

# Ensure Equal Access to the New Technologies and Innovations of the 21<sup>st</sup> Century

*Co-Sponsor H.R. 3101, the Twenty-first Century Communications and Video Accessibility Act*

August 12, 2009

Dear Colleague:

Over the last decade, we have seen a revolution in the way Americans interact, learn and conduct business. However, the wizardry of the wires and the sophistication of software programs do little for those who cannot affordably access or effectively use them. I recently introduced H.R. 3101, the Twenty-first Century Communications and Video Accessibility Act, to ensure that all Americans are offered equal access to these exciting and innovative new technologies.

H.R. 3101 would amend the Communications Act to ensure that new Internet-enabled telephone and video services and equipment are accessible to, and usable by, people with disabilities. The bill also closes existing gaps in telecommunications laws. From extending hearing aid compatibility and Internet closed captioning to real-time text support for emergency services, H.R. 3101 seeks to provide a smooth migration to the next-generation of Internet-based and digital communication technologies.

The guiding principle of the Twenty-first Century Communications and Video Accessibility Act is to bring existing federal laws requiring communications and video programming accessibility up to date, to fill in any accessibility gaps, and to ensure the full inclusion of people with disabilities in all aspects of daily living through accessible, affordable and usable communication and video programming technologies. H.R. 3101 would:

- Extend federal law that currently requires hearing aid compatibility (HAC) on newly manufactured and imported telephones to comparable IP-compatible equipment (CPE) used to provide Internet-enabled voice communication service. The purpose of this provision is to ensure that people with hearing loss have access to telephone devices with a built-in speaker (typically held to the ear) used with advanced technologies.
- Clarify that telecommunications relay services (TRS) are intended to ensure that people who have hearing or speech disabilities can use relay services to engage in functionally equivalent telephone communication with all other people, not just people without a hearing or speech disability
- Require advanced communications service providers and manufacturers to make their services and equipment accessible to and usable by people with disabilities unless doing so would result in an undue burden

- Add new measures to improve the accountability and enforcement of these new disability safeguards, including reporting obligations for industry and the FCC, directives for new FCC complaint procedures, and clarification of FCC penalties for non-compliance
- Direct the FCC to conduct inquiries on a variety of topics, including ways to transmit closed captioning and video description on video programming exhibited on new technologies, including Internet protocol and digital wireless services and equipment; ways to make televised emergency information accessible to people who are blind or visually impaired; and ways to make user interfaces and related on-screen menus or visual indicators on video programming apparatus used for the navigation or selection of video programming accessible.
- Expand existing closed captioning requirements to video programming apparatus of all sizes and require that such apparatus also deliver video description.
- Direct the FCC to establish a schedule of deadlines for video described programs. Those rules, originally promulgated in 2001, were struck down by a U.S. Court of Appeals for lack of FCC authority.
- Require the FCC to issue regulations for video programming providers and owners and multichannel video programming distributors to make their video programming information and selection accessible to people who are unable to read the visual display, so that these individuals can make program selections in real-time.

This bill would not be an economic burden on the industry and consumers, just as similar assertions raised against hearing aid compatibility or against the closed captioning bill I sponsored and successfully battled to make law in 1990 proved to be erroneous. In that debate, we were told that mandating closed captioning was overly burdensome and would cost a fortune. Today, that law is indispensable, and the update this new bill would provide will be equally indispensable.

Current co-sponsors of H.R. 3101 are: Barbara Lee, Linda Sanchez, Stark, Israel, Tim Ryan, Van Hollen

If you have questions or would like to co-sponsor, please have a member of your staff contact Mark Bayer on my staff at 5-2836 or [mark.bayer@mail.house.gov](mailto:mark.bayer@mail.house.gov).

Sincerely,

Edward Markey