month period is necessary to determine whether such requirements are economically burdensome.”.

SEC. 203. CLOSED CAPTIONING DECODER AND VIDEO DESCRIPTION CAPABILITY.

(a) AUTHORITY TO REGULATE.—Section 303(u) of the Communications Act of 1934 (47 U.S.C. 303(u)) is amended to read as follows:

“(u) Require that—

“(1) apparatus designed to receive or play back video programming transmitted simultaneously with sound, if such apparatus is manufactured in the United States or imported for use in the United States and uses a picture screen of any size—

“(A) be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captioned video programming;

“(B) have the capability to decode and make available the transmission and delivery of video description services as required by regulations reinstated and modified pursuant to section 713(f); and

“(C) have the capability to decode and make available emergency information (as that term is defined in section 79.2 of the Commission’s regulations (47 CFR 79.2)) in a manner that is accessible to individuals who are blind or visually impaired; and

“(2) notwithstanding paragraph (1) of this subsection—

“(A) apparatus described in such paragraph that use a picture screen that is less than 13 inches in size meet the requirements of subparagraph (A), (B), or (C) of such paragraph only if the requirements of such subparagraphs are achievable (as defined in section 716);

“(B) any apparatus or class of apparatus that are display-only video monitors with no playback capability are exempt from the requirements of such paragraph; and

“(C) the Commission shall have the authority, on its own motion or in response to a petition by a manufacturer, to waive the requirements of this subsection for any apparatus or class of apparatus—

“(i) primarily designed for activities other than receiving or playing back video programming transmitted simultaneously with sound; or

“(ii) for equipment designed for multiple purposes, capable of receiving or playing video programming transmitted simultaneously with sound but whose essential utility is derived from other purposes.”.

(b) OTHER DEVICES.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is further amended by adding at the end the following new subsection:

“(2) Require that—

“(1) if achievable (as defined in section 716), apparatus designed to record video programming transmitted simultaneously with sound, if such apparatus is manufactured in the United States or imported for use in the United States, enable the rendering or the pass through of closed captions, video description signals, and emergency information (as that term is defined in section 79.2 of title 47, Code of Federal Regulations) such that viewers are able to activate and deactivate the closed captions and video description as the video programming is played back on a picture screen of any size; and

“(2) interconnection mechanisms and standards for digital video source devices are available to carry from the source device to the consumer equipment the information necessary to permit or render the display of closed captions and to make encoded video description and emergency information audible.”.

(c) SHIPMENT IN COMMERCE.—Section 330(b) of the Communications Act of 1934 (47 U.S.C. 330(b)) is amended—

(1) by striking “303(u)” in the first sentence and inserting “303(u) and (2)”;

(2) by striking the second sentence and inserting the following: “Such rules shall provide performance and display standards for such built-in decoder circuitry or capability designed to display closed captioned video programming, the transmission and delivery of video description services, and the conveyance of emergency information as required by section 303 of this Act.”; and

(3) in the fourth sentence, by striking “closed-captioning service continues” and inserting “closed-captioning service and video description service continue”.

(d) IMPLEMENTING REGULATIONS.—The Federal Communications Commission shall prescribe such regulations as are necessary to implement the requirements of sections 303(u), 303(z), and 330(b) of the Communications Act of 1934, as amended by this section, including any technical standards, protocols, and procedures needed for the transmission of—

(1) closed captioning within 6 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(1); and

(2) video description and emergency information within 18 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(2).

SEC. 204. USER INTERFACES ON DIGITAL APPARATUS.

(a) AMENDMENT.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is further amended by adding after subsection (z), as added by section 203 of this Act, the following new subsection:

“(aa) Require—

“(1) if achievable (as defined in section 716) that digital apparatus designed to receive or play back video programming transmitted in digital format simultaneously with sound, including apparatus designed to receive or display video programming transmitted in digital format using Internet protocol, be designed, developed, and fabricated so that control of appropriate built-in apparatus functions are accessible to and usable by individuals who are blind or visually impaired, except that the Commission may not specify the technical standards, protocols, procedures, and other technical requirements for meeting this requirement;

“(2) that if on-screen text menus or other visual indicators built in to the digital apparatus are used to access the functions of the apparatus described in paragraph (1), such functions shall be accompanied by audio output that is either integrated or peripheral to the apparatus, so that such menus or indicators are accessible

to and usable by individuals who are blind or visually impaired in real-time;

“(3) that for such apparatus equipped with the functions described in paragraphs (1) and (2) built in access to those closed captioning and video description features through a mechanism that is reasonably comparable to a button, key, or icon designated by activating the closed captioning or accessibility features; and

“(4) that in applying this subsection the term ‘apparatus’ does not include a navigation device, as such term is defined in section 76.1200 of the Commission’s rules (47 CFR 76.1200).”.

