

## TECHNOLOGY AND DISABILITY POLICY HIGHLIGHTS 7.01

December 2006 – January 2007

### Overview

As Congress gets adjusted to the changed political climate and new members settled in at the start of the new session, there was limited legislative activity in the area of telecommunications. Congress passed an important bill regarding the privacy of telephone records which makes pretexting a federal crime.

On the regulatory scene, there were a number of activities that took place regarding telecommunications and people with disabilities. The Federal Communications Commission (FCC) started off 2007 with its approval of the merger of AT&T and BellSouth signaling the largest deal of this kind in telecommunications history. The FCC has also proposed the deployment of a national public safety network following the initial proposal by Cyren Call in 2006. The agency also took a number of actions related to telecommunications technology for people with disabilities, which included the recognition of Internet Protocol Captioned Phone Service (IP CPS) as a type of telecommunications relay service (TRS) eligible for compensation through the Interstate TRS Fund.

The National Council on Disability also focused on information and communications technologies during the winter season. The agency issued two policy papers which looked at issues faced by individuals with disabilities as well as possible barriers they may face in this new technological age. The papers also provided recommendations both for manufacturers and policymakers.

### Legislative /Policy Activities

#### **Bill Passed Making Pretexting a Federal Crime**

1.16.2007 - President Bush signed into law the **Telephone Records and Privacy Protection (TRAPP) Act of 2006 [HR 4709]**. The legislation makes it a federal crime to obtain a person's telephone records without permission, an act which is known as pretexting. The widespread support for this law came as a result of the recent news stories involving major corporations and their alleged use of pretexting measures. (See *TDPH 6.08 piece entitled "Pretexting May Lead to Tougher Phone Security Rules by FCC"*). Several states have already made pretexting tactics illegal but this is the first federal measure. The **TRAPP Act of 2006**, which received unanimous support in Congress, calls for a fine of up to \$250,000 and prison time of up to 10 years for individuals who use fraudulent tactics to gain telephone information. The FCC is also planning to take regulatory action against pretexting. View full text of **[HR 4709]** at [<http://thomas.loc.gov/cgi-bin/bdquery/z?d109:h.r.04709>].

[Source: Library of Congress, *New York Times*, 12/9/2006 & *CNET News*, 1/16/2007]

### **Global Online Freedom Act Reintroduced**

1.9.2007 – In the new Congressional session Representative Christopher Smith (R-NJ) has reintroduced his **Global Online Freedom Act of 2007 [HR 275]**, legislation meant to promote free flow of information on the Internet by preventing US corporations from cooperating with nations that limit access to the web. The law is aimed at limiting support for regimes that restrict citizen access to information about human rights and democracy and use identifiers to track down activists. This bill was introduced a few days after a hearing during which representatives from major internet companies confirmed that they had provided personally identifiable information about users in compliance with censorship laws of other countries in which they do business. The act was approved by the House subcommittee that had jurisdiction of human rights during the 109<sup>th</sup> Congress but the session ended before it was voted on. View full text at [<http://thomas.loc.gov/cgi-bin/bdquery/z?d110:h.r.0275>]. [Source: *Digital Communities Magazine*, 1/9/2007]

## **Regulatory Activities**

### **FCC Seeks Comments on Nationwide Broadband Public Safety Network**

12.20.2006 - The FCC adopted a *Ninth Notice of Proposed Rulemaking* which proposes the development of a nationwide interoperable broadband network in the 700 MHz spectrum band. The idea is that this centralized approach will maximize public safety access. In it the FCC proposes that 12 MHz of the 700MHz spectrum be allocated to broadband and assigned this spectrum nationwide to a single national public safety broadband licensee. This is an attempt to fix the current situation of safety agencies using a variety of communications systems, resulting in interoperability issues. The FCC proposed that the network have an IP-based infrastructure and that the system be built in collaboration with private firms. The NNPRM is now open for public comment on the proposed network. For more on this subject see the November issue of TDPH. View item at [[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-269117A1.txt](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-269117A1.txt)]. [Source: FCC & *BBC News*, 12/21/2006]

### **FCC Considering New Regulations to Ensure Privacy of Phone Records**

1.17.2006 – According to Chairman Kevin Martin the FCC is considering implementing new rules that would require phone companies to use compulsory customer passwords in order to gain access to account information over the telephone. Phone companies have opposed a password requirement stating that it would be a major inconvenience to customers. Other proposals being considered would require phone companies to get a customer's permission before they can share the information with a third party telemarketer. These companies would also have to submit an annual declaration to the FCC documenting that they were following proper procedures to prevent pretexting. [Source: *Dow Jones Newswire* & *USA Today*, 1/8/2007]

