

**REMARKS OF  
COMMISSIONER MICHAEL J. COPPS  
SELF HELP FOR HARD OF HEARING PEOPLE  
CONVENTION  
WASHINGTON, D.C.  
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Thank you for making this a truly memorable day for me. Coming from people I admire so much, this award gives me great pride. It's an honor I will always treasure. But even more than conferring pride, it gives me a sense of being part of something bigger and something so important that it can bring together the diverse and wonderful group of people assembled here today. Thank you Self Help for Hard of Hearing People for your twenty-five years of hard work. Thank you for summoning the nation's attention to the assistive technologies that improve the lives of people with hearing loss. Thank you for making a difference.

I love the way Self Help for Hard of Hearing People describes its mission—"Opening the World of Communication." I wish we could carve that phrase in stone above the main entrance over at FCC headquarters because that's our job—or should be our job—every day: opening the way for everyone to access the power of the communications technologies that are transforming our world. Our challenge at the Commission is to help bring the wonders of the great Telecommunications Revolution of our time to all our citizens. And when I say "all of citizens," I want to emphasize the word "all." Because in my mind, each and every citizen of this great country should have—*must have*—access to these tools of the future. I believe that access to these transformative communications technologies, in this modern age, should be seen as pretty close to a civil right. I know this: such access is a civil necessity if your country and mine is going to reach its full potential.

Many of you in this audience are light years ahead of the rest of us in understanding this basic truth. More than that, you have done something about it! You have worked—often heroically and often against a backdrop of public misunderstanding—to build yourselves into a national force, a community of people committed to not only changing laws but changing hearts and minds. And you have created effective organizations to bring people together, to develop action plans, and then to deploy across the land to secure that action. By educating your families, your friends and neighbors, co-workers and teachers, employers and your government—by educating us all—you are making this nation conscious of the price it pays when the talents and energies of 28 million Americans with hearing loss are not fully appreciated and fully utilized. And you are turning these 28 million Americans into a powerful political force. Already your advocacy and dedication have helped millions live more connected and meaningful lives. Are we all the way there yet? No, nowhere near it. There is still a long and winding road to travel—laws to be passed, jobs to be secured, people to be appreciated for their talents and humanity, hearts and minds to be really won over.

But there has been progress—real, tangible and measurable steps forward, and we celebrate one of them this month by observing the fifteenth anniversary of passage of the Americans with Disabilities Act. This historic law opened the way for 54 million Americans with disabilities to begin accessing—at long last—the facilities they need to fully utilize their talents and to enjoy their rights. If you seek a monument to the act, just look around you, because its results are everywhere. The Act led to innovative strategies to improve access to employment, transportation, health care, education and entertainment. Closer to my communications world, the ADA was the foundation for legislation to significantly broaden access. Section 255 of the Communications Act now requires that telecommunications equipment be designed and developed for access by people with disabilities. Section 713 requires closed captioning for video programming.

At the heart of the Commission’s mandate under the ADA is the concept of “functional equivalency.” It may sound inelegant, but for the deaf and hard-of-hearing, it creates a right to communications technologies on a par with those available to everyone else. That translates into equal opportunity, equal rights and fuller participation in our society. You have breathed life and meaning and tangible results into this abstract concept. With functional equivalency as your lodestar, you have pushed for hearing aid compatibility, for closed captioning for video programming, for new services like IP relay and captioned telephones and for greater outreach and education.

Looking back, there is ample cause for satisfaction in the progress that has been made. Some real and towering obstacles have been overcome during these past fifteen years. And our Commission has been a part of some of that progress. In 1991, the FCC first issued rules requiring telephone carriers to make available telecommunications relay services. We have updated these TRS rules many times since. In 1997, the FCC initiated action on captioning to ensure that everyone has access to televised information, including those all-important warnings about emergency situations. In 1999, the FCC wrote its first rules to ensure that communications products and services are accessible to those with disabilities, just as Congress directed in Section 255.