(b) IMPLEMENTING REGULATIONS.—Within 18 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(2), the Commission shall prescribe such regulations as are necessary to implement the amendments made by subsection (a).

(c) DEFERRAL OF COMPLIANCE WITH ATSC MOBILE DTV STANDARD A/153.—A digital apparatus designed and manufactured to receive or play back the Advanced Television Systems Committee’s Mobile DTV Standards A/153 shall not be required to meet the requirements of the regulations prescribed under subsection (b) for a period of not less than 24 months after the date on which the final regulations are published in the Federal Register.

SEC. 205. ACCESS TO VIDEO PROGRAMMING GUIDES AND MENUS PROVIDED ON NAVIGATION DEVICES.

(a) AMENDMENT.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is further amended by adding after subsection (aa), as added by section 204 of this Act, the following new subsection:

“(bb) Require—

“(1) if achievable (as defined in section 716), that the on-screen text menus and guides provided by navigation devices (as such term is defined in section 76.1200 of title 47, Code of Federal Regulations) for the display or selection of multichannel video programming are audibly accessible in real-time upon request by individuals who are blind or visually impaired, except that the Commission may not specify the technical standards, protocols, procedures, and other technical requirements for meeting this requirement; and

“(2) for navigation devices with built-in closed captioning capability, that access to that capability through a mechanism is reasonably comparable to a button, key, or icon designated for activating the closed captioning, or accessibility features.

With respect to apparatus features and functions delivered in software, the requirements set forth in this subsection shall apply to the manufacturer of such software. With respect to apparatus features and functions delivered in hardware, the requirements set forth in this subsection shall apply to the manufacturer of such hardware.”.

(b) IMPLEMENTING REGULATIONS.—

(1) IN GENERAL.—Within 18 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(2), the Commission shall prescribe such regulations as are necessary to implement the amendment made by subsection (a).

(2) EXEMPTION.—Such regulations may provide an exemption from the regulations for cable systems serving 20,000 or fewer subscribers.

(3) RESPONSIBILITY.—An entity shall only be responsible for compliance with the requirements added by this section with respect to navigation devices that it provides to a requesting blind or visually impaired individual.

(3) SEPARATE EQUIPMENT OR SOFTWARE.—

(A) IN GENERAL.—Such regulations shall permit but not require the entity providing the navigation device to the requesting blind or visually impaired individual to comply with section 303(bb)(1) of the Communications Act of 1934 through that entity’s use of software, a peripheral device, specialized consumer premises equipment, a network-based service or other solution,

and shall provide the maximum flexibility to select the manner of compliance.

(B) **REQUIREMENTS.**—If an entity complies with section 303(bb)(1) of the Communications Act of 1934 under subparagraph (A), the entity providing the navigation device to the requesting blind or visually impaired individual shall provide any such software, peripheral device, equipment, service, or solution at no additional charge and within a reasonable time to such individual and shall ensure that such software, device, equipment, service, or solution provides the access required by such regulations.

(4) **USER CONTROLS FOR CLOSED CAPTIONING.**—Such regulations shall permit the entity providing the navigation device maximum flexibility in the selection of means for compliance with section 303(bb)(2) of the Communications Act of 1934 (as added by subsection (a) of this section).

(5) **PHASE-IN.**—

(A) **IN GENERAL.**—The Commission shall provide affected entities with—

(i) not less than 2 years after the adoption of such regulations to begin placing in service devices that comply with the requirements of section 303(bb)(2) of the Communications Act of 1934 (as added by subsection (a) of this section); and

(ii) not less than 3 years after the adoption of such regulations to begin placing in service devices that comply with the requirements of section 303(bb)(1) of the Communications Act of 1934 (as added by subsection (a) of this section).

(B) **APPLICATION.**—Such regulations shall apply only to devices manufactured or imported on or after the respective effective dates established in subparagraph (A).

SEC. 206. DEFINITIONS.

In this title:

(1) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the advisory committee established in section 201.

(2) **CHAIRMAN.**—The term “Chairman” means the Chairman of the Federal Communications Commission.

(3) **COMMISSION.**—The term “Commission” means the Federal Communications Commission.

(4) **EMERGENCY INFORMATION.**—The term “emergency information” has the meaning given such term in section 79.2 of title 47, Code of Federal Regulations.

(5) **INTERNET PROTOCOL.**—The term “Internet protocol” includes Transmission Control Protocol and a successor protocol or technology to Internet protocol.

(6) **NAVIGATION DEVICE.**—The term “navigation device” has the meaning given such term in section 76.1200 of title 47, Code of Federal Regulations.

(7) **VIDEO DESCRIPTION.**—The term “video description” has the meaning given such term in section 713 of the Communications Act of 1934 (47 U.S.C. 613).

(8) **VIDEO PROGRAMMING.**—The term “video programming” has the meaning given such term in section 713 of the Communications Act of 1934 (47 U.S.C. 613).

