

## TECHNOLOGY AND DISABILITY POLICY HIGHLIGHTS 8.07

July/August 2008

### Overview

Welcome to the Summer issue of the *Technology & Disability Policy Highlights*. Despite the congressional recess in August, there has been some legislative activity to report on that addresses emerging technologies and accessibility by people with disabilities. The **Americans with Disabilities Act (ADA) Amendments Act of 2008 [S. 3406]** was introduced in the Senate with 56 co-sponsors exhibiting bipartisan support for the legislation. The House version was passed by a wide margin last month. Commemorating the 18<sup>th</sup> anniversary of the ADA of 1990, **[H. Res 1355]**, was passed declaring July 26<sup>th</sup> 2008 as Disability Pride Day. The Senate version, **[S. Res 628]** was subsequently introduced with one co-sponsor.

Congressional action was taken on behalf of promoting free and open access broadband across the nation with the introduction of the **Open Wireless Internet Act [S. 3420]**. Another national program was on the House agenda, the **Disaster Response, Recovery and Mitigation Enhancement Act of 2008 [H.R. 6658]** aims to modernize a national emergency notification system with the use of alternative technology delivery systems. Access to emergency assistance continues to be a priority as exhibited through the **New and Emerging Technologies 911 Improvement Act of 2008** being codified as **[Public Law 110-283]** which outlines a plan to upgrade access to 911 and enhanced 911 by people with disabilities. Finally, a new law, the **Higher Education Opportunity Act of 2008 [Public Law 110-315]**, provides for post-secondary educational opportunities for students with disabilities, ranging from financial support to the appropriate training of educators on universal design for learning and the use of accessible instruction materials.

Regulatory activity mirrors much of the congressional actions taken with the Federal Communications Commission's (FCC) release of the **Notice of Proposed Rulemaking In the Matter of Implementation of the Net 911 Improvement Act of 2008 [WC Docket No. 08-171]**, seeking comment on requirements for the provision of 911 and enhanced 911 via Internet Protocol enabled voice service. The FCC released two rulemakings regarding the Commercial Mobile Alert System (CMAS) in their continued efforts to delineate rules and requirements for the delivery CMAS messages to the public. Based on the proposed timeline, commercial availability of CMAS should not be expected before 2010. The U.S. Department of Justice held a public hearing on its recently released Notice of Proposed Rulemaking regarding updates to the ADA Guidelines, Title II: covering state and local government facilities and Title III: covering commercial facilities and places of public accommodation. Forty six commenters were present, representing interested stakeholders from a variety of industries, organizations, and private citizens.

Click the headings below to link directly to a particular section.

## ***This Month's "Hot Topic"***

### ***Legislative Activities***

### ***Regulatory Activities***

### ***Other Items of Interest***

### ***Publications***

### ***Wireless RERC Updates***

### ***Upcoming Events***

## **This Month's "Hot Topic"**

*In order to stimulate discussion on a variety of policy-related topics pertinent to wireless technology and accessibility issues for people with disabilities, each month we will present a new issue, question, or commentary relating to wireless technology and/or disability. We would like you, our readers, to share your opinions on each month's Hot Topic by emailing the TDPH Editor, Salimah Major at [Salimah.major@cacp.gatech.edu]. Select comments will be published in the subsequent editions of TDPH. Last month's question received a comment. Please read below and let us hear from you! Feel free to respond to the original question or the comment.*

### **Call:**

Competition and market forces, in large part, have driven telecommunications innovation. Does industry response to consumer demands preclude a need for government mandates?

### **Response:**

Few who have been party to the development and enforcement of government mandates (not only for electronic and information technologies) would argue that genuine business interest in consumer demands is far more cost-effective in improving usability than government mandates.

The challenge to this approach is how to generate that interest. Wireless companies like AT&T and Nokia are already demonstrating that universal design is truly viable for both the customer and for the business.

RERCs like ours should continue to nurture these initiatives, so that more companies and their customers will be motivated to first seek common ground for progress, rather than deferring to government for leadership.

~Jim Mueller, Expert in the Field

## **Legislative Activities**

### **ADA Amendments Act of 2008 Moves to the Senate**

07.31.2008 – The **ADA Amendments Act of 2008 [S. 3406]** was introduced in the Senate and placed on the legislative calendar. **[S. 3406]** is similar to **[H.R. 3195]**, which was passed in the House on June 25, 2008. The intent of the legislation remains the same, to restore the original purpose of **ADA of 1990**, which

has been modified by high and low court decisions, the intent of the legislation is to reverse Supreme Court decisions that 1) stripped the ADA protections of people with disabilities that utilize mitigating measures such as assistive devices and medication to manage their disability; 2) redefine the “substantially limits” clause of determining level of disability. The differences between the two pieces of legislation are as follows: Section 2(a) of **[S. 3406]**, “Findings”, adds two additional reasons for implementing the Act. Both address the term “substantially limits” as being improperly interpreted (by the Supreme Court, lower courts and Equal Employment Opportunity Commission) and inconsistent with congressional intent. In the House version there are five findings and the Senate version lists eight. However, the language in 2(a)(4) of the House bill was divided into two separate findings for the Senate bill, (2)(a)(5) and 2(a)(6) respectively. Section 2(b), “Purposes” contains some slight language changes to 2(b)(5), but the spirit remains the same. However, 2(B)(6) is newly added language that directs the EEOC to revise its regulations to reflect the definition of “substantially limits” as “significantly restricted” so as to be consistent with Congress. The organization of Section 3, “Definition of Disability,” is marginally different from the House bill. **[S. 3406]** was introduced with 56 co-sponsors and as of August 26, 2008, had 64 co-sponsors with bipartisan support. Advocates for people with disabilities are hopeful that the legislation will quickly garner enough support to pass the Senate vote.

