

## TECHNOLOGY AND DISABILITY POLICY HIGHLIGHTS 8.05

May 2008

### Overview

The House Subcommittee on Telecommunications and the Internet held a hearing early this month to discuss draft legislation **Enhancing Access to Broadband Technology and Services for Persons with Disabilities**. Testimony was heard from industry, advocates, celebrities and individuals with personal ties to the disability community. The House Subcommittee on Emergency Communications, Preparedness and Response held a hearing on **Advancing Public Alert and Warning Systems to Build a more Resilient Nation**. At the hearing the Federal Emergency Management Agency (FEMA) was censured for not moving expeditiously to implement a next generation alerting system capable of alerting all citizens, including those with disabilities, over multiple technology platforms. In a separate action concerning the same, [H.R. **6038**], **Integrated Public Alert and Warning System Modernization Act of 2008** was introduced in the House. Both the legislation and the subcommittee stipulate deadlines for FEMA in an effort to assess impediments to deploying the system. The **Internet Freedom and Nondiscrimination Act of 2008** [H.R. **5994**] was introduced in the House. The proposed legislation prohibits broadband service providers from engaging in anti-competitive and discriminatory practices with regard to content, services, applications and device connectivity to their networks. Speaking of ensuring equality, **H. Res. 1169** was submitted in the House which supports the ratification of the UN Convention on the Rights of Persons with Disabilities.

In the regulatory arena, the U.S. Department of Transportation published in the Federal Register the **Nondiscrimination on the Basis of Disability in Air Travel; Final Rule [14 CFR Part 382]** which added provisions regarding closed-captioning of safety and information audio/video displays, among other things. The Federal Communications Commission (FCC) issued a **Declaratory Ruling regarding Telecommunications Relay Service (TRS)** providers' use of consumer information [CG Docket No. **03-123**] in response to filings by TRS providers claiming the FCC's language was too broad and violated their First Amendment Rights. The ruling clarifies the language to afford providers some flexibility in the rule, yet maintains that lobbying and advocacy to end users will not be tolerated. TRS is also on the agenda for the FCC's upcoming open meeting on June 12<sup>th</sup> where there will be a discussion of a Notice of Proposed Rulemaking regarding the provision of speech-to-speech (STS) TRS and a Report & Order regarding a ten-digit numbering plan for Internet based TRS. Also on the agenda is a discussion and potential vote on service rules and auction of Advanced Wireless Spectrum.

Be sure to read and send comments to the editor regarding this month's Hot Topic. The Rural Cellular Association wants the FCC to prohibit exclusivity arrangements between commercial wireless carriers and handset manufacturers claiming that such practices create monopolistic control over the availability of high-end handsets in certain markets.

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

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

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### **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. This month's Hot Topic is based on the Rural Cellular Association's petition to prohibit exclusivity arrangements between wireless carriers and manufacturers. Do you think exclusivity arrangements are anticompetitive and should be prohibited by law, or is it fair marketplace practice? How does the current practice affect rural Americans with disabilities? Read the article below and let us hear from you!*

### **Rural Cellular Association Wants Exclusivity Arrangements Prohibited**

5.20.2008 – The Rural Cellular Association (RCA) submitted a petition for rulemaking to the FCC regarding exclusivity arrangements between commercial wireless carriers and handset manufacturers on the basis that such arrangements do not serve the public interest, especially for residents and carriers in rural areas. The petition asserts that the five largest wireless carriers' exclusive arrangements with handset manufacturers result in an unfair advantage over competitors and creates a digital divide between urban and rural America. Examples given include handsets being offered exclusively by AT&T, Verizon Wireless, Sprint Nextel, T-Mobile and Alltel Wireless, the wireless "Big 5" and certain manufacturers result in phones with advanced services and applications like the iPhone, LG's Voyager™ and Samsung's Ace™ not being available to rural Americans because they live in an area not served by the carrier offering the handset. Thus, rural Americans are "denied the technological benefits of many of the most popular handsets available today." RCA maintains that if such arrangements were prohibited the handset would likely be sold by numerous carriers with fewer stipulations and at lower prices. Further, not only would individuals residing in rural America benefit from a prohibition on exclusive arrangements, but RCA member carriers feel they would be in a better position to compete if they too were able to offer more than "basic, low-end handsets without many of the cutting-edge features customers covet." The petition sites Title I of the Communications Act as the authority the FCC needs to launch an investigation into these alleged anticompetitive practices. While the "Big 5" believes that offering distinctive handsets is a fair method of competing in the marketplace; RCA insists that there are many other ways carriers can distinguish themselves in the marketplace, for instance,

