

**TECHNOLOGY AND DISABILITY POLICY HIGHLIGHTS 6.04**  
April 2006

**Overview**

In April, US legislators were busy reviewing several new bills pertinent to the wireless industry. Proponents of municipal broadband were pleased with the introduction to the House of the **American Broadband for Communities Act [H.R. 5808]**, which would allow for unused portions of the television spectrum (54-698 MHz) known as "whitespaces" to be used by unlicensed wireless devices. Also introduced to the House in April was **The Universal Service Reform Act of 2006 [H.R.5072]** which calls for improvements to the Universal Service Fund (USF) that would involve broadening the base of contributions to the Fund, controlling the distribution of money from the Fund and assisting with the installation of high speed broadband access. Another technology-related story coming out of Washington this month was the release of the President's 2007 Budget and its appropriations for the state Assistive Technology Act (AT Act) Programs, which does not include financing for the Protection and Advocacy AT (PAAT) Program, unlike the appropriations supported by the House Bi-Partisan Disabilities Caucus.

This month, the FCC held the third in its series of meetings designed to review the impact of Hurricane Katrina on telecommunications and media infrastructure. At the meeting, the FCC Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks heard from federal emergency officials and viewed a demonstration of a Digital Emergency Alert System (DEAS), which will be used to datacast text, voice and video alerts over public television stations to cell phones, computers, pagers and other communication devices. Emergency alerts of this nature could possibly better reach many Americans, including people with disabilities for whom traditional emergency alerts may be inaccessible. In other news from the FCC, Chairman Kevin Martin was nominated for a second term by President Bush and currently awaits confirmation by the Senate. Finally, the Interagency Committee on Disability Research (ICDR) and the National Institute on Disability and Rehabilitation Research (NIDRR) are holding a public meeting at the end of May to discuss the federal disability and rehabilitation agenda and comments from the public on the agenda have been requested.

**Legislative  
/Policy  
Activities**

**Assistive Technology Act Included in 2007 Budget**

04.17.2006- President Bush's 2007 budget request includes an appropriation for the Assistive Technology Act (AT Act) of 1998, as amended. The request includes \$21.3 million

for the state AT Programs and \$1.1 million for National Technical Assistance and the National Internet Site. The President's budget does not include financing for the Protection and Advocacy AT (PAAT) Program or a separate appropriation for Title III Alternative Financing Programs. In Congress, appropriations for the AT Act are under consideration and the House Bi-Partisan Disabilities Caucus has requested \$30.4 million, which includes funding for the PAAT Program, but does not finance Title III Alternative Financing Programs. For more information on the President's 2007 budget, visit [\[http://www.whitehouse.gov/omb/budget/fy2007/\]](http://www.whitehouse.gov/omb/budget/fy2007/). [Sources: US Office of Management and Budget (OMB) and AAPD]

#### **Legislation Submitted to Open Television Spectrum for Unlicensed Use**

04.13.2006 – The "**American Broadband for Communities Act**" (**ABC Act**) [**H.R.5085**], a measure to "promote and expedite wireless broadband deployment in rural and other areas and for other purposes" surfaced in the House of Representatives this month. The legislation would allow for unused portions of the television spectrum (54-698 MHz) known as "whitespaces" to be used by unlicensed wireless devices. Legislation of this nature appeals to proponents of municipal broadband initiatives and makers of WiFi and WiMax equipment because frequencies in this band are more robust and the equipment is cheaper to make. The legislation was introduced by Jay Inslee (D-WA) and co-sponsors Marsha Blackburn (R-TN), Tammy Baldwin (D-WI), Paul Gillmor (R-OH) and Rick Boucher (D-VA). A similar bill that shares the same name [**S. 2332**] was introduced in the Senate in February. The full text of the House bill is available at [\[http://thomas.loc.gov/cgi-bin/query/z?c109:H.R.5085:\]](http://thomas.loc.gov/cgi-bin/query/z?c109:H.R.5085:) [Source: Library of Congress, TMCnet.com (4/6, 4/13)]

#### **New Associate Director on Disabilities of the White House Domestic Policy Council**

4.20.2006 – Ollie Cantos, former General Counsel to the American Association of People with Disabilities (AAPD) was recently appointed to the position of Associate Director on Disabilities of the White House Domestic Policy Council. Most recently, Cantos served as Special Counsel at the US Department of Justice, where he supported and advocated many disability related efforts. He will serve as the point person for disability-related policy coordination, which means occasionally briefing the President on disability matters. [Source: AAPD]