[Sources: Library of Congress, and American Association of People with Disabilities (AAPD)]

#### **Additional Information:**

[ADA Amendments Act of 2008 \[S. 3406\]](#)

[\[http://thomas.loc.gov/cgi-bin/query/z?c110:S.%203406:\]](http://thomas.loc.gov/cgi-bin/query/z?c110:S.%203406:)

[AAPD](#)

[\[http://jfactivist.typepad.com/jfactivist/2008/07/senate-ada-amen.html\]](http://jfactivist.typepad.com/jfactivist/2008/07/senate-ada-amen.html)

#### **Open Wireless Internet Act [S. 3420] Introduced**

8.1.2008. – In June 2008 the FCC issued a **Further Notice of Proposed Rulemaking (FNPRM) seeking comment on service rules for advanced wireless spectrum in the 2155-2175 MHz band (AWS-3) [WT Docket No. 07-195]**. The FNPRM was met with considerable dissent from the wireless industry and certain lawmakers due to a proposed requirement for the winner of the license to utilize 25 percent of the network capacity to provide free, two-way broadband Internet service and an open access network. Meanwhile as the regulatory debate continued, Senator Ron Wyden (D-OR), drafted and introduced in the Senate the **Open Wireless Internet Act [S. 3420]**. The proposed legislation would amend the **Communications Act of 1934** by adding a paragraph outlining requirements for an open access spectrum auction of bands located between 2155-2180 MHz and frequencies located below 3 GHz so long as they are not part of the recovered analog spectrum. The purpose is to “promote nationwide broadband competition through the use of wireless services by issuing nationwide licenses.” Rules for the use of the nationwide license include, among other things, free data service (no subscription, airtime, usage or other charges) for consumers and public safety users that is faster than 200 kilobits one way and an open access network. Further, **[S. 3420]** directs the Commission to evaluate and report to Congress, every three years, whether the speed of free service should be increased based on new developments in wireless technologies, consumer demand and the public interest, as well as produce jointly, with the National Telecommunications

and Information Administration (NTIA), a biennial broadband spectrum utilization report regarding availability, affordability, and utilization by commercial users, public safety, and the licensees themselves. The open access requirement could potentially provide consumers, especially individuals with disabilities, greater choice and economic power in deciding what types of devices to purchase and connect to the network.

[Sources: Library of Congress, FCC, and RCR Wireless News]

#### **Additional Information:**

[Open Wireless Internet Act \[S. 3420\]](#)

[\[http://thomas.loc.gov/cgi-bin/query/z?c110:S.3420:\]](http://thomas.loc.gov/cgi-bin/query/z?c110:S.3420:)

FNPRM: WT Docket no. 07-195

[\[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-08-158A1.pdf\]](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-08-158A1.pdf)

Lines Drawn in AWS-3 Debate

[\[http://www.rcrwireless.com/article/20080710/SUB/637567452/-1/tagged/Lines-drawn-in-AWS-3-debate\]](http://www.rcrwireless.com/article/20080710/SUB/637567452/-1/tagged/Lines-drawn-in-AWS-3-debate)

#### **Disability Pride Day**

07.25.2008 – The day before the 18<sup>th</sup> anniversary of the **ADA**, [**S. Res 628**], was introduced in the Senate by Senator Barack Obama (D-IL) with one co-sponsor. The House version, [**H. Res. 1355**] was introduced by Representative Danny K. Davis (D-IL) with six co-sponsors, on July 17, 2008, and passed by voice vote on July 23, 2008. The Resolution endorses the designation of July 26<sup>th</sup>, 2008, as Disability Pride Day. [**S. Res. 628**] conveys the message that disability is not synonymous with disease but “should be seen as a natural part of human diversity...[with] cultural experience and history.” The legislation reiterates language found in the **ADA Amendments Act of 2008** regarding individuals with disabilities’ right to quality education, valuable and viable workforce prospects and equal opportunity to be fully engaged citizens in all facets of life, but the true thrust of the proposed legislation centers around reframing attitudes about what it means to live with a disability.