advertising the lowest priced plans, quality coverage, superlative customer service practices, and distinctive features and services.

[Source: Rural Cellular Association]

**Additional Information:**

[RCA Petition for Rulemaking Regarding Exclusivity Arrangements](#)

[<http://www.rca-usa.org/associations/6491/files/RCA%20Petition%20for%20Rulemaking%20-%20FINAL%20052008-2.pdf>]

[Word Version Available Here](#)

[<http://www.rca-usa.org/displaycommon.cfm?an=1&subarticlenbr=99>]

## **Legislative Activities**

### **Broadband Parity to Promote Competition**

5.8.2008 –The **Internet Freedom and Nondiscrimination Act of 2008 [H.R. 5994]** was introduced in the House, and would amend the Clayton Antitrust Act of 1914 with regard to parity amongst broadband network providers. The Act’s intentions are to “promote competition, to facilitate trade, and to ensure competitive and nondiscriminatory access to the Internet.” H.R. 5994 lays out several prohibitions for broadband network providers. Topping the list of unlawful actions is failure to provide service terms and conditions, free of any surcharge, that allow any individual to present content, applications or services over the network that is equal to the way the provider and its affiliates offer the same; nor shall the provider impede, impair or in anyway discriminate against an individual’s access to sending/receiving lawful content, applications and services over the Internet. Additionally, providers must allow users to connect to the network utilizing their device of choice so long as it does not physically damage the network. More interdictions were outlined describing how providers should conduct business with other broadband network service providers with regard to interconnecting facilities and providing “enhanced quality of service” to certain types of data. The legislation’s intent is clear and could potentially serve the public interest at large, as well as people with disabilities, by ensuring that content, services and applications that serve the particular needs of different communities, in both virtual and very real ways, are readily available.

[Source: Library of Congress]

**Additional Information:**

[H.R. 5994](#)

[<http://thomas.loc.gov/cgi-bin/query/z?c110:H.R.%205994:>]

### **Enhanced Broadband Access for People with Disabilities**

5.1.2008 – The House Committee on Energy and Commerce’s subcommittee on Telecommunications and the Internet held a hearing on **Draft Legislation Enhancing Access to Broadband Technology and Services for Person with Disabilities**. Testimony was provided on behalf of the Coalition for Accessible Technologies (COAT) by celebrities and advocates alike. Witnesses included Jamaal Anderson, Atlanta Falcons starting defensive end; Russell Harvard, actor, recently seen in Oscar winning film, *There Will Be*

*Blood*; Jesse R. Acosta, distinguished Sergeant Major in the United States Army; Larry Goldberg, Director of Media Access at WGBH; K. Dane Snowden, Vice President, External & State Affairs, CTIA – The Wireless Association; and Ken Nakata, Director, Disability Initiatives and Government Compliance, BayFirst Solutions, LLC. Mr. Anderson's testimony was peppered with personal accounts as to what it was like growing up with a Deaf father and the changes he noticed in communications access along the way; going from not being able to make a telephone call on his own to utilizing instant messaging, e-mail and video relay services (VRS). In light of technological advancements such as these and many others, Mr. Anderson and other witnesses expressed the need to ensure access to current and future technologies. Mr. Snowden, speaking on behalf of the wireless industry, discussed industry initiatives to promote accessibility such as closed captioning solutions for wireless handsets. A webcast of the hearing, as well as links to the prepared testimony of all witnesses is currently available at the House Committee on Energy and Commerce, Subcommittee on Telecommunications and the Internet web page.

