

TECHNOLOGY AND DISABILITY POLICY HIGHLIGHTS 7.04

April 2007

Overview

Legislative and regulatory activities this month focused on issues of universal access to information and communication technologies, particularly broadband internet. Access to affordable universal broadband access is seen as a major policy objective in the US. Efforts to improve broadband access and facilitate greater deployment are aimed at bridging the digital divide experienced by people with disabilities as well as other vulnerable populations.

Several notable bills were introduced in Congress this month. The "**Rural Broadband Initiative Act of 2007**," introduced in the Senate, and "**Rural Broadband Improvement Act**," introduced in the House, call for improved broadband deployment in rural America. Also introduced in the House, the "**Universal Service Reform Act of 2007**" would mandate the reform of the Universal Service Fund (USF). This legislation would broaden the contributions as well as require contribution caps on companies that already make contributions to the USF. Furthermore, the proceeds of these contributors would be allocated to help aid broadband deployment for rural and underserved areas. In addition to this newly proposed legislation, at least one bill, the "**IP-Enabled Voice Communications and Public Safety Act of 2007**" has received the full approval of the Senate Commerce Committee. It will now proceed to the Senate for a full vote.

The FCC has also been very active this month. Among the Commission's most important activities has been a renewed inquiry into the status of broadband data collection and deployment in the United States. The FCC's action on this matter could not be better timed, as the Organization for Economic Cooperation and Development (OECD) has recently released a report ranking the United States 15th out of 30 in the area of worldwide broadband deployment. Federal organizations such as the National Telecommunications and Information Administration (NTIA) have been going to great lengths to address some of the OECD's findings.

On the global scene, the United Nations (UN) held its first global forum addressing the issues of people with disabilities regarding accessibility of information and communication technologies (ICT).

Rural Broadband Legislation Introduced in Senate and House

03.29.2007, 04.25.2007 – In late March, Senators Hillary Clinton (D-NY) and Sherrod Brown (D-OH) introduced the “**Rural Broadband Initiative Act of 2007**” [S. 1032]. The proposed legislation would amend the **Rural Electrification Act of 1936** [7 U.S.C. 31] to establish an Office of Rural Broadband Initiatives within the Department of Agriculture. The Office would be headed by a new Under Secretary for Rural Broadband Initiatives, who would be responsible for 1) administering all rural broadband-related grant and loan programs previously run by the Administrator of the Rural Utilities Service, including the rural broadband access loan and loan guarantee program and the community connect grant program; 2) conducting rural outreach; 3) fostering development of a comprehensive rural broadband strategic vision; 4) assessing relevant technologies for rural broadband initiatives; 5) serving as a single information source for all federal rural broadband programs and services; and 6) providing technical assistance to state, regional, and local governments to develop broadband deployment strategies. In order to fund the innovative activity envisioned in the proposed legislation, Sen. Clinton and Brown’s bill also calls for the establishment of the Rural Broadband Innovation Fund in the Treasury.

Several weeks later, Rep. Stephanie Herseth Sandlin (D-SD) and four co-sponsors introduced the “**Rural Broadband Improvement Act**” [H.R. 2035] on the floor of the House. Like the Senate legislation, Herseth Sandlin’s bill would amend the **Rural Electrification Act of 1936**, particularly § 950bb, which covers access to broadband telecommunications services in rural areas. This section provides loans and loan guarantees in order to fund the costs of the construction, improvement, and acquisition of facilities and equipment for broadband service in eligible rural communities. This legislation would expand the definition of what constitutes a rural area and broaden the loan programs available for broadband deployment.

Both of these legislative efforts are important to promoting the broader goal of universal access to broadband. People with disabilities who live in rural communities have a number of compounded barriers that they face. These laws will take steps toward beginning to close the specific digital divide faced by rural communities, thereby impacting access for rural individuals with disabilities. For a copy of the “**Rural Broadband Initiative Act of 2007**,” please visit [<http://thomas.loc.gov/cgi-bin/query/z?c110:S.1032:>]. The text of the “**Rural Broadband Improvement Act**” is available at [<http://thomas.loc.gov/cgi-bin/query/z?c110:H.R.2035:>]. [Source: Library of Congress]

Universal Service Reform Bill Introduced in House

04.26.2007 – House Commerce Committee members Rick Boucher (D-VA) and Lee Terry (R-NE) have introduced the “**Universal Service Reform Act of 2007**.” The bill represents the latest attempt to improve the Universal Service Fund (USF) and guarantee its sustainability by broadening the contribution base for the USF, tightening distribution of

funds, and assisting with continued broadband deployment.