[Source: Library of Congress]

#### **Additional Information:**

[H. Res. 1355](#)

[\[http://thomas.loc.gov/cgi-bin/query/z?c110:H.Res.1355:\]](http://thomas.loc.gov/cgi-bin/query/z?c110:H.Res.1355:)

[S. Res. 628](#)

[\[http://thomas.loc.gov/cgi-bin/query/z?c110:1:S.Res.628:\]](http://thomas.loc.gov/cgi-bin/query/z?c110:1:S.Res.628:)

#### **Modernizing a National Emergency Notification System**

07.30.2008 – The **Disaster Response, Recovery and Mitigation Enhancement Act of 2008 [H.R. 6658]** was introduced in the House by Representative James L. Oberstar (D-MN) and carried twelve co-sponsors. **H.R. 6658** would, among other things, amend Section 202 of the **Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. 5132]** (commonly referred to as the Stafford Act), by adding a new paragraph (e) titled “Integrated Public Alert and Warning System Modernization.” Much of the language in this new section is identical to *Executive Order 13407: Public Alert and Warning System*

released June 2006. The amendment to this section of the Stafford Act would give the Federal Emergency Management Agency (FEMA) statutory authority to oversee and carry out the implementation of the anticipated integrated public alert and warning system. Two of the nine proposed implementation requirements include incorporating the capability to alert and warn individuals with disabilities and integrating multiple communications technologies. The legislation also directs FEMA to form an Integrated Public Alert and Warning System Modernization Advisory Committee (AC) with a membership comprised of the Chairman of the FCC, Administrator of the National Oceanic and Atmospheric Administration (NOAA), state, local and tribal government representatives, cellular and broadcasting industry representatives, national organizations representing the interests of people with disabilities, special needs and the elderly, and other qualified stakeholders. The AC is given one year from the date of enactment to make both technical and non-technical recommendations that will promote the implementation and adoption of a national modern notification system. \$37 million is the amount allocated to carry out this subsection. [Sources: Library of Congress and the White House]

#### **Additional Information:**

[Disaster Response, Recovery and Mitigation Enhancement Act of 2008 \[H.R. 6658\]](#)

[\[http://thomas.loc.gov/cgi-bin/query/z?c110:H.R.6658:\]](http://thomas.loc.gov/cgi-bin/query/z?c110:H.R.6658:)

[Executive Order 13407: Public Alert and Warning System](#)

[\[http://www.whitehouse.gov/news/releases/2006/06/20060626.html\]](http://www.whitehouse.gov/news/releases/2006/06/20060626.html)

#### **New Law Promotes Post-Secondary Education for Students with Disabilities**

08.14.2008 – The **Higher Education Opportunity Act of 2008 [Public Law 110-315]** was signed into law, amending the **Higher Education Act of 1965 [Public Law 105-244]**. The 200+ page law covers a multitude of higher education considerations ranging from appropriations authorizations to student aid and research initiatives. Of note, however, to this constituency, is the attention **Public Law 110-315** gives to fostering post-secondary educational opportunities for students with disabilities with regard to federal assistance, as well as classroom instruction. The Law indicates that preparation for post-secondary education begins at the elementary school level and provides for the training of early childhood teachers in instructing students with disabilities and digital age learners. Though the topics are addressed in separate sections (Section 213 and 251 respectively), in reality, they are not mutually exclusive, but do require a different set of administrative rules and accountability measures, as the text of the **Public Law 110-315** specifies. The legislation addresses and endorses the use of the principles of universal design (UD) for learning, the use of accessible instructional materials and curriculum development including electronic communication for instruction and advisement, a provision for accessible distance education programs/classes and the development of teaching methods for faculty and administrators to successfully implement distance learning. Part D, Sections 760-778 addresses matriculating students with disabilities into postsecondary programs, and their subsequent transition into the workforce. The legislation directs the establishment of an Advisory Commission on Accessible Instruction Materials to, among other things, “identify best practices for collecting, maintaining, processing and disseminating materials in specialized formats.” Finally, the Law commissions a national study on the education of the Deaf to record success

stories of individuals who are Deaf in the postsecondary environment. The study is allotted \$1,000,000 for a two year period.

[Source: Library of Congress]

#### **Additional Information:**

[Higher Education Opportunity Act of 2008 \[Public Law 110-315\]](#)

[\[http://www.congress.gov/cgi-bin/bdquery/z?d110:HR04137:\]](http://www.congress.gov/cgi-bin/bdquery/z?d110:HR04137:)

#### **Net 911 Improvement Act of 2008 Signed into Law: Includes Accessibility Proviso**

07.23.2008 – The **New and Emerging Technologies 911 Improvement Act of 2008 [H.R. 3403]** was codified as **[Public Law 110-283]**. The purpose of the Act is to improve public safety through the deployment of Internet Protocol (IP) enabled 911 and enhanced 911 (E911) services, to promote a national transition to an IP-enabled emergency network and to upgrade access to 911 and E911 by people with disabilities. IP-enabled voice service providers must provide E911 service to its subscribers. Violations are enforced by the FCC under the jurisdiction of the Communications Act of 1934. Provisions in **Public Law 110-283** amend the Wireless Communications and Public Safety Act of 1999, the Communications Act of 1934 and the National Telecommunications and Information Administration (NTIA) Organization Act. In the latter amendment, NTIA is required to develop a national migration plan to an “IP-enabled emergency network capable of responding to all citizen-activated emergency communications and improving information sharing among all emergency response entities.” The plan must identify solutions for the provision of 911 and E911 to people with disabilities and an implementation plan for the solutions. The migration plan must also include benefits of migration, mechanisms for ensuring national availability across all communities, identify location technology for itinerant devices, analyze public safety answering point (PSAP) best and worst practices in their deployment of IP-enabled emergency networks, recommend legislative language and/or changes that would un-encumber entities involved in their efforts to migrate, and analyze efforts and provide legislative language that would facilitate the provision of automatic location for E911 services. NTIA’s plan must be developed nine months following enactment of the legislation in consultation with the disability community, public safety community, providers of technology, telecommunications relay services, telecommunications, and IP-enabled voice services. **Public Law 110-283** also requires the FCC to develop technology neutral standards for the implementation of E911 such as PSAP certification and testing requirements and validation procedures for location information.