[Sources: Committee on Energy & Commerce & COAT]

#### **Additional Information:**

[Hearing Webcast & Witness Testimony](#)

[[http://energycommerce.house.gov/cmte\\_mtgs/110-ti-hrg.050108.Disabilities.shtml](http://energycommerce.house.gov/cmte_mtgs/110-ti-hrg.050108.Disabilities.shtml)]

[Draft Legislation: "Twenty First Century Communications and Video Accessibility Act of 2008"](#)

[<http://www.coataccess.org/node/31>]

#### **FEMA Expected to Pick-Up the Pace on Integrated Public Alert and Warning System**

5.14.2008 – The House Homeland Security subcommittee on Emergency Communications, Preparedness and Response held a hearing on "**Advancing Public Alert and Warning Systems to Build a More Resilient Nation.**" Committee members urged FEMA to examine why the deployment of the Integrated Public Alert and Warning System (IPAWS) has not been realized despite being given the directive to develop the system in 2006 by **Executive Order 13407**. Testimony revealed that FEMA's slow progress is due to difficulty meeting the requirements of the Order and possibly not having the statutory authority to fully develop the system. In response, Major General Martha Rainville, Assistant Administrator for FEMA, was given 10 days to analyze the goals and timelines set forth in EO 13407 with an explanation for why each one (where applicable) has not been met. Rainville's testimony reviewed FEMA's progress towards augmenting the current Emergency Alert System with digital notifications sent to residential telephones, cell phones, e-mail accounts and other devices and specifically touted the success and "popularity" of their pilot projects which included the capability to send American Sign Language (ASL) video translation of alerts. The testimony of other witnesses also addressed making alerts accessible to Deaf and hard of hearing citizens and to people with disabilities, in general. However, specifically addressing the needs of members of the disability community with limitations other than hearing was absent from all of the testimony. On the previous day, members of the House, Transportation and Infrastructure Committee introduced the **Integrated Public Alert and Warning System Modernization Act of 2008 [H.R. 6038]** which reconfirmed the requirement to "include in the public alert and warning system the capability to warn individuals with disabilities." The legislation also requires FEMA to adopt common alerting protocols for the system. Incidentally, FEMA's lack of progress in that regard has held up the effective date of the FCC's Second Report & Order regarding the

Next Generation EAS which only goes into effect 180 days after FEMA publicly adopts the Common Alerting Protocol (CAP). H.R. 6038 requires an implementation plan and a description and assessment of the effectiveness of pilot programs not later than 6 months after the date of enactment, as well as, the 10 day-deadline imposed above as a result of the hearing.

[Sources: US. House of Representatives Committee on Homeland Security, The White House, The Library of Congress]

**Additional Information:**

[IPAWS Hearing Testimonies](#)

[<http://homeland.house.gov/Hearings/index.asp?ID=138>]

[Executive Order 13407](#)

[<http://www.fas.org/irp/offdocs/eo/eo-13407.htm>]

[H.R. 6038](#)

[<http://thomas.loc.gov/cgi-bin/query/z?c110:H.R.6038:>]

**Foreign Affairs & Domestic Policy: UN Enable (Disability Rights)**

5.1.2008 – [**H. Res. 1169**] was submitted in the House with thirty nine co-sponsors and referred to the Committee on Foreign Affairs. The Resolution declares the United States’ desire to “become an international human rights leader by ratifying and implementing certain core international conventions.” Among the many human rights conventions up for ratification is the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol, also referred to as UN Enable. Article 9 of UN Enable specifically addresses accessibility to information and communications technologies (ICT) and systems, including emergency services; and the promotion of the design, development, production and dissemination of ICT so that they become available at minimum cost. H. Res. 1169 resolves that the United States should engage in a comprehensive appraisal of domestic policy and proposed legislation that aim to advance the state of marginalized American communities. Currently 129 countries plus the European Union have signed the Convention.

