

# 21<sup>st</sup> Century Communications and Video Accessibility Act

## Statement of Problem

Section 255 of the Communications Act, 47 U.S.C. §225, requires telecommunications providers and manufacturers to make their services and equipment accessible to and useable by people with disabilities, if readily achievable. Judicial and regulatory decisions have classified VoIP and other IP-based technologies as “information services” rather than “telecommunications services,” potentially removing these technologies from the protections guaranteed by Section 255. New requirements are needed to ensure that disability access to Internet-based and digital technologies will be fully safeguarded.

## Facts

- Millions of persons with disabilities benefit when IP technologies are designed to ensure more accessibility, usability and interoperability for all persons with disabilities.
- The U.S. Census Bureau notes that disability rates increase with age intensifying the need for safeguards as the nation’s growing senior citizen population swells the number of Americans with vision and hearing disabilities.
- Because new digital and Internet-based technologies largely rely on software, incorporating disability access is easier and less expensive now than ever before.
- In June 2009, Rep Ed Markey introduced comprehensive legislation (H.R. 3101) in the U.S. House of Representatives, to ensure that people with disabilities have access to Internet-based telecommunications and video programming technologies.
- The Twenty-first Century Communications and Video Accessibility Act of 2009 (H.R. 3101) , would:
  - require that mobile and other Internet-based telecommunications devices and equipment be fully hearing aid compatible, and offer people with disabilities use of a full range of text messaging and other popular services that are currently largely inaccessible;
  - provide people who are DeafBlind with vital technologies they need to communicate electronically;
  - establish a process and time table for the provision of real-time text capability;
  - clarify existing relay-to-relay, Lifeline and Linkup telephone service requirements to ensure their relevance to communication needs of people with disabilities;
  - restore the Federal Communications Commission’s (FCC) video description rules;
  - require emergency announcements and similar information to be accessible to people with disabilities through audible presentation of on-screen alerts;
  - ensure that video programming offered via the Internet will be both captioned and described;
  - call for all devices that receive and playback video programming be accessible and allow ready access to captioning and description;
  - strengthen ability of consumers to enforce their rights to communications and video accessibility.

Note: Many Statements of Problem and Facts are taken verbatim from the Coalition of Organizations for Accessible Technology (COAT) Position Statement: Expand Accessibility Safeguards to Internet Protocol Technologies - [www.coataccess.org/](http://www.coataccess.org/), and the Hearing Loss Association of America Web site at [www.hearingloss.org](http://www.hearingloss.org).

### **Solution (For Legislators)**

Members of Senate and House of Representatives, support Representative Mayes' memorandum memorializing Congress to support H.R. 3101: Twenty-first Century Communications and Video Accessibility Act of 2009.

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**The above fact sheet is included in the booklet sent to legislators. The "Solution" above is what we would like to see legislators do regarding this issue. How can you advocate for this issue? Please read on.**

### **Solutions (For Advocates)**

Contact your state senator in person, by phone, fax or email and urge them to support Rep. Mayes' memorandum to Congress memorializing them to support H.R. 3101.

- Find your state senator at: [Http://www.senate.michigan.gov/FindYourSenator/michiganfys.asp](http://www.senate.michigan.gov/FindYourSenator/michiganfys.asp)

Urge your state representative to introduce a resolution in the House memorializing Congress to support H.R. 3101.

- Find your state representative at: [http://house.michigan.gov/find\\_a\\_rep.asp](http://house.michigan.gov/find_a_rep.asp)

To read the full bill, go to:

- GovTrack.us: <http://www.govtrack.us/congress/billtext.xpd?bill=h111-3101>

To follow updates, go to:

- WashingtonWatch: [http://www.washingtonwatch.com/bills/history/111\\_HR\\_3101.html](http://www.washingtonwatch.com/bills/history/111_HR_3101.html)

Ask your representative and senators in Congress to support HR 3101. At this time no Congress person from Michigan is a sponsor of this bill (<http://www.coataccess.org/node/4663>).

- Learn about contacting your representative in Congress, and find sample letters on the Hearing Loss Association of America Web site at: <http://www.hearingloss.org/advocacy/legislative.asp>

Or

- See the National Association of the Deaf (NAD) Web site at: <http://www.nad.org/news/2009/10/hr-3101-action-alert>

To learn who your Congress person is, go to [www.congress.org](http://www.congress.org) and type in your zip code.

According to the NAD Web site, sponsors for the bill are needed "especially from those who have Representatives that serve on the House Subcommittee on Communications, Internet & Technology." The list from Michigan includes:

John D. Dingell, MI  
Bart Stupak, MI

Mike Rogers, MI  
Fred Upton, MI

For a shortened version with talking points, go to “Bullet Points” and click on the title of this issue.