

TECHNOLOGY AND DISABILITY POLICY HIGHLIGHTS 8.08

September 2008

Overview

Key items of note: The **ADA Amendments Act of 2008 [S. 3406]** codified as **[Public Law 110-325]** this month, is an effort to provide greater protections for people with disabilities regardless of their use of mitigating measures such as assistive devices or medications. The **Broadband Data Improvement Act [S. 1492]** was sent to the White House for signature after passing both the House and Senate. S. 1492 sets forth activities for the Government Accountability Office (GAO), the Census Bureau and the Federal Communications Commission (FCC) in an effort to improve both qualitative and quantitative data collection regarding broadband use per household and market penetration in the United States. The **Capitol Visitor Center Act of 2008 [H.R. 5159]** passed the Senate and establishes an Office of Congressional Accessibility Services (OCAS) to provide and coordinate accessibility services for people with disabilities.

The FCC is conducting its **2008 Biennial Review of Telecommunications Regulations** and is seeking comment on a number of rules that impact people with disabilities. The Enforcement Bureau of the FCC fined Channel 51 in San Diego for not providing accessible emergency information during their broadcast coverage of the California wildfires in October 2003.

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Legislative Activities

ADA Amendments Act Becomes Law

09.25.2008 – The **ADA Amendments Act of 2008 [S. 3406]** was signed into law effectively becoming **[Public Law 110-325]**. Prior to being sent to the White House for signature it was passed in the Senate by unanimous consent on September 11, 2008. The law clarifies and extends the definition of disability allowing for a greater number of people with disabilities protections under the

ADA. The law now includes those that may use assistive devices to mitigate the effects of their disability.

[Sources: Library of Congress]

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:)

Broadband Data Improvement Act Sent to the White House

9.26.2008 -10.2.2008 – The **Broadband Data Improvement Act [S. 1492]** was passed by both the House and the Senate and presented to the President. S. 1492 seeks to encourage broadband deployment through the improvement of Federal and State broadband data collection. Gathering accurate and detailed data will allow for better assessment to target underserved areas and improve the process for comparing broadband penetration in the United States with other countries. The Act directs the FCC to conduct annual inquiries into the deployment of advanced telecommunications services; directs the Census Bureau to include a question on the American Community Survey that assesses residential computer use and broadband internet subscribership; and directs the Government Accountability Office to design metrics that can inform consumers of actual broadband connection costs and capability. S. 1492 aims to secure the competitiveness of the United States and the proliferation of the benefits of broadband technology such as “enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.” At the Senate Commerce Committee hearing earlier in the week, “Why Broadband Matters”, Dr. Mara Mayor, American Association of Retired Peoples, testified in support of S. 1492, emphasizing the critical nature of high-quality broadband networks on successful aging, and creating accessible livable communities.

[Source: Library of Congress]

Additional Information:

[Broadband Data Improvement Act \[S. 1492\]](#)

[\[http://thomas.loc.gov/cgi-bin/query/z?c110:S.1492:\]](http://thomas.loc.gov/cgi-bin/query/z?c110:S.1492:)

[Testimony of Dr. Mara Mayor, AARP](#)

[\[http://commerce.senate.gov/public/_files/MayorTestimony.pdf\]](http://commerce.senate.gov/public/_files/MayorTestimony.pdf)

[Senate Commerce Committee Hearing, “Why Broadband Matters”](#)

[\[http://commerce.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=9e474249-4555-4df9-bee2-975ea1752d97\]](http://commerce.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=9e474249-4555-4df9-bee2-975ea1752d97)

Legislation Establishes Office of Congressional Accessibility Services

9.27.2008 – The **Capitol Visitor Center Act of 2008 [H.R. 5159]** passed the Senate with an amendment by unanimous consent. The purpose of H.R. 5159 is to establish the Office of the Capitol

Visitor Center to provide effective management and administration of the Center. Subtitle B establishes an Office of Congressional Accessibility Services (OCAS) to provide and coordinate accessibility services for people with disabilities and provide information, training and staff development regarding same. The OCAS will be directed by a Congressional Accessibility Services Board composed of the Sergeant at Arms and Doorkeeper of the Senate, the Secretary of the Senate, the Sergeant at Arms of the House of Representatives, the Clerk of the House of Representatives and the Architect of the Capitol.