### **IP Captioned Phone Service Eligible for Compensation from Interstate TRS Fund**

1.11.2007 – The FCC recently issued a *Declaratory Ruling No. 03-12(DR)* that Internet Protocol (IP) captioned telephone relay service (IP CTS) is a type of telecommunications relay service (TRS) and is therefore eligible for compensation from the Interstate TRS Fund. This ruling was in response to a petition filed by Ultratec, Inc. requesting IP CTS be included in the fund, which received much support from disability advocates. IP CTS, which is essentially a combination of captioned telephone service and IP Relay, allows users more flexibility by viewing captioning for phone conversations over the Internet. A service can be considered IP CTS when it allows the user to simultaneously listen to, and read the text of the other party in a telephone conversation and the connection carrying the captions is via the Internet. These calls will be compensated at the same rate as IP Relay, another form of TRS, for the interim until the Commission re-examines the details of this particular service. Ruling available at [[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-06-182A1.txt](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-06-182A1.txt)]. [Source: FCC]

### **Merger of AT&T Inc. and BellSouth Corp. Approved by FCC**

12.29.2006 – The Federal Communications Commission approved the merger of AT&T and BellSouth right before the start of the new year with a unanimous vote. This deal, which will be the largest merger ever in telecommunications history, came with acceptance of a number of concessions by AT&T. Endorsement of the deal was held up due to concerns from the Democratic commissioners and consumer interest groups regarding net neutrality and other factors. To secure the deal AT&T agreed to the following:

- Make DSL available as an unbundled service for \$19.95/month
- Net neutrality provision that requires the company to treat all internet traffic equally including its rivals

The Commission found that the public would experience significant benefits as a result of this transaction. Some items mentioned by the FCC included large-scale deployment of broadband services throughout the entire AT&T-BellSouth region, increased competition in the market for pay television services and better disaster response and preparation as a result of the unified platform. View the full press release at

[[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-269275A1.txt](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-269275A1.txt)]

[Source: FCC, *CNETNews & USA Today*, 1/1/2007]

### **Order Issued Regarding VRS Provider Requirements**

12.15.2006 – The FCC has waived the requirement for Video Relay Service (VRS) Providers, which are a form of TRS, to handle and automatically transfer emergency calls due to technical difficulties. With VRS there are technological challenges in figuring out the geographic location of TRS calls that come through the Internet. The previous waiver was set to expire in January 2007 but this order has extended its provisions for another year. The document states that providers are working on finding a solution and in the meantime some providers have taken interim measures for handling emergency phone calls. For example, some providers give emergency calls priority handling and others use two

communications assistants to gather accurate information from the caller. The document is available at [[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-06-2532A1.txt](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-06-2532A1.txt)] [Source FCC]

### **Public Notice Issued on Emergency Information Captioning**

12.29.2006 – A *Public Notice* was issued by the Federal Communications Commission addressing questions that had arisen as a result of a prior notice it published on the captioning of emergency information. The document stated video programming distributors, who are not permitted to count captions created by the electronic newsroom technique (ENT) are still required to close caption all new programming that is not exempt such as emergency information. The document also provides suggestions on how these distributors may take to promptly provide captioning and meet the standards. The entire *Public Notice* is available at [[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-06-2627A1.txt](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-06-2627A1.txt)]. Source: [FCC]

## **Reports/Studies /Publications**

### **2005 Census Data Regarding People with Disabilities**

The US Census Bureau has released the results of the 2005 American Community Survey, which provides useful data and statistics on the state of people with disabilities. Here is a summary of some of the findings:

- Almost 15% of the US population, over the age of 5 has at least one disability
- For individuals ages 16 – 64, only 37.5% of those with a disability are employed
- In populations, age 5 and over who have one or more disabilities, 21.1% (more than 8 million people) live below the poverty level

This data can be very useful for disability advocates to gain up to date statistics on people with disabilities that are categorized by state or county. The full data results can be viewed at [<http://factfinder.census.gov>].

[Source: US Census Bureau & AAPD]

### **Policy Paper on Emerging Technology Trends Issued by NCD**

At the end of 2006, the National Council on Disability (NCD) issued a new policy document entitled "*Over the Horizon: Potential Impact of Emerging Trends in Information and Communication Technology on Disability Policy and Practice.*" The paper looks at major trends in the arena of information and communications technology (ICT) and discusses the potential benefits and barriers that may arise for people with disabilities with regard to these trends. NCD also provides some strategies on how these benefits can be achieved while minimizing the potential barriers. The agency discusses how rapidly ICTs are advancing today, the fact that society is becoming ever more reliant on them and, as a result, how imperative it is that society ensures that people with disabilities have access.

Within the document there is mention of opportunities for universal design and improved assistive technology capabilities. Trends discussed include "the ever-increasing computational power plus the decreasing size and cost of technology", advances in interface

technology which are creating opportunities for better assistive technologies and future advances that will allow people to be connected to communication networks at any time. A few trends that were listed as potential barriers were the increased use of digital controls (touch screens, etc.), the shrinking size of products and abundance of automated self-service devices. The full paper is available at [http://www.ncd.gov/newsroom/publications/2006/emerging\_trends.htm].  
[Source: NCD]

#### **NCD Calls for Legislation Prohibiting Telecommunications Discrimination**

Recently, the NCD issued a document that looks into how to implement legislative and regulatory safeguards to ensure equal access to telecommunications for persons with disabilities. The report entitled "*The Need for Federal Legislation and Regulation Prohibiting Telecommunications and Information Services Discrimination*," calls for Congress to address discrimination with regards to high speed broadband, wireless and Internet-based technologies. NCD Chairperson, John R. Vaugh, stated "Our nation already has in place a string of federal laws and regulations designed to guarantee various levels of access to telecommunications products and services. But in addition to leaving gaps in coverage, these statutes are rapidly becoming outdated because the analog technologies upon which they were premised are being substituted with technologies that are digitally and Internet-based."

