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This document is submitted for information.

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| Telecommunication Development Sector  Study Groups | |  |
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| Question 20-1/1: Access to telecommunication services and information and communication technologies (ICTs) by persons with disabilities | | |
| SOURCE | United States of America | |
| TITLE | Contribution to revise text relating to United States of America as contained in the draft report on National Legal and Policy Frameworks to Promote ICT Access by Persons with Disabilities | |
| Revision to Document [N° RGQ 20-1/1/5](http://www.itu.int/md/D10-RGQ20.1.1-C-0005/en) | | |
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| Action required: | Revise/substitute text relating to the United States in the draft report on National Legal and Policy Frameworks to Promote ICT Access by Persons with Disabilities with the text provided in this contribution. | |

Abstract:

This contribution provides an update to the information relating to the United States as currently contained in the draft report on National Legal and Policy Frameworks to Promote ICT Access by Persons with Disabilities. Specifically, this contribution updates the information regarding measures implemented by the United States to facilitate accessibility in telecommunications for persons with disabilities.

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**United States**

The United States has a range of general and specific laws mandating telecommunication access for persons with disabilities.The Federal Communications Commission [[1]](#footnote-1) (FCC) is the regulatory body in charge of media and communication practices and policies in the US.

As part of the Telecommunications Act of 1996[[2]](#footnote-2) that mandated the FCC to establish a Universal Service Fund[[3]](#footnote-3), Section 255[[4]](#footnote-4) and Section 251(a) (2)[[5]](#footnote-5) of this act requires manufacturers of telecommunications equipment and service providers to ensure that their products and services are accessible to and usable by persons with disabilities, if such access is readily achievable. This covers telephones, cell phones, pagers, call-waiting, and operator services.

Where access is not readily achievable, Section 255 requires manufacturers and service providers to make their devices and services compatible with peripheral devices and specialized customer premises equipment that are commonly used by people with disabilities, if such compatibility is readily achievable. The “readily achievable” standard requires companies to incorporate access features that can easily be provided without much difficulty or expense. Title IV of the Americans with Disabilities Act, 1990 (ADA) which took effect on July 26, 1992 requires all telephone companies across the United States to provide telecommunications relay services (TRS). Pursuant to this statute, the FCC has also made regulations for the provision of TRS. [[6]](#footnote-6)

TRS allows people who are deaf, hard of hearing, or speech impaired to communicate through a communications assistant (CA) with people who use a standard telephone. A CA relays the TTY (text telephone or telecommunications device for deaf and hard of hearing people) input to the telephone user and types that person’s response back to the TTY user.

Since 2000, the FCC authorized several forms of TRS designed to meet the needs of certain users, and allows greater access to telecommunications via Internet. For example, Speech-to-Speech relay service for persons with speech disabilities, Internet-Protocol relay service and video relay service for persons with hearing disability who communicate in sign language.

The costs of intrastate TRS services are recovered by the states, either through rate adjustments or surcharges on local telephone bills. Costs for interstate TRS are recovered through a shared-funding mechanism (TRS Fund) set forth in the Commission's rules. All providers of interstate telecommunications services contribute to the TRS Fund, and TRS providers recover the costs of providing interstate TRS from the TRS Fund on a minutes-of-use basis.

As per the Hearing Aid Compatibility Act of 1988 (HAC Act), the FCC ensures that all telephones manufactured or imported for use in the United States and all ‘essential telephones’[[7]](#footnote-7) are hearing aid-compatible. FCC also has extended this requirement to wireless/mobile telephones.[[8]](#footnote-8)

* In October 2010, the US Congress passed the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA),[[9]](#footnote-9) the aim of which is to improve access to “advanced communications” (including interconnected and non-interconnected voice over Internet protocol (VoIP), electronic messaging, and interoperable video conferencing services) and “consumer-generated media” for persons with disabilities. Section 102[[10]](#footnote-10) of this Act requires that telephones which are used with the Internet need to accommodate hearing aids. Section 104, outlines access to advanced communications services and equipment which is an expansion of Section 255’s accessibility mandates to advanced communications services and equipment. This section has a modified standard which defines “achievable” as reasonable effort or expense, as determined by the FCC.

Basically, CVAA follows a string of laws, passed in the 1980s and 1990s, that were designed to ensure that telephone and television services would be accessible to all Americans with disabilities.[[11]](#footnote-11)  The followings are the key requirements:

* Access to Internet browsers on mobile phones
* Improved accountability and enforcement
* Expansion of relay services definition and contributors
* Equipment for low-income deaf-blind individuals
* Expansion of hearing aid compatibility (HAC) rules
* Ensuring access to next generation 9-1-1 services

Section 508[[12]](#footnote-12), a provision in the Rehabilitation Act,[[13]](#footnote-13) mandates that electronic and information technology funded, developed or used by the US federal government or US federal agencies should be accessible to persons with disabilities who may be employees or general members of the public, “unless an undue burden would be imposed on the department or agency”.[[14]](#footnote-14)

The provision further requires that levels of access be on par with those for able-bodied people. Section 508 concerns federal agencies, but has created a marketplace incentive for the development of accessible information and communications technology.

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1. <http://www.fcc.gov/> [↑](#footnote-ref-1)
2. <http://en.wikipedia.org/wiki/Telecommunications_Act_of_1996> [↑](#footnote-ref-2)
3. <http://www.usac.org/default.aspx> [↑](#footnote-ref-3)
4. <http://www.access-board.gov/about/laws/telecomm.htm> [↑](#footnote-ref-4)
5. <http://www.dleg.state.mi.us/mpsc/comm/broadband/unbundling/section_251.htm> [↑](#footnote-ref-5)
6. <http://www.fcc.gov/cgb/dro/trs.html> [↑](#footnote-ref-6)
7. ‘Essential’ telephones are defined as “coin-operated telephones, telephones provided for emergency use, and other telephones frequently needed for use by persons using such hearing aids.” Essential phones might include workplace phones, phones in confined settings (like hospitals and nursing homes), and phones in hotel and motel rooms. [↑](#footnote-ref-7)
8. <http://www.fcc.gov/cgb/dro/hearing.html> [↑](#footnote-ref-8)
9. <http://www.govtrack.us/congress/bill.xpd?bill=s111-3304> [↑](#footnote-ref-9)
10. <http://www.coataccess.org/node/9776> [↑](#footnote-ref-10)
11. <https://www.fcc.gov/encyclopedia/twenty-first-century-communications-and-video-accessibility-act> [↑](#footnote-ref-11)
12. <http://www.section508.gov/> [↑](#footnote-ref-12)
13. <http://en.wikipedia.org/wiki/Rehabilitation_Act_of_1973> [↑](#footnote-ref-13)
14. <http://www.afb.org/afbpress/pub.asp?DocID=aw110402> [↑](#footnote-ref-14)