The proposed legislation would mandate the reform of the Universal Service Fund (USF) through a compromise of several interests. First, it would broaden the contributions base for the USF by requiring telecommunications service providers who have been exempt from USF contributions to finally make them. Voice over Internet Protocol (VoIP) service providers, which are currently exempt from USF payments, would be included in this group. At the same time, the bill will attempt to control the growth of the USF by capping all high-cost support mechanisms of the USF. This reform will also encourage the deployment of broadband, especially in rural areas, by allowing recipients to use universal service support to deploy broadband within their service areas and by requiring recipients of universal service support to deploy broadband with a download speed of 1 megabit per second or greater within 5 years of enactment. For a copy of this bill, please see [<http://thomas.loc.gov/cgi-bin/query/z?c110:H.R.2054:>]. [Sources: Library of Congress and Office of Rep. Rick Boucher]

VoIP/E-911 Bill Approved by Senate Commerce Committee

04.25.2007 – The Senate Commerce Committee unanimously approved the “**IP-Enabled Voice Communications and Public Safety Act of 2007**” [**S. 428**] at its latest markup session on April 25, 2007. The bill, which was introduced by Sen. Bill Nelson (D-FL), and co-sponsors Sen. Hillary Clinton (D-NY), Sen. Frank Lautenberg (D-NJ), and Sen. Olympia Snowe (R-ME), would amend the “**IP-Enabled Voice Communications and Public Safety Act of 1999**” to require Voice over Internet Protocol (VoIP) providers who engage in interstate or foreign commerce to offer Enhanced 911 (E-911) service to their subscribers.

Committee Vice Chairman Ted Stevens (R-AK) proposed three amendments to the original bill. First, the bill will give the FCC authority to fold 911 requirements into new services as they evolve, without requiring Congressional intervention for each new technological change. Essentially, this amendment gives the FCC regulatory authority over all communications providers of 911 and E-911 services. Second, Stevens inserted a provision that directs the FCC to ensure that access to the 911 emergency networks does not compromise security. This amendment is designed to take into account the technological differences in VoIP communications from its predecessors. Finally, since half American counties do not have E-911 capability and to ensure that all communities may take advantage of the next generation 911 network, the amendment requires a study to identify mechanisms and timetables for developing next generation 911 capability ubiquitously. The study of the next generation network would also be required to incorporate altitude information and identify technical solutions for such structures as skyscrapers, for example, where new technologies are available that can identify a caller’s location in tall buildings.

As new telecommunications technologies and devices become more prevalent, it is important that emergency services and access to them are included. This bill does not

specifically provide guidelines for people with disabilities but the existence of 911 emergency services will benefit this community as well. The bill, with Sen. Stevens' three amendments added, passed the Senate Commerce Committee unanimously. It will now proceed to the full Senate for a vote. For a copy of the bill, please see [<http://thomas.loc.gov/cgi-bin/query/z?c110:S.428:>].
[Sources: Library of Congress and Senate Commerce Committee]

Regulatory Activities

Broadband Data and Broadband Deployment Inquiries Initiated by FCC

04.16.2007 – The FCC has issued a *Notice of Inquiry (NOI)* [**FCC 07-21**] to determine how best to understand broadband and make it more available. Section 706 of the Telecommunications Act of 1996 mandates that the FCC determine whether broadband services are being deployed to all Americans in a reasonable and timely manner, and this inquiry is the fifth such NOI issued by the FCC on broadband deployment. In this *NOI*, the Commission asks how best to define broadband in light of the rapid technological changes occurring in the marketplace, such as the development of higher-speed services and new broadband platforms. The FCC will also focus on 1) the availability of broadband, especially in rural and underserved areas; 2) whether consumers are adopting new services; and 3) the level of competition in the marketplace.

Second, the FCC has issued a *Notice of Proposed Rulemaking (NPRM)* [**FCC 07-17**] to explore ways in which the Commission can collect the information it needs to set broadband policy in the future. The FCC seeks comment on whether it should modify collection of speed tier information and how to improve the data collected about wireless broadband Internet service. The NPRM also seeks to determine how the Commission can best collect information about subscribership to interconnected Voice over Internet Protocol service, or VoIP. Finally, the FCC seeks comment on how best to develop a more accurate picture on current broadband deployment, as well as gather information on price, other factors that affect consumer uptake of broadband services, and international comparisons.