The paper called upon Congress, the FCC and other government bodies to make sure that people with disabilities are not left out when attempting to redefine regulatory and legislative measures to govern the next generation of communications technologies. The NCD made recommendations such as extending the accessibility requirements of Sec. 255 of the Communications Act to include internet services and equipment. They also suggested updating the closed captioning obligation to address internet-protocol (IP) television and requiring all IP-based providers to contribute to the Universal Service Fund (USF). View the full report at [http://www.ncd.gov/newsroom/publications/2006/discrimination.htm].  
[Source: NCD]

#### **International Activities**

##### **The UN Convention on the Rights of Persons with Disabilities Is Adopted**

12.13.2006 - At the end of 2006, the United Nations (UN) General Assembly voted to adopt a treaty that would promote and protect the rights of individuals with disabilities worldwide. "**The Convention on the Rights of Persons with Disabilities**" is the first human rights treaty to be passed in the 21<sup>st</sup> century and is the first international treaty to be passed and negotiated in such a short amount of time. The convention now requires ratification by 20 nations in order for it to take effect. This will involve ratifying nations passing legislations in their home countries which prohibit discrimination based on any form of disability. View the full text of the treaty and other information at [http://www.un.org/disabilities/convention/].  
[Source: United Nations & *Reuters*, 12/13/2006]

**Other Activities  
and Items of  
Interest**

**Book Addresses Telecommunications Equality for Deaf & Hard of Hearing**

A new book entitled *"A New Civil Right: Telecommunications Equality for Deaf and Hard of Hearing Americans"* and written by Karen Peltz Strauss, discusses the history of the telecommunications revolution for the hard of hearing. In the work, Strauss recounts each advance that was achieved in the history of this new "civil rights" effort, from the pursuit of Special Customer Premises Equipment (SCPE) from phone companies to the Telecommunications Accessibility Enhancement Act of 1988, which established TRS services.

**Microsoft Vista Offer Greater Accessibility for People with Disabilities**

11.29.2006 – Microsoft unveiled its new Windows Vista and 2007 Office systems in Europe with much focus on the accessibility features of these products. Windows Vista has a "Ease of Access" center that assists users with locating the accessibility features like the new speech recognition, a feature useful for individuals with dexterity or limited hand use, which allows users to interact with their computers by voice. The system allows users to fill out web forms, write documents and formulate e-mails. The company's Accessible Technology Group has worked very closely with assistive technology manufacturers in the development of the product.

[Source: Earthtimes, 11/29/2006]

**RERC on Advancement of Cognitive Technologies Student Research Competition**

1.22.2007 – The Rehabilitation Engineering Research Center for the Advancement of Cognitive Technologies (RERC-ACT) located at the University of Colorado at Denver is hosting a student research competition. The competition will award cash prizes to the top three undergraduate student designs and prototypes for a new assistive technology that assists people with cognitive disabilities. The device should help these individuals perform daily activities more effectively and independently. More information on the contest is available at [<http://www.rerc-act.org>].

[Source: AAPD]

**Upcoming  
Events**

**California State University, Northridge Center on Disabilities' 22nd Annual  
International Technology and Persons with Disabilities Conference**

The CSUN conference on International Technology and Persons with Disabilities will be held in Los Angeles, California from March 19-24, 2007. The focus of the conference is to bring together professionals and stakeholders to discuss all technologies and issues that are related to education, employment and independent living of individual's with disabilities. The conference is being sponsored by the Center on Disabilities at Cal State University, Northridge. For more information on the conference visit [<http://www.csun.edu/cod/conf/>].

**Section 508 Standards Advisory Committee to Hold Meeting**

TEITAC, Telecommunications and Electronic and Information Technology Advisory Committee (*See TDPH 6.09 piece entitled "508 Standards Advisory Committee Holds First Meeting*), the Architectural and Transportation Barriers Compliance Board committee



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appointed to revise accessibility standards for electronic and information technology in Section 508 of the Rehabilitation Act will be holding its next meeting February 6 – 8, 2007. The meeting will be held in Arlington, VA at the Transportation Security Administration (TSA). For more on the committee and to view the notice in *The Federal Register* please visit [<http://www.access-board.gov/sec508/update-index.htm>].

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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 and their families. Technology and Disability Policy Highlights is published monthly by the Wireless RERC. The Wireless RERC is a research center focusing on promoting 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>].

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