[Source: US Government Printing Office]

#### **Additional Information:**

[NET 911 Improvement Act of 2008 \[Public Law 110-283\]](#)

[\[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110\\_cong\\_bills&docid=f:h3403enr.txt.pdf\]](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:h3403enr.txt.pdf)

## **Regulatory Activities**

### **Department of Justice Public Hearing on ADA Guidelines**

07.15.2008 – The U.S. Department of Justice (DOJ) held a public hearing on its recently released Notice of Proposed Rulemaking regarding updates to Title II and Title III of its ADA regulations; the former covering state and local government facilities and the latter covering commercial facilities and places of public accommodation. Of the 46 commenters representing interested stakeholders, four addressed technology access. Jerry Kerr, Disability Rights Advocates for Technology, commented that the new regulations should “foster an environment benefiting continued development of universally designed technology solutions,” asserting that UD can address concerns regarding the financial impact of implementing some of the proposed regulations. Mark Reichert, American Foundation for the Blind, criticized the DOJ for excluding equipment accessibility from the proposed regulations as a “missed opportunity” in light of the increased use of websites and kiosks to conduct business. Many public accommodations, such as hotels and airports, provide on-line services and/or kiosk service; their proliferation makes independent access to these technologies critical to ensuring equal access under the ADA guidelines. Other commenters addressed access to movie theaters and museums. Both comment that physical access, getting people through the door, is only the first step, but enriching the experience of a museum or movie theater patron requires programmatic access, which should include multimodal and multisensory approaches such as verbal descriptions, tactile tours, closed captions, open caption on demand and descriptive narration. [Source: Department of Justice]

#### **Additional Information:**

[Transcript of Public Hearing](#)

[\[http://www.ada.gov/NPRM2008/public\\_hearing\\_transcript.htm#c07\\_ks\]](http://www.ada.gov/NPRM2008/public_hearing_transcript.htm#c07_ks)

#### **Developments in the Commercial Mobile Alert System**

07.08.2008 & 08.07.2008 – The FCC released and adopted the ***Second Report and Order and Further Notice of Proposed Rulemaking In the Matter of the Commercial Mobile Alert System [PS Docket No. 07-287]*** (CMAS 2nd R&O FNPRM) adopting rules regarding geographically targeted alerts facilitated by equipment installed by non-commercial educational (NCE) and public broadcast television stations licensees and permittees, and the mandatory testing regime for participating commercial mobile service providers. The rules adopted for NCE and public broadcast stations aim to incorporate said entities into the CMAS architecture as a redundant and alternative source of alerts for commercial mobile service (CMS) providers (the primary source being the Federal Alert Aggregator). The CMAS 2nd R&O requires NCEs and public broadcasting stations to install equipment and supporting technologies, as part of their digital television transmitters, that will receive CMAS alerts from the Alert Gateway and retransmit them securely to CMS Provider Gateways no later than eighteen months from the effective date of the rules or date of receipt of funding for the equipment (whichever is later). In the FNPRM section, the Commission seeks comment on requiring NCE and public broadcast television stations licensees to participate in testing their component of the system and whether or not the Commission has the authority to impose such rules on the aforementioned entities.

Closely following on the heels of the CMAS 2<sup>nd</sup> R&O FNPRM was the ***Third Report and Order In the Matter of the Commercial Mobile Alert System [PS Docket No. 07-287]*** (CMAS 3<sup>rd</sup> R&O). The CMAS Third

R&O adopts rules and procedures regarding CMAS participation election, subscriber notification, subscribers' right to opt-out of notifications and subscribers' right to terminate subscription. The Order also outlines an implementation schedule. Participating CMS providers are given eighteen months to develop, test and deploy CMAS. The clock begins ten months following the Federal Alert Aggregator's (designated as FEMA) publication of the Government Interface Designing (GID) specifications. The Order gives FEMA until December 31, 2008 to make their GID specifications available. Given the timeline, commercial availability of the CMAS should not be expected before mid to late 2010. At that point, providers will be required to notify new and existing subscribers of their decision not to transmit CMAS messages in part or in whole. The Order stipulates that notification for new subscribers must be made at point-of-sale in a clear and conspicuous manner. "Clear and conspicuous" is interpreted by the Commission to include notifications that are accessible to people with disabilities. Providers must contact existing subscribers notifying them of a change in their service agreement, and pre-paid customers will be contacted via U.S. mail or the best available method. A subscriber has the right to terminate their subscription without penalty or early termination fee if such termination is directly related to the provider's decision not to transmit in whole or in part CMAS messages. Subscribers' also have the right to opt-out of receipt of CMAS messages in whole or in part, but the provider must provide examples of what types of messages they will not receive to ensure the customer is making a fully informed decision. Finally, CMS providers are required to file electronically with the Commission a letter indicating whether or not they will participate in the delivery of CMAS messages within thirty days following the release of the CMAS Third R&O. If a CMS provider wishes to withdraw their initial election to participate they must notify their subscribers and the Commission at least sixty days prior to the effective date of the withdrawal.