Mr. REID. I ask unanimous consent that the committee-reported substitute amendment be considered, that a Pryor amendment which is at the desk be agreed to, the substitute amendment, as amended, be agreed to, the bill as amended be read a third time, passed, the motions to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment (No. 4603) was agreed to.

(The text of the amendment is printed in today's RECORD under “Text of Amendments.”)

The bill (S. 3304), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The bill will be printed in a future edition of the RECORD.

RELIGIOUS MINORITIES IN IRAQ

Mr. REID. Mr. President, I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of S. Res. 322 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 322) expressing the sense of the Senate on religious minorities in Iraq.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that a Levin substitute amendment to the resolution, which is at the desk, be agreed to; the resolution, as amended, be agreed to; that a Levin substitute amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate and any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4604) was agreed to, as follows:

AMENDMENT NO. 4604

(Purpose: In the nature of a substitute to the resolution)

Strike all after the resolving clause and insert the following: That it is the sense of the Senate that—

(1) the United States remains deeply concerned about the plight of vulnerable religious minorities of Iraq;

(2) the United States Government and the United Nations Assistance Mission for Iraq should urge the Government of Iraq to enhance security at places of worship in Iraq, particularly where religious minorities are known to be at risk;

(3) the United States Government should continue to work with the Government of Iraq to ensure that members of ethnic and religious minorities communities in Iraq—

(A) suffer no discrimination in recruitment, employment, or advancement in the Iraqi police and security forces; and

(B) while employed in the Iraqi police and security forces, where appropriate, be assigned to their locations of origin, rather than being transferred to other areas;

(4) the Government of Iraq and the Kurdistan regional government should work towards a peaceful and timely resolution of disputes over territories, particularly those where many religious communities reside;

(5) the United States Government and the United Nations Assistance Mission for Iraq should urge the Government of Iraq to—

(A) implement in full those provisions of the Constitution of Iraq that provide protections for the individual rights to freedom of thought, conscience, religion, and belief and

protections for religious minorities to enjoy their culture and language and practice their religion; and

(B) reduce onerous registration requirements so that smaller religious groups are not disadvantaged in registering;

(6) the Government of Iraq should take affirmative measures to reverse the legal, political, and economic marginalization of religious minorities in Iraq;

(7) the United States Government should assist, consistent with local aspirations and developmental needs, ethnic and religious minorities in Iraq to organize themselves civically and politically to effectively convey their concerns to government;

(8) the United States Government should continue to fund capacity-building programs for the Iraqi Ministry of Human Rights and the independent national Human Rights Commission, and should continue to help reconstitute the minorities committee to make it an effective voice for Iraqi minorities;

(9) the Government of Iraq should direct the Iraqi Ministry of Human Rights to investigate and issue a public report on abuses against and the marginalization of minority communities in Iraq and make recommendations to address such abuses; and

(10) the United States Government should encourage the Government of Iraq and the Kurdistan Regional Government to protect the linguistic and cultural heritage, religious beliefs, and ethnic and religious identities of minority groups, in particular those living in the Nineveh Plain.

The amendment (No. 4605) was agreed to, as follows:

AMENDMENT NO. 4605

(Purpose: In the nature of a substitute to the preamble)

Strike the preamble and insert the following:

Whereas the territory of Iraq, the land of Mesopotamia, has millennia of rich cultural and religious history;

Whereas the Sumerians, Babylonians, and Assyrians thrived within what are now the borders of Iraq;

Whereas the biblical patriarch Abraham was born in Ur, King Hammurabi ruled from Babylon, and Imam Ali, the founder of Shiite Islam, died in Kufa;

Whereas during the 35-year rule of the Baath Party and Saddam Hussein, and despite the Provisional Constitution of 1968 that provided for individual religious freedom in Iraq, the Government of Iraq severely limited freedom of religion, especially for religious minorities, and sought to exploit religious differences for political purposes, leading the United States Government to designate Iraq as a “country of particular concern” under the International Religious Freedom Act of 1998 (Public Law 105-292) because of systematic, ongoing, egregious violations of religious freedom;

Whereas members of religious minority communities of Iraq, both those who have been forced to flee the homeland in which their ancestors have lived for thousands of years and those who remain in Iraq, are committed to maintaining their presence in Iraq and keeping alive their communities’ cultures, heritage, and religions, but threats against them jeopardize the future of Iraq as a diverse, pluralistic, and free society;

Whereas despite the reduction in violence in Iraq in recent years, serious threats to religious freedom remain, including religiously motivated violence directed at vulnerable religious minorities, their leaders, and their holy sites, including Chaldeans, Syriacs, Assyrians, Armenians and other Christians, Sabeans, Mandeans, Yazidis, Baha'is, Kaka'is, Jews, and Shi'a Shabak;