

**Testimony of Jesse Acosta
(retired combat wounded veteran)**

**on behalf of the
American Council of the Blind
and the
Coalition of Organizations for Accessible Technology**

**submitted to the
U.S. House of Representatives
Subcommittee on Communications, Technology, and the Internet
Committee on Energy & Commerce**

**regarding the
Twenty-first Century Communications and Video Accessibility Act**

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Written Statement of Jesse Acosta

Chairman Boucher, Ranking Member Stearns, and Members of the House Subcommittee on Communications, Technology, and the Internet, I want to thank you for the invitation to discuss the very important topic of accessibility to communications for people with disabilities. I am honored to once again have this opportunity to testify on an issue that affects millions of people with disabilities. My name is Jesse Acosta, and I am a recently retired Sergeant Major in the United States Army, proudly serving our country since 1976. In June 2003, I joined the Individual Ready Reserve program and remained there until I was called to active duty in Iraq in June 2005. My unit was the 376th AG BN DET. 4 and we were mobilized in support of Operation Iraqi Freedom on August 20, 2005, where we were assigned to logistical support missions at Anaconda in Balad, which is the largest support base in Iraq. In January 2006, I received promotion to Sergeant Major. On January 16, 2006, I was wounded in a mortar attack. Among my several injuries are the loss of my right eye and loss of vision in my left eye.

As the result of my loss of sight, my journey to re-establish a normal lifestyle at times has been an odyssey. Nevertheless, I'm moving forward with all the challenges that I have had to face and will continue to do so from this point on. With today's modern technology, our lives can be made a little bit easier if our government chooses to make changes to some of our existing laws that at this point in time do very little to meet the technological needs within the blind community. Unfortunately, very little has changed concerning accessibility breakthroughs in the arenas of telecommunications and video programming since I last testified before this subcommittee in May 2008.

I am pleased to offer my testimony today on behalf of the American Council of the Blind (ACB), which is the largest consumer-based organization of blind and visually impaired Americans advocating for the rights of blind Americans. Comprised of more than 70 affiliates across the entire United States, the organization is dedicated to making it possible for blind and visually impaired Americans to participate fully in every aspect of American society.

As an active member of ACB, which is a founding member and steering committee member of the Coalition of Organizations for Accessible Technology (COAT), I offer my statement.

Introduction and Background

There are roughly 25 million individuals who are blind or who experience vision loss, plus about 100,000 persons who are both deaf and blind, and millions of individuals with other disabilities who benefit greatly from accessible communications. In particular, I offer this testimony today in support of the thousands of veterans with vision loss, including those who are returning from Iraq with injuries to their eyes.

ACB affiliate members are excited by the promises of new Internet Protocol (IP) and digital technologies. Like most consumers, we look forward to the benefits of technological advances.

Unfortunately, history has shown that all too often, people with disabilities have been left out or left behind as these advances have taken place.

We are in the 21st century with all this innovative technology and yet we in the blind community have to rely on assistance from others, especially when it has to do with accessing information through the use of consumer electronics. I own a late model Chrysler Le Baron that comes with a chip that allows you to be informed through voice output when various systems for the vehicle are in need of maintenance. If your oil is low, it will tell you so; the same applies for all other fluids. It talks to you. Why is it that a vehicle that was made almost 30 years ago has the technology that we are seeking at the present time for products like cell phones, DVR's, and cable boxes? This is beyond me.

H.R.3101, the Twenty-first Century Communications and Video Accessibility Act, being discussed today, would be a big step forward. It would amend the Communications Act – the primary statute that addresses telephone and television products and services – to add new consumer protections for persons with disabilities. I will address several critical communications provisions in this legislation concerning people who are blind or visually impaired.

Access to Wireless Devices

H.R.3101 would provide a level of access to wireless devices in commercial products the likes of which my community has never seen before. It would require that mobile and other internet-based telecommunications devices have accessible user interfaces and offer people who are blind or visually impaired access to a full range of text messaging and other heavily utilized services that are currently largely inaccessible to us.

One of my biggest frustrations in adjusting to blindness has been in identifying a cell phone that meets my needs from a usability perspective. I don't think I should have to buy an expensive

\$30 data plan and an expensive gizmo-laden phone in order to have functions like “Who’s Calling,.” “Last Caller”, “Phone Contacts” and “Battery Dead” with text-to-speech so I know where I am and what I’m doing. Why should I have to ask the people around me to tell me what the phone number is on the screen? Why can’t they get it to speak out the phone number using the speakerphone that is already on the cell phone?