#### **Universal Service Bill Introduced in House of Representatives**

3.30.2006 – Recently, House Energy and Commerce Committee members Lee Terry (R-NE) and Rick Boucher (D-VA) introduced a new bill to the House for reform of the Universal Service Fund (USF), a multibillion dollar pool of money that is used to subsidize telecommunications services in rural areas. **The Universal Service Reform Act of 2006** [**H.R.5072**] calls for improvements to the USF which would involve broadening the base of contributions to the Fund, controlling distribution of money from the Fund and assisting with the installation of high speed broadband access. Representative Boucher stated that the measure "will expand who pays into the Fund, cap the growth of the Fund, and modernize (it) by allowing its use for deployment of high speed broadband service" (US Fed News,

3/30/2006). Currently, long-distance, wireless, pay phone and wire line phone services must give a percentage of their revenue to this fund. However, since the establishment of USF, a host of new providers, that make use of such technologies as voice over internet protocol (VoIP), have entered the voice service market, but are exempt from USF payments. The aim is to ensure that the USF continues to be viable, since rural areas rely on the funds to provide service, by including nontraditional contributors and expanding the realm of universal service to include broadband. This reform of the USF is important because it brings to light the issue of universal access to wireless services for all Americans. View full text of **[H.R.5072]** at [<http://thomas.loc.gov/cgi-bin/query/z?c109:h.r.5072>:].  
[Source: Library of Congress and US Fed News, 3/30/2006]

#### **Colorado: Governor Signs Statewide Amber Alert Bill for Senior Citizens**

4.5.2006- Colorado Governor Bill Owens has signed a bill **[Senate Bill 57]** that would allow for extension of the statewide amber alert system for missing seniors. In doing this Colorado sets a precedent by being the only state to extend the system currently used for missing children to cover the elderly population. The bill creates a citizen alert program for missing seniors who are defined as "at-risk," meaning they are 60 years of age or older with a verified mental impairment and could pose a threat to themselves. When a missing senior falls under the criteria, the new law specifies that participating radio stations, television stations and other media outlets may issue the alert just as they currently do when a child is abducted. The two congressmen who sponsored the bill, Senator Peter Groff (D) and Representative Jim Riesberg (D) introduced the bill because of the reported success of the program for missing children and the recognized need for support for seniors, especially those with Alzheimer's Disease. [Source: TheDenverChannel.com]

## **Regulatory Activities**

#### **Chairman Martin Nominated for Second Term**

4.25.2006 – President Bush recently nominated Kevin Martin, the current Chairman of the FCC to serve a second term in his post. The FCC Chairman serves for a period of five years. Martin has served on the Commission since 2001 and as Chairman since 2005. His current term ends in June of this year. His appointment is now contingent upon approval from the Senate.  
[Source:FCC]

#### **Communication Problems Remain Before Next Hurricane Season, FCC Panel Told**

4.18.2006 – On April 18, 2006 the third in a series of meetings for the FCC Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks was held. The FCC's Hurricane Katrina Independent Panel was developed to review the impact of Hurricane Katrina on the telecommunications and media infrastructure in areas affected by the hurricane. These hearings are in response to reports released earlier this year by the Department of Homeland Security that identified failures within the communication system as one of the major problems that hindered relief efforts. At this meeting federal emergency officials told members of the FCC Katrina Panel that although they are working

hard to improve faulty emergency communications systems, some problems remain. They identified problems that are not specific to communications but are more procedural such as better coordination between the different levels of government.

At the meeting, the panel also viewed a demonstration of a pilot project called the Digital Emergency Alert System. This system will be used to improve the public alert system by datacasting text, voice and video alerts over public television stations to cell phones, computers, pagers and other communication devices. After the set of hearings, the FCC Katrina panel will make recommendations by June 15<sup>th</sup> regarding the effort for emergency preparedness such as network reliability and communication about first responders. The National Organization on Disability (NOD) has also published reports noting the tremendous impact of Hurricane Katrina on people with disabilities and the importance of emergency preparedness for these individuals. More information on the NOD's research is available at [<http://www.nod.org/index.cfm?fuseaction=Page.viewPage&pageId=11>]. The next panel meeting has been scheduled for May 12<sup>th</sup>. Full details of all meetings including public notice and video/audio broadcast can be viewed at [<http://www.fcc.gov/eb/hkip/Meetings.html>]. [Source: FCC and the Associated Press, 4/18/2006]