[Source: Library of Congress]

**Additional Information:**

[H. Res. 1169](#)

[<http://thomas.loc.gov/cgi-bin/query/z?c110:H.RES.1169:>]

[Un Enable](#)

[<http://huachen.org/english/law/disabilities-convention.htm#>]

**Resolutions Supporting National Better Hearing and Speech Month**

5.21.2008 – Two concurrent resolutions with identical language were submitted in both the Senate and House supporting the goals and ideals of **National Better Hearing Speech Month**. [**S. Con Res 83**] and [**H. Con Res. 352**] begin by enumerating statistics, facts and figures regarding both the current and projected numbers of people in the United States that live with speech, voice, language or hearing impairment. Some figures included are the 3,250,000 adults that report some level of hearing loss;

1,400,000 children with hearing loss; 33 babies born everyday with significant hearing loss; and approximately 1,400,000 traumatic brain injuries (TBI) that occur annually with related costs (direct and indirect) totaling over \$6,000,000,000. Some facts included deployed soldiers being 50 times more likely to suffer noise induced hearing loss (NIHL), hearing loss being the most common congenital disorder, and sounds louder than 80 decibels can lead to hearing loss. In light of these and many other reasons listed related to a child's social, emotional and educational development and achievement, as well as the medical needs of soldiers and veterans, the legislation resolves that Congress 1) recommends improved coordination between community-based, comprehensive care for soldiers, athletes, and accident victims with TBI; 2) supports the endeavors of speech and hearing specialists in their efforts to enhance speech and hearing development in children; 3) encourages citizens to have their hearing checked regularly and 4) praises the 46 States that currently require newborn screening for hearing impairments.

[Source: Library of Congress]

**Additional Information:**

[S. Con Res. 83](#)

[<http://thomas.loc.gov/cgi-bin/query/z?c110:S.Con.Res.%2083:>]

[H. Con. Res. 352](#)

[<http://thomas.loc.gov/cgi-bin/query/z?c110:H.Con.Res.352:>]

**Regulatory Activities**

**Air Carrier Access Act Amended to Afford People with Disabilities Increased Protections**

5.13.2008 – The Department of Transportation amended the Air Carrier Access Act rules to apply to foreign carriers operating flights that begin and end in the United States. Among the new provisions in the final rule is a requirement that safety and informational audio-video displays played on the aircraft be high-contrast captioned. However, with regard to providing information to people with sensory limitations in airport terminals, such as gate changes, baggage claim information, flight delays or cancellations, boarding and other such information disseminated over a public address system, the DOT determined that there is no readily available technology that would allow such transmission without highly trained personnel and/or cost. Therefore, the final rule maintains that air travelers with sensory limitations must self-identify themselves to carrier personnel and information disseminated over public address systems must “promptly” be shared with self-identifying passengers either in written or oral form. A supplemental notice of proposed rulemaking will be issued to respond to certain unresolved matters pertaining to accessibility at ticketing (i.e., kiosks) and baggage claim, in the terminal, as well as in flight services. Many of the unresolved issues are technical in nature and a major barrier to implementation is not only technical feasibility, but unfavorable projected cost-benefit analyses.

[Source: Federal Register]

**Additional Information:**

[Nondiscrimination on the Basis of Disability in Air Travel; Final Rule](#)

[<http://www.regulations.gov/fdmspublic/component/main?main=DocumentDetail&o=09000064805aadf2>]

### **FCC to Consider another Spectrum Auction & Other Matters**

5.23.2008 – The FCC released a tentative agenda for the June 12<sup>th</sup> open meeting. Among the items up for consideration is a Report and Order and Further Notice of Proposed Rulemaking (R&O FNPRM) to adopt service rules for Advanced Wireless Services (AWS) Spectrum in the 1.9GHz-2.1 GHz bands. A scheduled vote could result in declaring that the winning bidder be required to offer a free tier of broadband service. Such an obligation, once realized, could have the potential to impact broadband adoption by communities and individuals formerly unable to afford the service in their homes and applications such as Video Relay Services (VRS) that require fast broadband speeds to be viable could become available to Deaf and hard of hearing people where cost was the main barrier. Other agenda items that directly effect the Deaf and hard of hearing community are a Notice of Proposed Rulemaking regarding the provision of speech-to-speech telecommunications relay service and an R&O and FNPRM regarding a ten-digit numbering plan for Internet based TRS. Directly following the meeting there will be a public hearing on early termination fees, a topic which touches most users of wireless devices.