I haven't been able to find a phone that suits my needs and is accessible. The blind community was very excited to see that Apple built in full accessibility to the release of the iPhone 3GS. In doing this, Apple has proven that a cutting-edge piece of technology can be made accessible off the shelf to a blind or visually impaired consumer. While the iPhone’s accessibility is proof that industry can be innovative with accessibility when it wants to be, not every person who is blind or visually impaired needs or wants to own a smart phone. Blind Americans like me want to have options as consumers so that we can identify the most appropriate phone for our needs. Having accessible PDA's is important for a host of different reasons but also ensuring full accessibility to a wide spectrum of different phones is also vital.

Ensuring Accessible Television for People with Vision Loss

Today we are simply asking that television be made more accessible for persons who are blind or visually impaired. Television is a primary source of information, entertainment and news, including local emergency information such as school closings, bad weather and other disasters. While I enjoy television greatly – my favorite TV shows are *CSI: New York* and *CSI: Miami* – picture yourself sitting in front of your television watching your favorite program and having to guess what’s happening in between the lines when it gets quiet. Is there movement on the screen, or are they displaying something of interest that you can’t see that could be an integral part of the plot? Now let’s say it was a crawl being displayed because of an emergency that would be

something of vital interest to us all. Unless we have someone there to read to us, we will not have a clue as to what was displayed on screen. Living in Southern California can present any number of weather-related challenges. We live with fires, mudslides, and earthquakes on a fairly regular basis. So you can see what it means to all who may need this assistance. Self-preservation is critical in emergencies.

We are asking you also to reinstate the Federal Communications Commission's (FCC's) regulations for video description that were struck down by the U.S. Court of Appeals in 2002. And we are asking you to expand those rules in two ways. First, to ensure that video description services are transmitted and provided over digital TV technologies, since the previous set of regulations was for analog television only. Those of us who are blind or visually impaired want to be sure we can hear the video description when we watch our favorite TV shows. In fact, we are also asking you to give some authority to the FCC to require video description for more than the simple four hours per week of programming that the old analog rules required. People who are blind or visually impaired watch more than four hours of television a week!

Second, and even more importantly, we are asking you to require that non-visual access to on-screen emergency warnings and similar televised information is also video described so that we too can know where to go in emergencies, what phone numbers to call and what websites to visit.

Primarily, what we are asking is to make sure we can use the television like people without vision loss. Right now, I have to ask my wife Connie to operate various features of our television for me. We want a requirement for accessible user interfaces on television equipment and controls. For instance, we want accessible on/off and volume controls and program selection for TVs and other devices that receive or display video programming, including Internet-based video programming. This could mean, for example, providing audio output for on-screen text menus that

are used to control video programming functions, as well as a conspicuous means of accessing video description, such as a button on remote controls and first-level access to these accessibility features when available in on-screen menus. We would also like to have the TV programming and navigational guides accessible to people who cannot read the visual display, so that these individuals can make program selections.

Technical and Economic Feasibility

During the period in which the FCC's video description rules were in effect,¹ national broadcasters routinely demonstrated the technical and economic feasibility of description by adding this feature to their programs. With the advent of digital television, it will soon be easier than ever for broadcasters to build into the digital structure ways to pass video description along to viewers. In fact, it is imperative to immediately require that the digital television standard include video description while digital television is nascent, because the failure to do so now may lead to greater technical and economic obstacles to providing video description in the future.

Conclusion

It is imperative that Congress ensure that people who are blind or visually impaired – including the rapidly growing population of senior citizens who are losing their vision – are not left behind as television technologies move more to digital and Internet-based technologies.

On behalf of the American Council of the Blind and the Coalition of Organizations for Accessible Technology, I thank the Subcommittee for this opportunity to share our concerns and

¹ Rules were in effect April 1, 2002 to November 8, 2002. The Communications Act of 1996 authorized the FCC to conduct an inquiry to assess the appropriate means of phasing video description into the television marketplace. Although the FCC's response to this grant of authority was a modest requirement that broadcasters and other multimedia video programming providers in the top 25 major national markets provide video description on only four primetime programming hours per week, the broadcast and cable television industries successfully pursued litigation to overturn this mandate. As a consequence, currently there are no federal requirements to make television programming accessible through video description, nor is similar access to on-screen emergency information required.

urge you to introduce and pass legislation that will safeguard the consumer needs of millions of Americans with disabilities.