

ONE HUNDRED ELEVENTH CONGRESS
Congress of the United States
House of Representatives
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Statement of Rep. Henry A. Waxman
Chairman, Committee on Energy and Commerce
Markup of H.R. 3101, the “Twenty-first Century Communications and Video Accessibility
Act of 2009”
Subcommittee on Communications, Technology, and the Internet
June 30, 2010

Thank you, Mr. Boucher, for scheduling today’s markup. And thank you, Ranking Member Barton and Ranking Member Stearns for your contributions to this process. Bipartisan committee staff and Mr. Markey’s office have been working cooperatively on H.R. 3101, the Twenty First Century Communications and Video Accessibility Act, so we can bring a bipartisan, consensus bill to the House floor in time for the 20th anniversary of the landmark Americans with Disabilities Act on July 26th.

Three weeks ago at our hearing on H.R. 3101, I said that I hoped to see a bill that meets the needs of the disabled community while providing industry with the flexibility and incentives it needs to achieve the bill’s goals. The Manager’s Amendment that Mr. Boucher will offer today makes great strides in that direction.

The amendment responds to industry concerns in a number of ways. The applicable legal standard has been changed from “undue burden” to “achievable.” This will allow industry more flexibility in meeting the bill’s requirements. The Federal Communications Commission (FCC) has been given authority to exempt so-called multifunction devices – equipment that can be utilized for a variety of purposes – so that standards meant to apply to communications services are not necessarily applied to all the features of devices. And the method that will be employed to develop technical standards related to video programming has been moved from the FCC to a technical advisory committee in order to allow industry engineers to quickly devise standards.

Although we have made substantial progress, there are a few areas I hope we can improve upon before the bill is considered by the full Committee. For example, although I am pleased the Manager’s Amendment permits the FCC to increase the number of hours of video described programming available to consumers, I want to explore ways to bring this capability to a wider audience.

I know there are other outstanding issues, and I am committed to working with Chairman Boucher, Ranking Member Barton, and Ranking Member Stearns to address them before the full Committee markup.

As we discuss some of these issues today and as we move this bill forward, I urge my colleagues to stay focused on the underlying purpose of our effort: to ensure that Americans with disabilities can participate in the same digital society we all do. This legislation will make a significant difference in the lives of millions of Americans, and I urge my colleagues to support the Manager's Amendment.

Thank you again, Chairman Boucher, for your leadership and, Mr. Markey, for your tireless efforts to bring twenty-first century communications to all.