[Source: FCC]

#### **Additional Information:**

CMAS 2nd R&O FNPRM (Word Version available at [<http://www.fcc.gov/pshs/releases/>])

[[http://fjallfoss.fcc.gov/edocs\\_public/attachmatch/FCC-08-164A1.pdf](http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-08-164A1.pdf)]

CMAS Third R&O (Word Version available at [<http://www.fcc.gov/pshs/releases/>])

[[http://fjallfoss.fcc.gov/edocs\\_public/attachmatch/FCC-08-184A1.pdf](http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-08-184A1.pdf)]

#### **FCC Consumer Advisory**

08.19.2008 – The FCC released a Consumer Advisory: *New Ten-Digit Numbering and Emergency Call Handling Procedures for Internet-Based Telecommunications Relay Services*. The Advisory summarizes 10-digit numbering emergency call requirements based on the FCC's adoption, last month, of traditional 10-digit numbers for users of Internet based forms of telecommunications relay services such as Video Relay Services (VRS) and Internet Protocol (IP) Relay. The requirements become effective December 31, 2008. Incorporating VRS and IP Relay providers in the 10-digit numbering plan will help ensure that users of these technologies will have functionally equivalent access to emergency services by requiring IP based TRS providers to obtain and maintain the physical address of their users and route emergency calls to the appropriate PSAPs. It will also enable voice calls to connect directly to VRS and IP Relay users. The Advisory also provides interim emergency call handling procedures and instructions on how to file a complaint with the FCC.

[Source: FCC]

**Additional Information:**

Consumer Advisory: *New Ten-Digit Numbering and Emergency Call Handling Procedures for Internet-Based Telecommunications Relay Services*

[<http://www.fcc.gov/cgb/consumerfacts/trstendigit.html>]

**Implementation of the NET 911 Improvement Act**

08.25.2008 – The FCC released a **Notice of Proposed Rulemaking In the Matter of Implementation of the NET 911 Improvement Act of 2008 [WC Docket No. 08-171]** (NET 911 NPRM) to fulfill their obligation under the signed law to provide regulations no later than October 21, 2008. The NPRM is seeking comment on provisions that ensure Internet Protocol (IP) enabled voice service providers have access to capabilities to provide 911 and enhanced 911 service to their subscribers. Specifically they request input in defining what items, elements, features and functions should make up a definition of “capabilities;” ownership, control, availability and right of access to defined capabilities; rates, terms and conditions; and requirements for technical, network security, or information privacy requirements.

[Source: FCC]

**Additional Information:**

NET 911 NPRM

[[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-08-195A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-08-195A1.pdf)]

**Other Items of Interest**

**AAPD Makes Research Recommendations**

07.25.2008 – The American Association of People with Disabilities submitted comments in response to the Interagency Committee on Disability Research’s (ICDR) call for public comments on disability research priorities. AAPD’s fourteen recommendations all address telecommunications and technology access and many address access to emergency information. A few are listed below:

- Development of techniques to make mainstream technologies used for notification and communication usable by people with disabilities.
- Inclusion of disability access in research on next generation emergency notification technologies.
- Development of accessible communications devices for persons who are deaf-blind.
- Research effective and accessible methods of communicating egress or shelter instructions in buildings and building complexes.

[Source: AAPD]

**Additional Information:**

AAPD Recommendations for Accessible Technology Research

[<http://www.aapd-dc.org/News/tech/080806aapd.htm>]

### **American Foundation for the Blind Call for Nominations**

07.25.2008 - The American Foundation for the Blind (AFB) is seeking nominations for their 2009 Access Awards and for their Blind Migel Medal. Regarding the 2009 Access Awards, nominees should have demonstrated considerable efforts towards improving the lives of people who are blind or visually impaired through work to ameliorate barriers to accessible information, the environment, technology, education, or employment, including making consumer products and services accessible; and may include individuals, corporations or organizations. The Migel Awards are given in two categories: professional and lay volunteer. Nominees should include individuals whose careers have impacted the lives of people who are blind or visually impaired in a significantly positive way. All nominations are due by September 26, 2008. Letters of nomination for the 2009 Access Awards should be sent to Darren Burton at [dburton@afb.net]. Letters of nomination for the Blind Migel Medal should be sent to Mary Ann Siller at [siller@afb.net].