[Source: Library of Congress]

Additional Information:

[Capitol Visitor Center Act of 2008 \[H.R. 5159\]](#)

[\[http://thomas.loc.gov/cgi-bin/query/z?c110:H.R.5159:\]](http://thomas.loc.gov/cgi-bin/query/z?c110:H.R.5159:)

Regulatory Activities

2008 Biennial Review of Telecommunications Regulations

9.4.2008 – Pursuant to Section 11 of the Communications Act of 1934, the FCC is seeking public comment in their **2008 Biennial Review of Telecommunications Regulations** to determine the relevance of the regulations to the public interest. Parties submitting comments should specifically address the modification or even repeal of rules. Such rules up for review administered by the Consumer & Governmental Affairs Bureau (CGB), Enforcement Bureau (EB), Wireless Telecommunications Bureau (WTB), and Public Safety and Homeland Security Bureau (PSHSB) that may directly or indirectly impact the community of people with disabilities include:

- CGB - Part 6 - Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by people with disabilities
- CGB - Part 7 – Access to Voicemail and Interactive Menu Services and Equipment by people with disabilities
- EB – Part 1 – Practice and Procedure for filing formal and informal complaints against common carriers
- PSHSB – Part 10 – Commercial Mobile Alert System
- PSHSB – Part 11 – Emergency Alert System
- WTB – Part 22 – Public Mobile Services
- WTB – Part 27 – Wireless Communications Services

Reply comments are due by October 27, 2008.

[Source: FCC]

Additional Information:

[Public Notice: 2008 Biennial Review of Telecommunications Regulations](#)

[\[http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-08-201A1.pdf\]](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-08-201A1.pdf)

FCC Enforcement Bureau Levies Fine for Inaccessible Emergency Information

9.17.2008 – The FCC's Enforcement Bureau fined Channel 51 of San Diego Inc. \$25,000 for violating section 713 of the Communications Act of 1934 and FCC rules requiring broadcasters to make emergency information provided aurally accessible to people with hearing disabilities. Complaints were filed with the FCC stating that during the wildfires in the San Diego area in October 2003, Channel 51 failed to comply with FCC rules on numerous occasions. Channel 51 contends that information need only be made accessible if information regarding the emergency is provided by an official order or from an official requesting assistance in disseminating information to the public. However, this argument was negated by Channel 51's broadcast and provision of aural advice regarding the evacuation of homes. Though the evacuation advice was not official, the FCC deemed it critical, thus not providing a visual of same was a violation of FCC rules. Other information not made accessible to people with hearing disabilities included road closures, shelter information and air quality advisories.

[Source: FCC]

Additional Information:

[Forfeiture Order](#)

[\[http://www.fcc.gov/eb/Orders/2008/DA-08-2107A1.html\]](http://www.fcc.gov/eb/Orders/2008/DA-08-2107A1.html)

Other Items of Interest

Apple iTunes Agrees to Become Fully Accessible

9.26.2008 – The National Federation of the Blind (NFB) and the Commonwealth of Massachusetts Attorney General, Martha Coakley signed an official agreement with Apple, Inc, to provide full and equal access to iTunes and iTunes services by people who are blind or have low vision. The agreement ensures that current and future versions of iTunes will be accessible. Among other things, in the agreement Apple promises to verse all employees who program or write code for iTunes on the importance of accessibility features and Apple's commitment to having both fully accessible equipment and services. Further, Apple has contributed \$250,000 to the Massachusetts Commission for the Blind to purchase adaptive technologies for blind citizens.

