

**REPRESENTATIVE EDWARD MARKEY (D-MA)
SENATE COMMERCE SUBCOMMITTEE ON COMMUNICATIONS,
TECHNOLOGY AND THE INTERNET
HEARING ON “INNOVATION AND INCLUSION: THE AMERICANS WITH
DISABILITIES ACT AT 20.”
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Thank you, Chairman Kerry, for holding this important hearing today and for inviting me to testify this afternoon. You and Senator Pryor have shown tremendous leadership on the important issue of affordable, universal access for all Americans to the latest technologies of the 21st century.

On July 26th, we will celebrate the 20th anniversary of the signing of the Americans with Disabilities Act. When President Bush signed the ADA into law, he famously said "Let the shameful walls of exclusion finally come tumbling down."

The ADA was an historic victory; but now, two decades later, we must take action again to ensure that new walls are not erected – the new barriers to inclusion may be virtual, wireless, composed of zeroes and ones, or a result of devices and services designed without accessibility in mind. Regardless of their origin, these 21st century walls are just as exclusionary as the physical barriers that were the focus of the ADA 20 years ago or the analog-era communications hurdles we had to overcome.

Now is the time to break down these walls of exclusion of the Digital Era.

The requirement for the FCC to develop a National Broadband Plan that I successfully added to the Recovery Act was designed to produce a roadmap to a broadband future open to all Americans.

The Plan was released in March and contained some sobering data on barriers to broadband adoption among Americans with disabilities. For example, The Plan reported that:

- Some 39% of all non-broadband adopters have a disability, much higher than the 24% of overall survey respondents who have a disability.
- Impediments that people with disabilities face include:
 - Devices that often are not designed to be accessible for people with disabilities.
 - Assistive technologies that are expensive (Braille displays, for example, can cost between \$3,500 and \$15,000).
 - Services, including emergency services, that are not accessible.
 - Web pages and new media applications that cannot be accessed by a person using a screen reader.

- And Internet-based video programming does not have captions or video descriptions offering an account of what is on the screen. This is important given the rapid rise of online video options such as Hulu.

Historically, it has taken years – even decades – for Americans with disabilities to have anything close to equal access to communications. The FCC has reported that it took:

- Over 100 years for telephone systems to become accessible for people with speech and hearing disabilities;
- Over 50 years for television to become accessible for deaf people; and
- 10 years for people who used hearing aids to be able to use digital wireless phones.

Americans with disabilities should have access to the communications technologies of 21st century, and delays are unacceptable.

The guiding principle of the Twenty-first Century Communications and Video Accessibility Act that I have introduced in the House and the related legislation we are considering today 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 Americans with disabilities in all aspects of daily living through accessible, affordable and usable communication and video programming technologies

Since the ADA was signed into law, 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.

The fact is that the new technologies and services are neither intrinsically good nor bad. They're only good when we animate them with the human values that reflect the best of what we are as a society. And as our population ages, there will be more of us who will inevitably benefit from these features.

Finally, I must note that many of the arguments raised against elements of our accessibility legislation are eerily similar to arguments made against hearing aide compatibility and closed captioning in 1990.

In that debate, we were told mandating closed captioning would add \$20 to the cost of a TV. It would crush the industry. It would take a lifetime and a fortune to caption all the television shows and movies. It would be overly burdensome.

Notwithstanding these objections, we passed and the president signed into law closed captioning legislation that I had championed.

Then a funny thing happened - uses emerged for closed captioning that had not been anticipated – captions now are used in immigrant households to learn English and watched in sports bars and on treadmills across our country. Moreover the mandate didn't cost nearly \$20 - it cost about \$1 per TV set.

Even though technologies may change, the values we seek to instill in those technologies are immutable – accessibility, affordability, opportunity.

There is no better way to honor the 20th anniversary of the ADA than to move this bill forward. Mr. Chairman, I am looking forward to partnering with you and Senator Pryor and our colleagues in the House and Senate in this vitally important effort.

Thank you.