In 2003, the FCC modified the exemption for wireless telephones under the Hearing Aid Compatibility Act of 1988 to require that wireless phone manufacturers and wireless phone service providers make digital wireless phones accessible to individuals who use hearing aids. This step advanced Congress’ goal of ensuring access for individuals with hearing disabilities, and it was important both because of the rising number of wireless calls to emergency services and because of the growing popular reliance on wireless phones generally.

Our decision, with recent modifications, requires that you will find at least four HAC-compliant handsets, or 25 percent of all handset models, in stores by September 16, 2005. By September of 2006 that number goes up to five handsets or 25 percent. And in February 2008 50 percent of all handsets are required to be HAC-compliant. That’s real progress.

Before I go on, I want to take a second to commend Brenda Battat for her work in this area. She has represented you so ably and so effectively in fighting for HAC-compliance, and it is in no small part because of her work that we will not only have compliant handsets in stores this Fall, but we will also find compliant phones ranging from basic to full-featured. And we will have consumer-friendly disclosure about which handsets comply right on the so-called “call-out cards” that advertise each handset in the stores. You won’t have to hunt around or rely on sometimes under-trained employees to find phones that work for you. For all the good work she does for you, let’s give Brenda a round of applause for her effective work!

So this is a time, this fifteenth anniversary of the ADA, to look back and to commend the victories that have been achieved. But it would be a hollow celebration that stopped there, because anniversaries should also be a time of rededication, of commitment to new goals and new victories in a battle that is still far from won. Indeed, the battle ahead presents its own new challenges, because while the old challenges of education and outreach and traditional obstacles have not been resolved completely, new challenges, born of technology and economic change, rise up to confront us.

First among these challenges is harnessing the power of the new economy for the benefit of us all. Call it the IT Economy, the Digital Age, the Broadband Era or whatever you will, it is coming at us at the speed of light. I believe that the communications technologies and transformations coming down the road are going to be truly life changing. We are going to work differently, learn differently, play differently and probably even govern ourselves differently because of the transformative power of telecommunications. Some of these new technologies will be nothing short of stunning. They will make all the dramatic changes of the past century—and they were dramatic—pale by comparison. So we ask: what does it mean for us? Where will all this life-changing technology take us? How do we harness it for each of our nation’s communities? For our own individual needs? How do we make it accessible? Change is opportunity but it is also challenge. It can be confusing and it may be especially worrisome for you in this particular audience as you wonder whether the advances in access that you have made in past years will continue.

The bottom line here is that those who get access to new technologies will win; those who don’t will lose. I want to make sure we *all* get there, and that means those with hearing loss need to get there right alongside everyone else. Change will be our friend and advances in technology will bring us more accessibility tools—*if* we do our jobs right. Advanced products and services will enable people with disabilities to obtain information and to communicate with others in ways that were previously unattainable—*if* we do our jobs right. You should want and you should expect to be full and equal participants in harvesting these new products and services. You need to insist on that. Plain Old Telephone Service—POTS, as it is sometimes called—is not enough. You want the POTS, yes, but you need the PANS, too—the Pretty Awesome New Stuff. POTS and PANS—don’t settle for less!

Let's talk about some things we need to do to get there. First, we have to keep the pressure on regarding the HAC rules that we have put in place. If carriers and manufacturers do not meet their requirements, the Commission should investigate and enforce the rules. And we have a Further Notice of Proposed Rulemaking on whether to extend our requirements to mobile phone stores that are not owned and operated by the carriers. Many consumers buy their phones from general retailers or from stores that are independent of a single carrier. If our rules have a loophole that leaves some Americans without the ability to find HAC-compliant phones because they happen to have only independent stores near them, we have a problem—a loophole to close. I hope that you will comment on this proceeding vigorously.

Second, we need to keep our TRS policies current. With technology advancing at such a blistering pace, it is important to ensure that our TRS policies stay up to speed. There are great new services on the horizon, bursting with potential. We need always to be doing our best to get these technologies to the market faster. A good example is captioned telephone service. Two years ago, the FCC found one-lined captioned service eligible for TRS funding. As you know, this service allows end users to listen over the phone and simultaneously read captions of what the other person is saying. It's a great development. It helps the hard-of-hearing stay connected with family and friends. But it also smoothes business conversations—and that can enhance employment opportunities for the hearing impaired. More than that, having both voice and text can be vital in emergency situations. It can go a long way toward preventing misunderstanding—should the unthinkable occur and help from a 911 operator becomes a matter of life and death.