The FCC's NOI on broadband deployment is available at [http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-07-21A1.txt]. Comments are due no later than May 16, 2007, and reply comments are due by May 31, 2007. For a copy of the FCC's NPRM on the collection of broadband information for improved policy making, please see [http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-07-17A1.txt]. Comments will be due 30 days after publication in the Federal Register, and reply comments will be due 60 days after publication in the Register. [Source: FCC]

FCC Rules on a Number of HAC Waiver Requests

4.11.2007 – The FCC released a *Memorandum and Opinion and Order (MO & O)* [**FCC 07-51**] which addresses hearing aid compatibility (HAC) waiver requests filed by 19 non-nationwide wireless carriers. The HAC rules are designed to ensure that people with disabilities can access digital wireless services. The ruling accepted five of the requests,

while denying in part or in whole the other 14. The agency also reported any carrier who was currently in violation of the rules to the Enforcement Bureau. Text of the *MO&O* is at [http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-07-51A1.txt]. Source: [FCC]

Executive Director Selected for the National Council on Disability (NCD)

4.30.2007 – The NCD recently announced that they had selected Michael C. Collins of Sacramento, CA to become executive director of the agency on June 18, 2007. Prior to this appoint, Mr. Collins served as the first executive director of the California State Independent Living Council. He is a long-time disability advocate, a highly rated trainer, speaker and consultant on the Rehabilitation Act, Americans with Disabilities Act (ADA) and related state and national civil rights laws for people with disabilities. [Source: NCD]

NCD Holds Quarterly Meeting in Atlanta

4.16.2007 – The National Council on Disability (NCD) held its Atlanta quarterly meeting on April 16th and 17th at the Crowne Plaza Hotel in Buckhead. During this weekend NCD board members were given a tour of the Shepherd Center, a nationally known rehabilitation facility. The meeting was attended by about 50 members of the public who addressed NCD members during three comment sessions. The meeting had two panels addressing livable communities and emergency preparedness. The first focused on best practices by emphasizing regional efforts to help people with disabilities live more independent lives. The other panel dealt with emergency preparedness and was aimed at assisting the NCD in its advisory role to the Federal Emergency Management Agency (FEMA) regarding the disabled community and emergency response. The NCD will hold its summer quarterly meeting July 24-26 in Chicago and the fall meeting from September 17-19 in Boston. [Source: NCD]

Privacy Rules for Telephone and Wireless Carriers Strengthened by FCC

04.02.2007 – The FCC has strengthened its rules designed to protect consumer privacy by ordering telephone and wireless companies to implement additional safeguards to ensure that caller records are not subject to unauthorized disclosure. In a *Report and Order and Notice of Proposed Rulemaking* [FCC 07-22], the FCC has directed telephone and wireless providers to initiate a number of safeguards to protect the release of customer proprietary network information (CPNI). In addition to its *Order*, the FCC is also seeking comment on what additional steps, if any, the Commission should take to protect the privacy of consumers. Comments will be due 30 days after publication of the *R&O* and *NPRM* in the *Federal Register*, and reply comments will be due 60 days after publication in the *Federal Register*. For a copy of the *R&O* and *NPRM*, please see [http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-07-22A1.txt]. [Source: FCC]

Proceeding on the Use of Cellular Phones Onboard Aircraft Terminated by FCC

04.02.2007 – The FCC has released a *Memorandum Opinion and Order (MO&O)* [FCC 07-47] that terminates the Commission's proceeding into the use of cellular phones onboard aircraft, especially passenger jets. In December 2004, the FCC had adopted a Notice of Proposed Rulemaking to examine the existing rule that cellular phones be turned off once a

plane left the ground in order to avoid interference with cellular networks on the ground. The Federal Aviation Administration (FAA) also has a similar rule restricting the use of cellular phones and other portable electronic devices (PED) onboard aircraft, in order to protect against possible interference with the plane's communication and navigation systems. For a copy of the FCC's *Memorandum Opinion and Order*, please see [http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-07-47A1.txt]. [Source: FCC]

Third Review of Digital Television (DTV) Transition Begun by FCC

04.25.2007 – The FCC has adopted a *Notice of Proposed Rulemaking* [**FCC 07-70**] as it begins its third periodic review of the nation's transition from analog to digital television (DTV) broadcasting. As the February 17, 2009, transition deadline nears, the FCC's *NPRM* proposes guidelines and deadlines to ensure that broadcasters complete construction of their post-transition, digital facilities by the statutory deadline so that service to viewers is not disrupted. In this *NPRM*, the FCC is considering to, 1) restrict the granting of additional time to construct DTV broadcasting facilities, 2) offer expedited construction permits to television stations for their post-transition digital channel, 3) examine the circumstances in which stations may reduce or terminate analog service to facilitate the construction of their post-transition channel, and 4) permit stations that have different pre-transition and post-transition channels to devote their resources to building their post-transition channel.