[Source: NFB]

Additional Information:

[Official Agreement](#)

[\[http://www.nfb.org/nfb/NewsBot.asp?MODE=VIEW&ID=367\]](http://www.nfb.org/nfb/NewsBot.asp?MODE=VIEW&ID=367)

Equal Access in Sports Arenas

9.30.2008 – The National Association of the Deaf (NAD) and Joseph B. Espo of Brown, Goldstein & Levy, LLP, represented plaintiffs who are deaf, or hard of hearing, in a suit brought against FedExField in Maryland alleging that information broadcast over the stadium's public address system was not accessible and in violation of the ADA. The Federal District Court in Maryland agreed and issued an opinion stating that play and referee calls, musical lyrics, advertisements, emergency information and other announcements must be made fully accessible to people who are deaf or hard of hearing. This may be accomplished through the provision of auxiliary aids and services. NAD believes this victory in Maryland will impact stadiums across the nation as they prepare to come into compliance with the ADA.

[Source NAD]

Additional Information:

NAD Press Release: [Victory! NAD Makes Touchdown in Groundbreaking Redskins Case](http://www.nad.org/site/pp.asp?c=foINKQMBF&b=4594519)
[<http://www.nad.org/site/pp.asp?c=foINKQMBF&b=4594519>]

MobileASL

9.18.08 – Researchers at the University of Washington have developed software that enables American Sign Language (ASL) real-time video communication on a cell phone. Unique to their project is their use of compression algorithms to reduce the amount of bandwidth used to process a mobile video call. This allows for the software to be used on mobile phones operating on cellular networks that normally lack the bandwidth to accommodate streaming video. Additionally, the software is programmed to automatically detect when a user is signing and to slow the bit rate when the user is observing. This conserves battery power. The MobilASL project is funded by a grant from the National Science Foundation (NSF). Researchers recently presented the project at the Eighth IEEE Conference on Automatic Face & Gesture Recognition.

[Source: University of Washington]

Additional Information:

[Activity Detection in Conversational Sign Language Video for Mobile Telecommunication](http://mobileasl.cs.washington.edu/downloads/fg2008.pdf)
[<http://mobileasl.cs.washington.edu/downloads/fg2008.pdf>]

Wireless RERC Updates

FCC Rulemaking on Public Safety Spectrum Considers WEC's Comments

9.25.2008 - The FCC released a **Third Further Notice of Proposed Rulemaking (FNPRM) regarding the service rules for the re-auction of the 700Mhz D-block spectrum [WT Docket No. 06-150 and PS Docket No. 06-229]**. In June 2008 The Wireless Emergency Communications (WEC) Project of the Wireless RERC filed comments in the FCC's Second FNPRM regarding the same.

Many of those comments were considered in the new proceeding and the tentative conclusions outlined by the FCC seeking further comment. Following are WEC's filed comments, in brief:

- Support for limitations on public safety access to commercial spectrum during emergencies
- Necessity of defining circumstances that constitutes an emergency granting such priority access
- Recommendation to adopt standards-based technologies for these additional spectrum bands to ensure that the community of hearing aid users is not left unable to access these new devices
- Supported a cap on fees paid by public safety to utilize the spectrum
- Recommended the incorporation of guidance from State and local emergency communications committee in the development of a public safety migration plan to the new network

References can be found in the body of the document in paragraphs 125, 307, 385 and 422 and the footnotes of paragraphs 83 (footnote 172), 85 (footnotes 182 and 186), paragraph 105 (footnotes 221) and paragraph 387 (footnote 763).