[Source: FCC]

#### **Additional Information:**

[Open Meeting Agenda News Release](#)

[<http://www.benton.org/node/11208>]

### **FCC Restricts Use of Consumer Information by TRS Providers**

5.06.2008 – The FCC issued an **Order in the Matter of Telecommunications Relay Services (TRS) and Speech-to-Speech (STS) Services for Individuals with Hearing and Speech Disorders [CG Docket No. 03-123/DA 08-1079]** to extend the stay of paragraphs 95 and 96 of the 2007 TRS Cost Recovery Declaratory Ruling until May 28, 2008 in order to examine the matter more closely. The stay was granted because TRS providers maintained that the language in paragraphs 95 and 96, prohibiting TRS providers from using consumer call database information to contact end users “for lobbying or any other purpose” was too broad and effectively violated their First Amendment Rights. Providers argue that they need to be able to contact users for many reasons, some of which relate to scams and abusive relay practices, new service features and to assist them with issues with their service. Providers also raised concerns about the ability to contact end users in emergencies. In light of the points made by several TRS providers the FCC took the time to thoroughly review the matter. On May 28, 2008 the FCC issued a **Declaratory Ruling [CG Docket No. 03-123/FCC 08-138]** in the matter to clarify the scope of the original restrictions imposed on providers. While the FCC maintains that reasonable restrictions are necessary to preclude inappropriate marketing practices and/or misuse of interstate TRS funds, the language in paragraphs 95 and 96 is not intended to prohibit providers from contacting end users as long as it is related to the handling of relay calls. Examples given include informing users of service outages, responding to emergency calls, and providing technical support for products and services. However, it is expressly prohibited to use customer information to engage in lobbying or advocacy activities.

#### **Additional Information:**

[Order in the Matter of TRS/STS Services](#) (PDF only, unless accessed through FCC main page)

[[http://fjallfoss.fcc.gov/edocs\\_public/attachmatch/DA-08-1079A1.pdf](http://fjallfoss.fcc.gov/edocs_public/attachmatch/DA-08-1079A1.pdf)]

[Declaratory Ruling in the Matter of TRS/STS Services](#) (PDF only, unless accessed through FCC main page)

[[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-08-138A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-08-138A1.pdf)]

[FCC Main Page](#)

[<http://www.fcc.gov/>]

### **Proposed TRS Compensation Rates & Fund Size Released**

5.2.2008 – The Consumer and Governmental Affairs Bureau of the FCC sought comment on the National Exchange Carrier Association's (NECA) proposed compensation rates for traditional telecommunications relay services (TRS) as well as variations such as Internet Protocol (IP) Relay, video relay services (VRS), captioned telephone service (CTS), IP CTS, and speech-to-speech (STS). The proposed per-minute compensation rates are as follows:

\$1.5938 for interstate TRS;

\$2.7248 for interstate STS;

\$1.6569 for interstate CTS and interstate and intrastate IP CTS;

\$1.2865 for interstate and intrastate IP Relay;

Tiered rates of \$6.7362 for the first 50,000 monthly minutes, \$6.4675 for monthly minutes between 50,001 and 500,000, and \$6.2685 for minutes above 500,000 for interstate and intrastate VRS.

Given the above rates, NECA proposes carrier contribution factor of 0.01012, and an Interstate TRS Fund size requirement of \$805.5 million. The proposed rates and fund size have a direct impact on cost recovery for providers seeking compensation from the Fund and ultimately effect the provision of these services to the Deaf and hard of hearing population. Though the service is free for the end-user (as mandated by Congress), if the Fund size is not sufficient it could negatively impact providers' willingness to offer enhanced service features.

