WRITTEN TESTIMONY OF JAMAAL ANDERSON

ON BEHALF OF
THE COALITION OF ORGANIZATIONS FOR ACCESSIBLE TECHNOLOGY (COAT)

Subcommittee on Telecommunications and the Internet
Committee on Energy & Commerce
U.S. House of Representatives

H.R. __, Draft Legislation Enhancing Access to Broadband Technology and Services for Persons with Disabilities

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Good morning Mr. Chairman, Ranking Member Stearns, and Members of the House Subcommittee on Telecommunications and the Internet. My name is Jamaal Anderson, and I am honored to have this opportunity to speak to you about the importance of ensuring communications access to the nation's millions of Americans who have disabilities, and in particular, Americans who are deaf or hard of hearing. I am privileged to have this testimony endorsed by the nearly 200 organizations that make up the Coalition of Organizations for Accessible Technology, a coalition that is working to obtain accessible communications and video programming in the 21st Century.

You may already know me – I am currently a professional football player for the Atlanta Falcons. Next season I will begin my second year with the Falcons as a starting defensive end. But what you may not know about me is that my father, Glenn Anderson, is deaf. He is a graduate of Gallaudet University and earned his Ph.D. from New York University. (In fact, he is the first Black deaf recipient of a Ph.D. in the United States.) For the past 26 years, he has worked as a professor at the University of Arkansas. From 1994 to 2005, he was also Chair of the Gallaudet University Board of Trustees.

Introduction and Background

During the 1980s and 1990s, Congress took major steps to improve telecommunications access for people with disabilities. In fact, as you know, this Subcommittee was responsible for helping to pass several pieces of legislation requiring relay services, hearing aid compatibility, closed captioning, and basic access to telecommunications services and equipment. I witnessed the benefits of these laws in my own home. My sister, Danielle, and I grew up watching our father use relay services at home and at work. We have vivid memories of how much our father enjoyed watching his favorite programs on TV, especially the pro football games and the NCAA basketball tournaments. Although I was too young to remember, my sister told me that before these laws were passed, my father could not make telephone calls by himself or enjoy his favorite television programs. He had to depend on my mom, who is hearing, to make calls for him and to interpret what was happening on television.

Nowadays, new communications technologies are changing even more the way our society stays in touch and does business. Now there are all kinds of new opportunities to communicate with anyone, anywhere, at any time, from any place. For example, I can keep in touch with my father by e-mail and instant messaging through my Sidekick or Blackberry pager. And my father often calls my sister and me using video relay services (VRS). These services allow him to connect to a sign language interpreter remotely over the Internet. The video interpreter then calls me and interprets between us, signing to my father what I say and speaking back what he responds to me. It is an amazing technology that allows us to converse naturally, in real-time, and to express emotions far better than typing over text-based relay.

But many newer innovations, especially technologies that use the Internet, are no longer covered by the federal accessibility laws that now exist. What this means is that millions of

Americans who, like my father, cannot hear, may not be able to use these new technologies. That is why I am here today: to ask you to pass legislation that will ensure that my father and other Americans with hearing loss have access to the Internet and digital communications tools that are needed to allow them to maintain their independence, productivity, and privacy.

We all know that technology companies design their products and services for certain markets – most of the time, these are American markets that are youthful and able-bodied – they have more money, and they are willing and able to try out new, fancy devices. But often these products or services are not built for people who have some difficulty hearing, seeing or speaking. For example, last year at draft time, a number of websites, including sites posted by NFL teams, NBA teams and news entities (CNN and MSNBC), showed video clips of me. But my dad couldn't watch them on his own; he needed my mom to interpret because none of the sites were captioned. Why don't companies include access when they develop services and products for the general public? I believe there are several reasons. Some companies are simply unaware of the needs of people with disabilities. Other companies don't want to use their resources to create accessible products if their competitors aren't doing the same thing. I understand that it is hard for people with disabilities to create enough market pressure to influence companies to design accessible products – especially when companies believe their money is better spent on trendy electronic features that appeal to a wider public.