With the advent of broadband and IP technologies, the prospects are bright for many more services that offer simultaneous voice and text. We need your help exploring them as they come along and understanding what they can do for you. One thing I would like to see now is for the FCC to convene dialogues with equipment manufacturers, VoIP providers and carriers offering broadband so we can better harness these powerful tools to serve your needs. Let me say right here how pleased I am that we seem to be moving ahead on the important priority of including the hard of hearing in conversations with equipment manufacturers and others in the industry early on in the design process. It's so much better to design good equipment in the first instance, rather than have to go back and spend time and money retro-fitting and fixing problems after something has already hit the market. A lot of folks have been involved in encouraging these kinds of conversations, and, again, I think of Brenda Batatt and Claude Stout and many others who have led the way. But I also want to commend those in the industry who have facilitated this, particularly my friend Steve Largent who runs CTIA. He has been a champion of this cause and he's been your friend in making good things happen. Now we all need to work together to develop the next generation of broadband-enabled services for both voice and text. We need to do whatever can be done to bring these services to consumers and into the TRS fold faster.

Third, we need to review our closed captioning policies, following through on the steps taken earlier. As we approach the deadline for 100 percent of new programming to be captioned, we need to make sure that persons with hearing loss have full and effective

access to video programming, including most importantly warnings about emergency situations. Closed captions provide a critical link to news, entertainment, and information for individuals who are deaf and hard of hearing. I commend Self Help for Hard of Hearing People and the other groups who have joined forces to bring a petition to the Commission seeking a review of our captioning rules and enforcement mechanisms. I am hopeful the Commission will launch a proceeding on these issues in the near future. If and when we do, we will need you to share your personal experiences with us so that we can ensure that we are fully implementing Congress' directive that video programming be fully accessible to all Americans.

Fourth, we need more and better outreach. Our FCC policies and rules can only be as good as the input we get from the affected communities and parties. You can't help us improve our proceedings if you don't know about our proceedings. Here, too, we've made some progress and I commend our Consumer Bureau for the good work it is doing. But this is a job that's never done and it's always one that could benefit from additional resources. The FCC always has to keep looking for better ways to make sure that those with disabilities are able to get the information they need. We can and should do more to get our own house in order.

To help us with this task, we have a new Consumer Advisory Committee. This group is charged with helping the Commission ensure that all Americans have equal access to telecommunications services. Of the twenty new members added to this group, nine represent disability interests. This is a very positive development. But I remain disappointed that a few years ago, the FCC renamed this group the Consumer Advisory Committee. You see, before that, it was called the Consumer/Disability Telecommunications Advisory Committee. I think deleting "Disability" from the title sent a troubling message. Still, I am confident that the Committee, with its new members from disabilities communities, will produce positive results. But if their voice is not adequately heard on access issues, we may have to think about setting up a separate advisory committee focusing exclusively on disability access.

Our ongoing interaction is so important. One of my goals since coming to the FCC is to reach out to those persons and organizations that I call non-traditional stakeholders. You know, there are plenty of folks and industries in Washington who we see every week, who have the resources to get and digest *The Federal Register* so they know what's going on at the Commission, and who can afford to deliver fancy submissions and legal arguments to us on just about any communications issue you can imagine. And I'm happy to get those submissions and to learn their perspectives on the issues. But there are 290 million Americans affected by what we do at the Commission, and most of them not only can't afford that kind of representation—most of them don't even know about what proceedings are before the Commission at any given time. That's where outreach comes in. The job of a federal agency isn't just to put on our green eye-shades and write rules and regulations. It is also to tell the American people what issues we are dealing with and to seek their input into how we should handle those issues. So the first step in problem-solving is to make sure you know about the problems we're thinking of solving. That means outreach—and we need more of it.