[Source: AFB]

### **Additional Information:**

[Access Awards section of AFB's website](http://www.afb.org/Section.asp?SectionID=28&TopicID=236)

[<http://www.afb.org/Section.asp?SectionID=28&TopicID=236>]

[Migel Medal Awards section of AFB's website](http://www.afb.org/Section.asp?SectionID=28&TopicID=153)

[<http://www.afb.org/Section.asp?SectionID=28&TopicID=153>]

### **AAPD Presidential Forum on Disability Issues**

07.26.2008 – The American Association of People with Disabilities (AAPD) held a National Forum on Disability Issues: Feel the Power of the Disability Vote in Columbus, Ohio, on the 18<sup>th</sup> anniversary of the signing of the Americans with Disabilities Act. The event was moderated by Judy Woodruff, political editor for the NewsHour with Jim Lehrer, and there were speakers and panelists there to celebrate the legacy of the ADA, including Jon Husted, Speaker of the Ohio House of Representatives; Robert David Hall, Actor (CSI: Crime Scene Investigation); Paul J. Tobin, U.S. Navy Veteran; Rebecca Hare, National Consortium on Leadership and Disability for Youth; Chester Finn, Self Advocates Becoming Empowered; Cynthia Owens; Oregon Council on Developmental Disabilities; and Darren Jernigan, Permobil, Inc. However, the feature presentations were the remarks made by Senator Tom Harkin (D-IA) on behalf of presidential candidate Senator Barack Obama (D-IL) and presidential candidate Senator John McCain (R-AZ). Following are a few of the points each speaker made with regard to U.S. disability policy:

Senator Tom Harkin:

- Supports the ADA Amendments Act of 2008 and the Community Choice Act
- He and Senator Obama are original co-sponsors on S. 2061 which would extend the coverage of the Fair Labor Standards Act to home health care workers
- Informed the audience of Senator Obama's commitment to be the first president to have a Disability Advisor

Senator John McCain:

- Discussed being a principal co-sponsor on the ADA of 1990 and his support of a senate version of the ADA Amendments Act of 2008.
- Expressed support for legislation that would allow people with disabilities to live independently and not be forced into institutions, and supports the concept of the Community Choice Act but not the particulars of the legislation, as written.
- Proposed that the VA “spend more effort and devote more time to the treatment of battle wounds, both seen and unseen,” by allowing veterans with routine healthcare needs to see a health professional of their choice outside of the VA.

[Source: AAPD]

#### **Additional Information:**

[Transcript of the Forum](#)

[<http://www.aapd-dc.org/News/election/080726forumtrans.htm>]

[Webcast of the Forum](#)

[[http://player.broadbandvideo.com/VideoPlayer.asp?Station=disaboom&Id=58702&ShowOrClip=s&MediaTy  
pe=v&ResizeX=&ResizeY=&CheckPayment=](http://player.broadbandvideo.com/VideoPlayer.asp?Station=disaboom&Id=58702&ShowOrClip=s&MediaType=v&ResizeX=&ResizeY=&CheckPayment=)]

#### **NCD Policy Research Impacts Disability Information Policy**

07.24.2008 – In June 2008 NCD testified at the House Subcommittee on Oversight and Government Reform Subcommittee on Information Policy, the Census, and National Archives (Subcommittee) hearing: *Does Federal Statistical Data Adequately Serve People with Disabilities?* NCD’s testimony detailed recommendations made in their report: *Keeping Track: National Disability Status and Program Performance Indicators*. As a result of NCD testimony and subsequent letter from Chairman William Lacy Clay of the Subcommittee to Jim Nussle, Director, Office of Management and Budget requesting that federal agencies include six questions on the American Community Survey (ACS) to gather disability data in all federal surveys that request data about race, sex, age and ethnicity; in July 2008, Jim Nussle responded to the request confirming that the six questions will be included on not only the ACS, but also on the Current Population Survey (CPS) and the National Crime Victimization Survey (NCVS). Nussle further stated that he is going to recommend that the questions also be included in the American Housing Survey (AHS) and the National Health Interview Survey (NHIS). The questions are based on the theoretical reasoning described in NCD’s report. These developments will help reform the current measures of the state of Americans with disabilities and the data needed to effectively inform policymakers in setting their disability agendas/initiatives and measure the impact of current programs serving people with disabilities.

[Source: National Council on Disability]

#### **Additional Information:**

[NCD Bulletin](#)

[<http://www.ncd.gov/newsroom/bulletins/2008/b0708.htm>]

[Keeping Track: National Disability Status and Program Performance Indicators](#)

[[http://www.ncd.gov/newsroom/publications/2008/Indicators\\_Report.html](http://www.ncd.gov/newsroom/publications/2008/Indicators_Report.html)]

[Hearing Testimony: Does Federal Statistical Data Adequately Serve People Living with Disabilities?](#)

[<http://informationpolicy.oversight.house.gov/story.asp?ID=1984>]

## **Publications**

### **Emergency Management and Special Needs Planning**

08.15.2008 – FEMA released the [Comprehensive Preparedness Guide 301: Emergency Management Planning for Special Needs Planning Populations](#) (PDF version) to promote the inclusion of individuals with special needs in emergency management. The publication gives guidance to tribal, state and local governments in the areas of developing informed plans; assessments and registries; emergency public information/communication; sheltering and mass care; evacuation; transportation, human service/medical management; congregate settings; recovery; and training and exercises. The Guide was jointly developed by FEMA and the Department of Homeland Security's Office of Civil Rights and Civil Liberties.