This is why we have come to you. If you direct all companies to make new Internet-based and digital innovations used for communication accessible, all companies will be affected equally and no one company will have an advantage over another. Even more importantly, if companies ensure that accessibility features are built into Internet services and products now, while they are still being developed, the costs of including these features will be a small fraction of the overall

costs of producing these products. But if these companies wait until later, after their products are already on the market, retrofitting will cost a lot more and the resulting access is not likely to be as effective. These are the principles of universal design contained in Section 255 of the 1996 amendments to the Communications Act, and they are the principles that should be followed when this new bill is introduced and passed.

People like my father do not want to be relegated to obsolete technologies, or have to buy "specialized" equipment that is often hard to find and more expensive. They want an equal opportunity to benefit from the full range of mainstream Internet products that they see being used by their friends, relatives and colleagues. The "Twenty-first Century Communications and Video Accessibility Act" will accomplish these goals. Not only will it direct accessibility solutions for Internet-enabled and digital communication-based technologies, it will also require the creation of a clearinghouse of information on accessible telephone-like products and services used for communication over the Internet. This clearinghouse, along with greater outreach and education by the Federal Communications Commission (FCC) will help educate consumers about accessibility solutions and how to find products and services that they can use.

Real-Time Text in an Internet-Based World

One of the most important things that the proposed draft does is that it guarantees deaf and hard of hearing people who rely on text (rather than voice) the ability to continue having conversations in real-time, as communications move to digital and Internet-based technologies. When I was growing up, my father routinely communicated with friends and relatives using their TTYs. But TTYs use very old technology ("Baudot"). These devices are also very slow (transmitting a maximum of 60 words per minute), work only in one direction at a time (you have to wait until one party finishes typing before you can respond), and generally are not reliable over

Internet networks. Their many drawbacks have caused my father and many other deaf people to turn to text messaging, pagers, and instant messaging as their principal means of text communication. But the problem is that these newer methods do not transmit letters as they are typed (as TTYs did). Instead, with these data-based devices, individuals type and then send text in bursts of phrases, lines, or sentence-by-sentence, rather than sending each character as it is typed.

For millions of people with hearing disabilities, communicating by text is functionally equivalent to communicating by voice. I cannot forget how much it meant to me when my father sent me a text message wishing me "Happy Thanksgiving and good luck" on the day of our game against the Indianapolis Colts. Before each game I look forward to my father's words of encouragement and enthusiasm. And just like there are times when hearing people need to have a conversation in real-time (as compared to sending text messages on cell phones or instant messages over a computer), there are times that people who cannot hear need to have their message received as it is being sent. For example, in emergencies it is very important to be able to convey and receive every piece of information as quickly as possible and at the exact time that it is happening.[1] The draft bill being considered today will ensure that there is a uniform and reliable real-time text standard so that people who are deaf, hard of hearing or who have a speech disability can communicate in a manner that is equivalent to communication between people who can use their voices.

[1] Recently, AOL began offering real time text communication. Their press release explained: "The new real-time IM feature within AIM enhances instant message conversations by enabling users to see each letter that a buddy types rather than waiting for a friend to press the send button to view and read a message. This enables deaf users to respond and react to words as they are typed just as hearing people would do as words are spoken in a voice conversation." AOL Press Release, "AOL Launches Real-Time Instant Messaging Targeted to Deaf and Hard of Hearing Users" (January 15, 2008)

Universal Service

In addition to enjoying text-messaging through pagers, a great number of deaf people now use Internet-based forms of relay service, and in particular video relay services (VRS). The reason is simple: these forms of relay service offer far more effective ways to communicate than traditional text-based relay services. Internet-based text relay allows the transmission of text at much faster speeds than TTYs, and enables conversations to travel simultaneously in both directions. And, as noted above, VRS allows individuals who use sign language to have conversations that flow more naturally, quickly, and transparently between the parties, achieving a telephone experience that more closely parallels the experience of people without hearing disabilities. Approximately one million deaf individuals who sign can benefit from VRS as well as from being able to have direct video conversations with other people who sign. In addition, millions more people who are hard of hearing can benefit from using Internet-based video connections to see people's faces as they speak and lipread conversations. Likewise, more than 2.5 million people whose speech is difficult to understand may benefit from video communication because their gestures and facial expressions can be seen by the parties to the call.