Let me mention one very recent development where we need your help. (This is my outreach effort for today.) It sounds complicated, but it's really important. Earlier this week, the U.S. Supreme Court issued its *Brand X* decision. The case involves the definition of what is a "telecommunications service" and what is an "information service." It may sound like regulatory jargon, but I can tell you it is central to the future of the Internet and the future of access for persons with disabilities. The Court's decision appears to flash the green light for classifying more services as "information services." If that happens—and it certainly seems to be the trend—it could make it more difficult to require access to telecommunications technologies and services. Think what a set-back that would be! Here's my advice: Don't let these definitional games hold you back! Stay tuned to the fallout from the *Brand X* decision. And prepare now to make sure that lawyers' games in Washington don't end by denying you the victories you have already won and denying you the opportunities these new technologies hold for a better future. We'll really need your input on this one if we're going to get it right.

Finally, as part of our outreach efforts, we need to build better public sector-private sector partnerships to keep expanding your access to communications technologies and services. Business plays the critical role in innovation and investment to make products accessible. But industry benefits by making products and services accessible to the broadest range of consumers. Making that happen is partly their job, partly your job, and partly my job. When I served as Assistant Secretary of Commerce, before coming to the FCC, I spent most of my time putting together public sector-private sector partnerships to help America profit from global commerce. I am a believer, a true believer, in this kind of cooperative endeavor. In the world of global commerce and competition, you quickly realize that neither the government nor industry alone can make much headway in tackling the enormous challenges of global commerce that we face. By working together, government and the private sector, we found we could accomplish so much more. I believe there is significant room for just this kind of cooperative effort in addressing the kinds of access and other issues we have discussed this morning. What I want to see more of is government, industry and as many stakeholders as possible working together to solve problems. One suggestion: Your groups, CTIA, the FCC and other relevant government agencies like the Department of Labor, HHS, and The President's Committee on Employment of People with Disabilities could meet together—in a formal or informal way—and share ideas on how to tackle the problem of including Americans with disabilities more fully into the workforce through wireless technologies.

These kinds of public-private cooperative partnerships are not some novel new idea. This is how we built this great country of ours. It's how we overcame all of our greatest challenges. It's how we built out our essential infrastructures. It's how we made one out of many. Yes, we have much to do. But we have such great resources on which we can rely. Foremost among them is you. You and so many other Americans who understand what's at stake and are doing something about it.

Let me tell you, in closing, about one of those other Americans. There's a lovely young lady—some of you have heard me talk about her before—named Katie Cops.

She's my daughter-in-law. Katie has been working with students with hearing disabilities since she was in high school not many years ago. Now she has a Masters degree and she has been teaching for the past two years at The River School here in Washington, D.C. That's a school with a unique mission: providing the best practices in both early childhood education and oral deaf education. She is totally committed to this work. And she is making a difference in her students' lives, each day, every day. But she has reached even beyond them. A while back, my youngest son's Boy Scout troop was having a session on career opportunities. Katie volunteered to speak about her career. She talked about communications with the deaf and hard of hearing. And she absolutely mesmerized her young audience with her knowledge and with the energy and sheer joy of her commitment. You should have seen the rapt attention of those young Scouts. You should have seen the lights go on in their minds. So Katie is not only working directly with people who are deaf and hard of hearing; she is part of the outreach that helps all of us, as citizens, better understand the challenges we face.

Like you, she's making a difference. She's reaching out. She understands that solutions to these problems go even beyond laws passed by Congress and regulations written by Washington agencies. Solutions mean that all of us, all across America, understand the problem, appreciate what a great harvest will be reaped by solving the problem, and then join hands to get the job done. We're going to get it done, too. Not just because you care or I care. We'll get it done because a lot of other people are beginning to care. And when we care together, we advance together.

On Monday we celebrate the Fourth of July—the great anniversary of our country's independence. What made independence possible, what made this nation possible, was not that eloquent Declaration penned by Thomas Jefferson. No, it was the ***Declaration of Interdependence*** that our forebears made to their common cause and common victory. I hope this Monday we will think about reaffirming their Declaration of Interdependence that has been behind all of our greatest achievements.

Thank you for this wonderful morning. Thank you for this award that I will always treasure. And thank you for what you do for all of us.