[Source: FCC]

### **Additional Information:**

[Public Notice DA 08-1055: Proposed TRS Rates & Fund Size](#) (PDF only, unless accessed through FCC main page)

[[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-08-1055A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-08-1055A1.pdf)]

[FCC Main Page](#)

[<http://www.fcc.gov/>]

## **Studies/Reports**

### **Expanding Broadband Access at the State Level**

5.20.2008 – The National Governor's Association (NGA) Center for Best Practices released the report *State Efforts to Expand Broadband Access*. The report outlines strategies for expanding broadband service to unserved and underserved areas. Specific State initiatives are discussed in detail but in general, strategies include:

- Establishing a task force with public and private stakeholders to evaluate the current state of broadband deployment and identify beneficial policy changes;

- Providing tax incentives designed to encourage investment in broadband infrastructure as well as other related equipment and expenses;
- Creating dedicated funding that allows states to leverage private sector funds for investing in the infrastructure, thus maximizing their return on investment and expanding broadband availability in the most efficient way possible;
- Mapping broadband availability to help both policymakers and service providers determine where to focus their efforts and reveal gaps in service to providers who wish to expand their offerings; and
- Engaging local communities to increase grassroots demand that encourages providers to deploy broadband in previously un-served areas.

[Source: NGA]

#### **Additional Information:**

*State Efforts to Expand Broadband Access*

[<http://www.nga.org/portal/site/nga/menuitem.9123e83a1f6786440ddcbeeb501010a0/?vgnnextoid=8a1c55463410a110VgnVCM1000001a01010aRCRD>]

#### **Independent Analysis of U.N. Convention on the Rights of Persons with Disabilities**

5.12.2008 – The National Council on Disability released *Finding the Gaps: A Comparative Analysis of Disability Laws in the United States to the United Nations Conventions on the Rights of Persons with Disabilities* (CRPD). The report clarifies how the UN CRPD harmonizes with U.S. disability laws and how the ratification of the Convention could impact U.S. public policy. With regard to Article 9 of CRPD on accessibility, the report states that current U.S. law in practice does not match the vision of the CRPD, but with more vigorous implementation and enforcement could be brought up to the CRPD's level.

[Source: NCD]

#### **Additional Information:**

*Finding the Gaps: A Comparative Analysis of Disability Laws in the United States to the United Nations Conventions on the Rights of Persons with Disabilities*

[<http://www.ncd.gov/newsroom/publications/index.htm>]

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

##### **2008 NCTI Technology in the Works Awards Announced**

5.12.2008 – Five teams of researchers and vendors were awarded \$15,000 each to pursue their projects on assistive technologies for students with special needs. Findings from each team will be presented at the 2008 Technology Innovators Conference in Washington, DC. Awards went to the following projects:

- *Developing Fraction Sense*: utilizes virtual manipulatives and cognitive strategies to demonstrate the best method of mathematics instruction for a group of students with a wide range of abilities and disabilities
- *Efficacy of Computer-Assisted Teaching Program for Children with Autism in a School Setting*: test the effectiveness of the TeachTown software curriculum with the aim of positive gains in early

language, cognition, and social behaviors among preschool and kindergarten students with Autism Spectrum Disorders (ASD)

- *Exploring Accessible Computer Algebra System for Secondary Students with a Learning Disability or Visual Impairment*: investigate the effectiveness of speech-enabled calculators on the mathematical performance of middle-to-high school students with a learning disability or physical impairment
- Point-and-Chat: investigate the performance and usability of Point-and-Chat instant messaging software for augmentative/alternative communications (AAC) users
- Supported Video Project: Making Video Content Accessible to All: investigate the educational impact of enhanced captions and expanded audio descriptions as supports for students learning content from educational videos

[Source: National Center for Technology Innovation]

#### **Additional Information:**

[2008 NCTI Technology in the Works Awardees](http://www.nationaltechcenter.org/index.php/funding/2008-ncti-technology-in-the-works/)

[<http://www.nationaltechcenter.org/index.php/funding/2008-ncti-technology-in-the-works/>]

#### **Disability Accessibility Included in Letter to Congress**

5.09.2008 – In a letter to Congress from the Coalition for Patient Privacy, basic principles were recommended for inclusion in any e-prescribing legislation. Among the recommendations was a measure to “ensure prescription technology allows those with disabilities to be able to use e-prescribing tools efficiently and effectively.” The letter was signed by eighteen organizations including the American Association of People with Disabilities and the American Council for the Blind.