The FCC also issued a *Second Report and Order* [**FCC 07-69**] that requires retailers to inform customers when the television equipment they sell only contains an analog tuner. The Commission's current DTV tuner rule prohibits the manufacture, import, or interstate shipment of any device containing an analog tuner, unless it also contains a digital tuner. The FCC has adopted but not yet released the text of the *NPRM* on its third review of the DTV transition and the Report and Order requiring retailers to notify customers when televisions are analog only. Once these items have been released, the comment and reply comment dates will be provided. [Source: FCC]

Reports/Studies /Publications

Broadband Fact Book Delivered to Congress

4.30.2007 – Recently, the Internet Innovation Alliance (IIA), a coalition of business and non-profit organizations committed to more widespread usage and availability of broadband through policy initiatives, delivered the *Broadband Fact Book* to Congress. The book is meant to serve as a resource to policymakers and the general public about the benefits, uses and future of broadband connections. The goal is to help promote the deployment of faster, reliable, and affordable broadband and provide recommendations on how the United States can get there through policy. It listed the ability to telecommute and telework as one of the major benefits of broadband connections. The report was delivered shortly after an OECD report on the topic, which found the US to be trailing compared to its global counterparts, and a number of Congressional hearings. For the full factbook and more on IIA, please visit [http://www.internetinnovation.org/iia/downloads/IIA_Fact_Book.pdf/]. [Source: *Gov't Technology's Digital Communities*]

Global Technology Study Finds US is Losing Leadership Position

3.28.2007 – A recent study by the World Economic Forum in Geneva and INSEAD, an international business school, entitled “Global Information Technology Report 2006-2007” found the United States ranked 7th compared to 1st last year in technology use. The report provides an assessment of the impact of information and communication technologies (ICTs) on the development process and the competitiveness of nations. The study measures “the most effective use of technology in development and improving competitiveness in 122 (global) economies.” This year’s report placed Denmark in the #1 position with Sweden, Singapore and Finland following close behind. It said that the US’s position was due to “relative deterioration in its political and regulatory framework.” There were some positive highlights for the US with the study. It listed leadership in innovation and the existence of one of the world’s best post-secondary education systems as some strengths of the United States information technology sector. [<http://www.weforum.org/gitr>].

[Source: *Gov’t Technology’s Digital Communities*, 4/2007]

NTIA Issues Factsheet as Rebuttal to OECD Report on Broadband Penetration

04.24.2007 – According to an Organization for Economic Cooperation and Development (OECD) report on worldwide broadband penetration, the United States is now ranked 15th out of 30 member nations in the area of per capita broadband use. The report shows that the U.S. has been steadily declining in broadband use, down from 12th place just six months ago and 4th place in 2001. Furthermore, the OECD report finds that the United States ranks 20th out of 30 in the area of broadband deployment. An analysis of the OECD data by Free Press found that currently about 40 percent of U.S. households subscribe to broadband service. If the U.S. penetration level were as high as in Denmark or the Netherlands, this would translate into an additional 33 million total residential high-speed Internet subscribers, or a household penetration level of 67 percent.

To provide a rebuttal to the OECD report, the NTIA has released a fact sheet that finds the United States to be ranked 1st in three areas: total number of broadband subscribers (64.6 million), total number of Internet users (211 million), and total number of Wi-Fi hotspots (49,733). Drawing on FCC statistics, the fact sheet also found that between June 2001 and June 2006, the number of homes with broadband in the United States has increased by 599 percent, from 9.2 million high-speed lines to 64.6 million. During the same period, satellite and wireless broadband grew by 5,998 percent. As of June 30, 2006, DSL connections were available to 79 percent of households with telephone service available, and cable modem service was available to 93 percent of households with cable service available.

For an overview of the OECD report, including the organization’s rankings of worldwide broadband penetration, please see [<http://www.oecd.org/sti/ict/broadband>]. The NTIA’s fact sheet on broadband penetration in the U.S. is available at [http://www.ntia.doc.gov/ntiahome/press/2007/ICTleader_042407.html] (PDF version also available). [Sources: OECD, Free Press, and NTIA]

International Activities

UN Holds Forum on Inclusive Information and Communication Technologies

3.26.2007 – The first Global Initiative for Inclusive Information and Communication Technologies (ICT) forum sponsored by the United Nations (UN) Global Alliance for ICT and Development (G@ID) was recently held in New York. At this event, accessibility experts and corporate executives, from companies like IBM and Yahoo, displayed some new products. The attendants also mapped out the field of assistive and accessible ICTs as one that is beginning to see some investment by venture capitalists. They discussed the need for legislative and regulatory efforts to help in developing a market for accessible products. However, they rejected the idea of one industry standard or solution that is applied globally. Instead they encouraged each country to meet with disability advocates and citizens to determine what is best. [Source: UN]