Unfortunately, not every person with a hearing or speech disability can afford to pay for the high speed broadband Internet service that is needed to support video communication. Some of these individuals meet the income criteria to be eligible for Lifeline/Link-Up phone service subsidies, but they cannot use these discounts toward the cost of broadband services. Because the Lifeline and Link-Up programs are tied to telephone network-based services, these programs offer no financial assistance for low income individuals with disabilities who want to replace their TTYs with improved, Internet-based forms of communication. Under the proposed draft bill, individuals with disabilities who need the Internet to communicate over distances would be able to choose

whether to use their Lifeline or Link-Up subsidies for telephone network-based services *or* high speed broadband services.

A second universal service provision addressed by the proposals under consideration will greatly impact people who are both deaf and blind. Although the universal service provisions enacted by Congress in 1996 were designed to make sure that everyone in America has access to telephone services, one group of Americans – deaf-blind Americans – continue to be denied this promise. Although a few states have programs that distribute specialized customer premises telephone equipment, the vast majority of these programs do not give out telecommunications equipment that is accessible to deaf-blind people. One reason is that typically this equipment (such as communication devices with refreshable Braille key pads) costs thousands of dollars. The result is that of all people with disabilities, deaf-blind individuals are the least able to access current telecommunications systems.

It is for this reason that we are asking for a very small portion of the Universal Service Fund (USF) – $10 million annually – to be set aside each year to fund the distribution of specialized telecommunications devices needed by approximately 100,000 Americans who are deaf-blind. The small size of this targeted amount will not be overly burdensome for the USF, but will make a huge difference in the lives of this population, which remains one of the most underserved populations in telecommunications history. Allocating these funds will also inform the world that as the United States moves to upgrade its telecommunications systems, it is not leaving behind this previously unserved population of individuals.

Hearing Aid Compatibility and Relay Services

Another important provision in the bill will ensure that millions of people who use hearing aids, cochlear implants, and other assistive hearing devices, will be able to use these devices with

telephones that connect via the Internet. Federal law has required wireline, cordless, and many wireless telephones to be hearing aid compatible since 1988. However, new Smart phones entering the marketplace are not working for hearing aid users, and their coverage under this law has come under question. As an aging nation, we simply cannot go forward without ensuring that these Internet-enabled phones are also hearing aid compatible.

Also important is a proposal in the bill to allow users of one type of relay service, such as VRS, to call a user of another form of relay service, for example, a text-to-speech relay service. The FCC has been interpreting the Communications Act to mean that relay services can only be used to provide telephone services between a person with a hearing or speech disability and a person without a disability. The result has been that people with speech and hearing disabilities who use different forms of relay services have not been able to call each other. This surely could not have been Congress's intent back in 1990 when it directed the creation of a nationwide system of telecommunications relay services to integrate people with hearing and speech disabilities into the public telecommunications network!

Conclusion

Mr. Chairman, this concludes my testimony. We call upon Congress to ensure that people with disabilities – including the rapidly growing population of senior citizens who experience reduced hearing with increasing frequency – are not left behind as communication technologies move to the Internet and new digital technologies. Thank you for the opportunity to speak before you and members of the House Subcommittee on Telecommunications and the Internet. I hope my personal testimony has given you more insight into why this bill is important for people who are deaf and hard of hearing. I also hope my testimony has encouraged you to support the introduction and passage of this critical legislative proposal.