[Source: AAPD]

#### **Additional Information:**

[Letter to Congress: Patient Privacy Rights](http://www.aapd.com/policies/080510ppr.htm)

[<http://www.aapd.com/policies/080510ppr.htm>]

#### **Proposed Deal Language for ADA Restoration Act**

5.20.2008 – The American Association of People with Disabilities wraps up thirteen weeks of negotiations with the business community to draft potential language for the American with Disabilities Act Restoration Act (ADA Restoration Act) that will facilitate the passing of the the Act without dissent from the business community. With the AAPD leading the effort, along with the National Council on Independent Living, Bazelon Center on Mental Health Law, the National Disability Rights Network, the Epilepsy Foundation and representatives from the business community, the following mutually agreed upon deal points will be defended by both sides in the event of amendments. The proposed deal language:

- Requires that the definition of disability be interpreted broadly;
- Prohibits courts from considering the effects of medication, prosthetics, hearing aids, etc. when determining whether a person meets the ADA's definition of disability;

- Defines "disability" as any actual, past, or perceived physical or mental impairment that "substantially limits a major life activity" and then defines this phrase to mean "materially restricts a major life activity;"
- Includes a broad definitional section listing a wide range of major life activities that is intended to restore coverage for many of the groups who have been interpreted out of the ADA by the courts, and
- Includes a broad "regarded as" prong that will provide civil rights protection to anyone who is adversely treated based on a physical or mental impairment

[Source: AAPD, JFActivist Blog]

**Additional Information:**

[MAJOR PROGRESS on ADA Restoration: Tell Us What You Think](#)

[<http://deaftimes.net/index.php/news/article/59139/>]

**Universally Designed Phone Hits the Market**

5.27.2008 – As a follow-up to AT&T's recently published approach to universal design (UD), AT&T and Pantech Wireless Inc. collaborated to develop a UD device, the outcome – the Pantech Breeze (TM). The Pantech Breeze incorporates many UD design principles such as audible keys, easy to use buttons, large font and a simplified menu.

[Source: AT&T]

**Additional Information:**

[Press Release](#)

[<http://www.fiercewireless.com/node/23639/print>]

[AT&T's Document on Universal Design](#)

[<http://developer.att.com/universaldesign>]

**Upcoming Events**

**2008 Interagency Subcommittee on Employment: State of the Science Conference**

The Interagency Committee on Disability Research's (ICDR) Interagency Subcommittee on Employment (ISE) is holding a State of the Science Conference on **June 23-25, 2008 in Arlington, Virginia**. The intended outcome for the conference is the creation of recommendations for a five year interagency research agenda. Themes for the conference include Business and Employment, Disability Workforce Experiences and Needs, Health, and Government Policies and Practices.

**Additional Information:**

[2008 ISE State of the Science Conference](#)

[<http://www.icdr.us/employment2008>]

### **2008 NAD Conference**

The National Association of the Deaf will hold its 49<sup>th</sup> Biennial NAD Conference on **July 7-11, 2008 in New Orleans, Louisiana**. Conference tracks include Business/Non-Profit, Community/Technology, Employment/Finances, Language/Culture and Leadership/Advocacy.

#### **Additional Information:**

[2008 NAD Conference](#)

[<http://www.nad.org/site/pp.asp?c=foINKQMBF&b=91587>]

### **RESNA Annual Conference**

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, is holding its annual conference on **June 26-30, 2008 in Arlington, Virginia**. RESNA offers a public forum for presenting research, design work, and clinical findings to service providers, researchers, educators and consumers from across the nation and around the world.

#### **Additional Information:**

[RESNA 2008](#)

[<http://www.resna.org/Conference/Conference.php>]

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## **TECHNOLOGY AND DISABILITY POLICY HIGHLIGHTS 8.05**

May 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>].

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 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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