#### **Additional Information:**

(HTML Version) [Comprehensive Preparedness Guide 301: Emergency Management Planning for Special Needs Planning Populations](#)

[<http://209.85.215.104/search?q=cache:pEif4TD0aiJ:www.fema.gov/pdf/media/2008/301.pdf+Comprehensive+Preparedness+Guide+301:+Emergency+Management+Planning+for+Special+Needs+Planning+Populations&hl=en&ct=clnk&cd=2&gl=us&client=firefox-a>]

### **Mobile Factbook 2008**

08.27.2008 - Portio Research is offering a free Mobile Factbook 2008. The 22-page booklet summarizes facts and figures of the worldwide mobile industry in 2008. Contents include: Overview, Worldwide Mobile Market, Subscriber Base, Revenue, Voice and Data Services, Mobile Handset Industry, Infrastructure and Technology. You can request a copy by sending your name to [[factbook@portioresearch.com](mailto:factbook@portioresearch.com)].

#### **Additional Information:**

[Portio Research](#)

[<http://www.portioresearch.com/resources.html>]

### **NCD Report on Economic Empowerment**

08.11.2008 – The National Council on Disability (NCD) released [The State of 21st Century Financial Incentives for Americans with Disabilities](#). The report recommends strategies to help Americans with disabilities realize their full economic potential and proposes the renovation of federal financial disincentives to incentives through the development of the Policies Optimizing Workers' Economic Reach (POWER) structure which would help people get employment, advance their careers and procure benefits needed for accommodations.

#### **Additional Information:**

[The State of 21st Century Financial Incentives for Americans with Disabilities](#)

[<http://www.ncd.gov/newsroom/publications/2008/FinancialIncentives.html>]

### **Staying Tuned In: Challenges of the DTV Transition**

07.03.2008 – The WGBH Carl and Ruth Shapiro Family National Center for Accessible Media (NCAM) released the publication: [Digital Television and Video Description: Service Continues, Consumer and Industry Efforts Required](#). The paper addresses frustrations expressed by people who rely on video description services with set-up, reception and compatibility and seeks to alleviate the compounding factors the DTV transition may add to existing challenges. Contents include: set-top converter boxes, accessible menus, tips for finding video description in DTV, troubleshooting, and a technical note about Program and System Information Protocol (PSIP). Additionally, NCAM has set-up an e-mail address [dtvaccess@wgbh.org] to aggregate complaints and problems related to the DTV transition and field them to the appropriate parties.

#### **Additional Information:**

[Digital Television and Video Description: Service Continues, Consumer and Industry Efforts Required](#)  
[<http://74.125.45.104/search?q=cache:7jaY9YNinxcJ:ncam.wgbh.org/publications/docs/DTVandVideoDescription.doc+Digital+Television+and+Video+Description:+Service+Continues,+Consumer+and+Industry+Efforts+Required&hl=en&ct=clnk&cd=2&gl=us&client=firefox-a>]

### **White Paper on Recruiting People with Disabilities**

07.21.2008 – The Government Solutions Group of TMP Worldwide released the white paper [Recruiting & Retaining People with Disabilities](#). The paper discusses the public sector's sluggish response to program incentives to hire people with disabilities and cites "veiled prejudices" and "widespread misconceptions about how well people with disabilities actually perform on the job." The paper asserts that in light of the Federal workforce's impending retirement crisis they would be remiss to not seek replacements in the untapped pool of candidates with disabilities and provides a list of resources for agencies to educate their staff on recruiting and retaining such individuals.

#### **Additional Information:**

[Recruiting & Retaining People with Disabilities \(PDF Only\)](#)  
[<http://www.tmp.com/docs/RecruitingRetainingPeopleDisabilities.pdf>]  
[Agencies to boost efforts to hire more disabled employees, report says](#)

### **Wireless RERC Updates**

#### **New Partner for the RERC's Wireless Emergency Communications Project**

The [North Carolina Department of Health and Human Services Division of Services for the Deaf and the Hard of Hearing](#) (DHHS DSDHH) is partnering with the Wireless RERC's Wireless Emergency Communications (WEC) project to develop accessible emergency alerts for people with disabilities. This particular partnership will focus on the accessibility needs of deaf and hard of hearing citizens. The Wireless RERC and DHHS DSDHH look forward to engaging members of the Raleigh community of deaf and hard of hearing individuals in this exciting opportunity to advance the science of accessible emergency communications. The details of

this unique experience and the preliminary results will be shared following the completion of all the field trials.

**Additional Information:**

[WEC project page](#)

[\[http://www.wirelessrerc.org/about-us/projects/development-projects/d3-wireless-emergency-communications.html\]](http://www.wirelessrerc.org/about-us/projects/development-projects/d3-wireless-emergency-communications.html)

[North Carolina Department of Health and Human Services Division of Services for the Deaf and the Hard of Hearing](#)

[\[http://dshh.dhhs.state.nc.us/\]](http://dshh.dhhs.state.nc.us/)