#### **FCC April 12 Agenda Meeting**

4.12.2006 – At the April 12 open meeting at the FCC, the agenda included discussion of the amendment of the Commission's rules to allocate spectrum below 3 GHz for mobile and fixed services to support the introduction of new Advanced Wireless Services. The agenda also called for consideration of requirements regarding an upcoming June 29<sup>th</sup> auction of licenses for Advanced Wireless Services. View the full agenda at [[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-264803A1.txt](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-264803A1.txt)] and video of the meeting is also available at [<http://www.fcc.gov/realaudio/agendam meetings.html>]. [Source: FCC]

#### **FCC Seeks Comment on AT&T-Bellsouth Merger**

04.19.2006 – In a Public Notice [**DA 06-904**] the FCC announced that it is seeking comments regarding the proposed merger between AT&T and BellSouth, whereby AT&T will acquire BellSouth and assume 100 percent control over Cingular Wireless. The merger is contingent upon approval by regulatory authorities as well as shareholders of both companies. AT&T expects to obtain approvals that will allow for completion of the transaction before the end of 2006.

The Public Notice is available at

[[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-06-904A1.txt](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-06-904A1.txt)]

Comments/Petitions Due: June 5, 2006

Responses/Oppositions to Petitions Due: June 20, 2006

[Sources: FCC and Business Wire (4/25)]

### **ICDR Seeks Comments at Public Meeting**

4.18.06 - The Interagency Committee on Disability Research (ICDR) and the National Institute on Disability and Rehabilitation Research (NIDRR) issued a notice of public meeting for ICDR and request for comments with regards to the federal disability and rehabilitation agenda. The meeting will be held at the Capital Hilton Hotel in Washington, DC on May 23, 2006 from 10AM – 3PM. Individuals wishing to attend must provide notice to Robert Jaeger, ICDR Executive Secretary by May 9<sup>th</sup> and those wishing to present comments must request time on the agenda. Participants should submit comments and any supporting information in written form prior to the meeting. View full details of the event at [<http://listserv.access.gpo.gov/scripts/wa.exe?A2=ind0604&L=ncd-news-l&D=0&P=153>]. [Source: NCD]

### **US May Stop, Refund Excise Tax on Phone Service**

4.14.2006 – The US Treasury Department is working out a plan to stop collecting the federal excise tax on phone service due to a series of court rulings which reviewed the tax. Courts have ruled several times in recent years that the government is misapplying the 3% tax and ordered refunds to companies that have sued over the charges. The argument against the excise tax is that it is outdated and should no longer apply on long-distance calls, considering recent changes in technologies and calling plans. The legislation originally enacted in 1898, taxes telecommunications services both on the duration of the call and the distance it travels despite the fact that changing technology now allows phone companies to offer flat rate plans. The federal plan would involve repayments of billions of dollars to consumers and businesses as well as a way to mitigate to lost federal revenue. These refunds would hit the federal budget hard at a time when the deficit is hovering around \$423 billion, according to government estimates for 2005. The surcharge would most likely be removed from long distance and wireless bills altogether. [Source: *The Wall Street Journal*, 4/17/2006]

## **Reports/Studies /Publications**

### **Call for Papers on Assistive Technology**

*Assistive Technology*, a journal focusing on AT, has issued a call for papers for its special issue on disability policy and law that will be published in winter 2006. The editors encourage the submission of case studies, empirical research and policy and legal analysis that include a fresh exploration of the ADA and the barriers and opportunities it has created for people with disabilities with respect to technology. In addition, the authors encourage the submission of articles on technologies or policies and laws that are not currently covered under the ADA but perhaps should be included in the future. For example, some possible topics might include the Internet, emergency communications technologies, and the universal design of technologies. Potential contributors are encouraged to discuss their ideas with the Guest Editors, Paul M.A. Baker, ([paul.baker@cacp.gatech.edu](mailto:paul.baker@cacp.gatech.edu)); Kevin Caves ([kevin.caves@duke.edu](mailto:kevin.caves@duke.edu)); and Peter Blanck ([pblanck@syr.edu](mailto:pblanck@syr.edu)). For consideration, abstracts should be submitted by May 15, 2006, with notification of proposal acceptance by June 15, 2006, and final papers being due by September 1, 2006.

### **DBTACs Seeking Comments on ADA**

4.20.2006 – The national network of ADA & IT Technical Assistance Centers (DBTACs) is currently seeking public comment on experiences with the Americans with Disabilities Act (ADA). They are requesting feedback on personal experiences in the areas of employment, building access and more. The centers want to identify training gaps and issues where more technical assistance is needed. To fill out the brief survey visit [<http://www.adata.org/>].