Other Activities and Items of Interest

2006 StatsRRTC State-of-the-Science Conference Proceedings

The Rehabilitation Research and Training Center on Disability Demographics and Statistics (StatsRRTC) released the proceedings (includes presentation slides, transcripts and audio) from its 2006 State of the Science conference. The conference which was held in October was focused on providing recent statistical information on various characteristics and status of working-age people with disabilities. The conference consisted of four sessions that provided an in-depth look at current statistics in the following , 1) demographics and health, 2) economic outcomes, 3) identifying the population with disabilities in surveys and 4) improvement of existing survey data collection methods. The full conference proceedings are available at [<http://www.ilr.cornell.edu/edi/p-srrtc-2006conference.cfm>].

New Multimedia Browsing Tool for Blind Web Users

3.12.2007 – IBM has developed a new web browsing tool that allows individuals with visual impairments to access streaming multimedia content such as audio and video. The tool will provide predefined shortcut keys to control multimedia on any given Web site. In addition to functions like Play and Rewind, users can control the volume and replay speed. Currently, when users stream audio or video they are required to press a Play button using a mouse but there is no alternative using keyboards and the controls are placed all over the screen. "The tool will also read metadata, if the video creator includes it, which plays a screen narrative to describe what's going on in a given video." The technology will be compatible with Internet Explorer and Firefox web browsers, and is designed to work with embedded files in Flash and Windows Media player formats. An assistive technology device such as this one is extremely useful because of the prevalence of this type of content on most websites today. [Source: *CNET News*]

RERC Updates

Survey to Influence Wireless Phone Design, Services

The Rehabilitation Engineering Research Center for Wireless Technology, Wireless RERC, is conducting a survey of user needs for wireless products like cell phones and text messengers. The goal of the survey is to collect information on how people with disabilities use these devices and why some people with disabilities don't use them. This information

will help to make wireless products easier to use for people of all ages and abilities. The survey is available at [http://www.wirelessrerc.gatech.edu/survey/coverletter_p2.html]. Paper versions of the survey can be requested at (404) 367-1348 or (800) 582-6360.

Upcoming Events

CTIA Wireless I.T. and Entertainment 2007 Conference

10.23.2007-10.25.2007 – CTIA: The Wireless Association will be hosting its annual Wireless I.T. and Entertainment Conference at the Moscone Center in San Francisco, California, from October 23-25, 2007. CTIA's fall trade show is billed this year as "One Show, Two Personalities," as it focuses on the emerging role wireless is playing in the enterprise and entertainment worlds. The show plans to highlight the integration of wireless data technologies into the enterprise through vertical business markets such as healthcare, government, automotive, and retail. For more information on the conference, please visit the CTIA Wireless I.T. and Entertainment 2007 website at [<http://www.wirelessit.com/>].

Department of State and USAID Committee on PWDS Hold Public Meeting

The US Department of State and US Agency for International Development (USAID) Advisory Committee on Persons with Disabilities will hold a public meeting on May 2, 2007 from 9am – 4pm in the Ronald Reagan Building and International Trade Center in Washington, DC. The Advisory committee advises the Secretary of State with respect to the consideration of the interests of persons with disabilities in formulation and implementation of U.S. foreign policy and foreign assistance. Attendees requiring reasonable accommodation should visit the posting in the *Federal Register* at [<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-6873.htm>]. [Source: AAPD]

National Federation of the Blind National Convention 2007

The National Federation of the Blind (NFB), an advocacy organization for individuals with visual impairments, will be holding its 2007 national convention from June 30 to July 6, 2007 in Atlanta, GA. The NFB is expecting more than 3,000 people from across the United States and some foreign countries to be in attendance. The NFB convention is "the supreme authority and policy-making body of the organization." This event gives government representatives, agency administrators, and leaders in politics, business, and industry the opportunity to address and respond to a sizable nationwide audience primarily of individuals who are blind and visually impaired. For more information on the convention, please visit [http://www.nfb.org/nfb/national_convention_2007.asp].

RESNA 2007 Annual Conference

The RESNA Annual Conference will be held in Phoenix, Arizona from June 15-19, 2007. The conference is a way of bringing together individuals and companies who share an interest in technology and disability. More information on the conference is available at [<http://www.resna.org/Conference/Conference.php>].



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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 the editor, Avonne Bell, Graduate Research Assistant [avonne.bell@cacp.gatech.edu] or Paul M.A. Baker, Ph.D., AICP, Director of Research [paul.baker@cacp.gatech.edu].