**WEC's Policy Recommendations Inform Final Rule**

08.07.2008 - Comments filed by the Wireless RERC's Wireless Emergency Communications (WEC) project in the *First Report & Order and Further Notice of Proposed Rulemaking In the Matter of the Commercial Mobile Alert System* (CMAS 1<sup>st</sup> R&O and FNPRM) [PS. Docket No. 07-287] were included in the CMAS 3<sup>rd</sup> R&O and helped to inform the final rules. The Wireless RERC recommended the use of audio and video formats, as well as large print and Braille when notifying existing and new subscribers of the commercial mobile service (CMS) providers' choice to opt-out (in part or in whole) of CMAS participation to ensure that people with sensory disabilities would have equal access to the notifications. While the final rule leaves it up to the discretion of the CMS provider as to *how* they will accommodate notifying people with sensory disabilities, it clearly states that "clear and conspicuous" notification should take into account the needs of this population. The CMSAAC recommendation for subscriber opting out of "all messages", "all severe messages", and "Amber alerts", seems reasonable. However, WEC recommended that CMS providers make it clear to the subscriber what opting out means - that they will not, as an example, receive tornado warnings. The final rule states that CMS providers "shall provide their subscribers with a clear indication of what each option means, and provide examples of the types of messages the customer may not receive as a result of opting out." Additionally, the Wireless RERC asserted that in order to encourage CMS provider participation, the Commission should consider ways to offset CMS provider expenses incurred when developing and deploying CMAS to the public. While the Order does not provide a particular method for cost recovery, it clarifies that though CMS providers can not charge subscribers for CMAS on an alert-by-alert basis, they can choose to recover costs in overall service rate plans. WEC was the only commenter specifically filing on behalf of people with disabilities for the inclusion of accessibility provisions in CMAS. The initial FCC Commercial Mobile Service Alert Advisory Committee recommendations were drafted in consultation with representatives from the disability community, namely, Marcia Brooks of the WGBH National Center for Accessible Media.

**Additional Information:**

[The CMAS 3<sup>rd</sup> R&O](#)

[\[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-08-184A1.pdf\]](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-08-184A1.pdf)

[WEC's filed comments](#)

[\[http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native\\_or\\_pdf=pdf&id\\_document=6519839358\]](http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6519839358)

## Upcoming Events

### **10th International ACM SIGACCESS Conference on Computers and Accessibility (ASSETS 2008)**

The ASSETS series of conferences is aimed at providing a technical forum for presenting and disseminating research results that address the use of computing and information technologies to help persons with disabilities. ASSETS 2008 will be held in **Halifax, Nova Scotia, in Canada on October 13-15, 2008.**

#### **Additional Information:**

[ASSETS 2008](#)

[<http://www.sigaccess.org/assets08/>]

### **2008 Technology Expo**

The 2008 National Center for Technology Innovation (NCTI) Conference will be held in **Washington, DC, on November 20-21, 2008.** Topics include global computing, gaming, distance learning, assistive technologies and public/private partnerships.

#### **Additional Information:**

[2008 NCTI Conference](#)

[<http://www.nationaltechcenter.org/index.php/events-main-page/2008conference/>]

### **DTV Transition**

On **February 17, 2008**, all full-power broadcast television stations in the United States will stop broadcasting on analog airwaves and begin broadcasting only in digital.

#### **Additional Information:**

[What is DTV?](#)

[<http://www.dtv.gov/whatisdtv.html>]

[Converter Box Coupon Program](#)

[<https://www.dtv2009.gov/>]

### **Free Seminar: Designs on the Games**

On Tuesday, **October 7, 2008**, at Savoy Place, London, PhoneAbility, the UK Group of COST 219ter, in collaboration with the Institution of Engineering and Technology, is conducting a seminar on accessibility considerations in the design on new technological systems used by patrons of sports arenas. Speakers will address user requirements, transport information systems, integrated ticketing, location based services, television services, security systems and interoperability.

#### **Additional Information:**

[Design on the Games](#)

[<http://www.theiet.org/events/2008/games.cfm>]

## **Pandemic Preparedness Summit**

The FCC will host a *Summit on Pandemic Preparedness: Enhancing Communications Response for Health Care and First Responders* on **Tuesday, September 18, 2008** in Washington, DC. The Summit will focus on how the communications industry can augment response to a pandemic.

### **Additional Information:**

[FCC News Release](#)

[\[http://www.fcc.gov/pshs/summits/pandemic/\]](http://www.fcc.gov/pshs/summits/pandemic/)

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TECHNOLOGY AND DISABILITY POLICY HIGHLIGHTS 8.07

July/August 2008

Technology and Disability Policy Highlights reports on national and local public policy events and recent wireless technological advances and political activities; and tracks emerging issues of interest to individuals with disabilities. *Technology and Disability Policy Highlights* is published monthly by the Wireless RERC. The Wireless RERC is a research center promotes universal access to wireless technologies and explores their innovative applications in addressing the needs of people with disabilities. For more information on the Wireless RERC, please visit our web site at [\[http://www.wirelessrerc.org\]](http://www.wirelessrerc.org).

For further information on items summarized in this report, or if you have items of interest that you would like included in future editions, please contact this edition's writer/editor, Salimah Major, Information Analyst [[Salimah.major@cacp.gatech.edu](mailto:Salimah.major@cacp.gatech.edu)] or Paul M.A. Baker, Ph.D., AICP, CACP Director of Research [[paul.baker@cacp.gatech.edu](mailto:paul.baker@cacp.gatech.edu)].

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