### **Report: *The Dollars and Sense of Government-led Wireless Internet***

04.24.2006 – Authored by Intel and MRI, *The Dollars and Sense of Government-Led Wireless Internet: A Guide for Government Employees and Community Activists*, explains that cities already provide many key services and infrastructure to citizens (water, roads, and so forth) and offers guidelines for communities considering their own wireless municipal networks. The report indicates that a wireless communications infrastructure promises benefits beyond low-cost or no cost Internet access for citizens. A return on investment might come from efficiencies gleaned by streamlining certain government operations, enhancing the communication network used by public safety officials, and spurring economic development. The report can be read in its entirety at [http://www.muniwireless.com/reports/docs/Intel\\_dollars\\_and\\_sense\\_of\\_government.pdf](http://www.muniwireless.com/reports/docs/Intel_dollars_and_sense_of_government.pdf) (PDF only) [Sources: The Benton Foundation (4/24); MuniWireless (4/20)]

## **Other Activities and Items of Interest**

### **Free Municipal WiFi Project Off to Slow Start**

04.23.2006 – In a joint venture with Hewlett-Packard, St. Cloud, Florida, an Orlando suburb, is the first city in the US to offer free (taxpayer supported), citywide WiFi. However, many residents reported inadequate coverage and slow connections, approximately seven weeks into the experiment. According to news reports, city officials acknowledge that it could take up to a year before kinks in the system are ironed out.

In May 2004, St. Cloud sent up a trial balloon, creating a WiFi network for a new development in town as an additional incentive for businesses to relocate. Once this network proved to be a success, city officials decided to expand it to the entire city. Officials expect that increased efficiencies in governmental operations will offset the network's \$2.6 million startup cost as well as the estimated \$400,000 in annual operating expenses. In addition, officials hope that money residents normally spend on monthly Internet access will be funneled back into the community instead. [Source: *Mercury News* (4/23)]

## **RERC Updates**

### **Researchers Participate in NCDAAE Webcast**

Wireless RERC Senior Research Scientist Paul M.A. Baker and RERC Co-Director John Peifer recently participated in a live webcast sponsored by the National Center on Disability and Access to Education (NCDAAE) entitled "Mobile Education and Access for Students with Disabilities". The casting was held on April 26<sup>th</sup> at 3PM EDT. The webcast addressed the

following question: As technologies become smaller, sleeker and easier to carry, can they be developed and used so that no child is left behind? They discussed technologies, methodologies and practices that related to this method of education delivery. Listen to audio of the webcast at [<http://ncdae.org/webcasts/>].

## Upcoming Events

### **2006 Alliance for Community Media International Conference and Trade Show**

The Alliance for Community Media (ACM) 2006 International Conference and Trade Show will be held in Boston, Massachusetts July 6-9. The alliance is noted for working with the FCC, Congress, state legislatures and other regulatory agencies to ensure that all people regardless of race, age, gender, disability, religion or economic status have access to technology, especially Public, Educational and Governmental (PEG) television channels. The ACM's conference website is available at [<http://acmboston.org/>].

### **National Conference on Reuse of Assistive Technology**

The National Conference on Reuse of Assistive Technology sponsored by the Office of Special Education and Rehabilitative Services (OSERS), Rehabilitation Services Administration (RSA) with the assistance of the Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) and DTI Associates, Inc. will be held May 8-10 in Atlanta, GA. The conference will serve as a means of bringing together organizations to discuss, and develop, successful strategies for the reuse, recycling, repairing, redistributing and exchanging of used assistive technology. To learn more visit <http://www.dtiassociates.com/passiton/>.

### **The Future of Disability Statistics: What We Know and Need To Know**

The Cornell University Rehabilitation Research and Training Center on Disability Demographics and Statistics (StatsRRTC) will be hosting a State-of-the-Science Conference entitled The Future of Disability Statistics: What We Know and Need to Know. The event will be held October 5 & 6<sup>th</sup> in Arlington, VA. Its focus will be on current statistics on the characteristics and status of working-age people with disabilities derived from current survey and administrative data. The conference will also consider options for improving future data collection and data distribution efforts. Go to [www.StatsRRTC.org](http://www.StatsRRTC.org) to register and for other program details.



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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. The publication's focus is

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termed "cross-disability" and should not be viewed as comprehensive. 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 mobile 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 the editor, Avonne Bell, Graduate Research Assistant [[avonne.bell@cacp.gatech.edu](mailto:avonne.bell@cacp.gatech.edu)] or Lynzee Head, MS, Program Manager and Research Scientist [[lynzee.head@cacp.gatech.edu](mailto:lynzee.head@cacp.gatech.edu)].