Additional Information:

[Text of the 3rd FNPRM](#)

[\[http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-08-230A1.pdf\]](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-08-230A1.pdf)

[Comments of the Wireless RERC](#)

[\[http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6520030634\]](http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6520030634)

WEC Project Conducts 3rd Field Test

9.25.2008 - The Wireless Emergency Communications (WEC) project conducted a third field trial at the North Carolina Department of Health and Human Services, Division of Services for the Deaf and the Hard of Hearing (NC DSDHH). Results indicate that 84 percent of deaf, hard of hearing and deaf-blind test subjects found WEC to be an improvement over their current methods of receiving emergency alerts. Prior to testing the equipment, test subjects were surveyed to gather data on their current methods of receiving emergency alerts and information, their usage of wireless devices and their level of interest in receiving wireless alerts. The pre-test survey revealed that 89% of test subjects would be interested in a text alert service. After experiencing the WEC method, the post-test data revealed an increase to 96% of test respondents that would be interested in receiving text alerts via a wireless device.

This field test involved participants recruited from the Raleigh community by NC DSDHH. They participated in a full-day study to gauge the effectiveness and accessibility of this prototype emergency alerting system. Subjects ranged from hearing enhanced (cochlear implant wearers) individuals to fully deaf and deaf-blind. Additionally, the test subjects' level of familiarity and use of wireless technologies ranged from technically savvy to infrequent users.

Save the Date! Wireless RERC State of the Technology Conference Planning Underway

9.18.2008 – The Wireless Emergency Communications State of the Technology (SOT) Conference has been scheduled for September 21-23, 2009 in Atlanta, Georgia. This event will bring together stakeholders in a think tank environment to examine the potential of wireless communications technology for improving support and assistance for persons with disabilities before, during and after a natural or manmade disaster.

The Wireless RERC is currently seeking input on the selection of important topics and potential speakers for plenary sessions and workshops. The target audience is the wireless industry, emergency management and public safety officials, broadcast and cable industry, individuals with disabilities, disability organizations, and researchers working on issues of emergency communications.

For further information and/or to submit recommendations contact:

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Wireless RERC Project Awarded Supplemental Funding

9.26.2008 – The WEC project received additional funding from NIDRR to field test the accessibility provisions of the FCC's Commercial Mobile Alert System (CMAS). WEC will specifically address the new CMAS rules which will require that: (1) CMAS messages have a limit of 90 characters, (2) not permit URL's, (3) have volume limits, employ specific vibrating cadences and alert tones, etc. Other areas which WEC believes are most relevant in another field test examination are: (1) Relationship between CMAS and the Emergency Alert System (EAS); (2) Alert Classifications; (3) Standardized alert messages; (4) Geo-targeting CMAS alerts; and (4) Notification to existing subscribers, millions of which are people with disabilities. This work plan will provide important information to help guide CMAS rulemakings regarding individuals with disabilities.

Upcoming Events

10th Georgia Digital Government Summit

The 10th Georgia Digital Government Summit will be held in Atlanta, Georgia on November 20-21, 2008. Session topics include new technologies, digital government trends, security, green IT, document management and Web 2.0.

Additional Information:

[10th Georgia Digital Government Summit](#)

[\[http://www.govtech.com/events/georgiadgs2008\]](http://www.govtech.com/events/georgiadgs2008)

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](#)

[\[http://www.sigaccess.org/assets08/\]](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](#)

[\[http://www.nationaltechcenter.org/index.php/events-main-page/2008conference/\]](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?](#)

[\[http://www.dtv.gov/whatisdtv.html\]](http://www.dtv.gov/whatisdtv.html)

[Converter Box Coupon Program](#)

[\[https://www.dtv2009.gov/\]](https://www.dtv2009.gov/)

i-CREATE 2009

The Third International Convention on Rehabilitation Engineering & Assistive Technology (iCREATE) 2009 will be held in **Singapore, April 22-26, 2009.** The convention promotes aging and disability technologies. This year's theme is "Accessible Tourism" centered around universal design and

assistive technologies introduced in the environment. The convention includes a three day exhibition and a student design challenge.

Additional Information:

Conference Website

[<http://icreate.start-centre.com/icreate2009/index.php>]

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>].

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 LaForce, Information Analyst [Salimah@cacp.gatech.edu] or Paul M.A. Baker, Ph.D., AICP, CACP Director of Research [paul.baker@cacp.gatech.edu].

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