

TECHNOLOGY AND DISABILITY POLICY HIGHLIGHTS 9.10

November 2009

Overview

The month of November was highlighted by ongoing efforts to develop a National Broadband Plan, as well as ensure the accessibility of broadband to individuals with disabilities. Toward those ends, the Federal Communications Commission (FCC) held a field hearing on broadband accessibility for people with disabilities at Gallaudet University in Washington, D.C. The Commission also issued a Public Notice seeking targeted comments on broadband accessibility, especially as it impacts communication to and from first responders during emergencies. Ongoing concern over emergency communication has been shared by other federal agencies. At the direction of the President, the Department of Housing and Urban Development (HUD) and Department of Homeland Security (DHS) launched the Long-Term Disaster Recovery Working Group to formulate a plan for improving post-disaster recovery. The Working Group is currently accepting public comment to develop its plan. Meanwhile, the FCC continues to maintain an interest in improving nationwide broadband deployment and adoption. Toward this end, the Commission released a report on the critical gaps to universal broadband adoption. Many of these issues specifically impact people with disabilities.

In other developments, a bill has been introduced in the Senate that would change the terminology used by the federal government to describe intellectual disabilities by abandoning the older term "mental retardation." Also of interest was the swearing in of Thomas Perez as the Assistant Attorney General for the Civil Rights Division of the Department of Justice. Perez and his office will oversee enforcement of the Americans with Disabilities Act (ADA), as well as a number of statutes that deal with privacy and security of the Internet.

Finally, the Wireless RERC announces that the Conference Proceedings from its 2009 State of the Technology Conference on Wireless Emergency Communications is now available.

Legislative Activities

Terminology for People with Disabilities Addressed in Senate Bill

November 17, 2009 – Senators Barbara Mikulski (D-MD) and Michael Enzi (R-WY) introduced a bill with the short title of “**Rosa’s Law**” [S. 2781] that seeks to change the terminology used by the federal government for describing intellectual disabilities. The proposed legislation would substitute terms used by federal agencies widely perceived as outdated and stigmatizing in exchange for terminology that better reflects current understandings of disability. Specifically, the bill would change references to “mental retardation” to “intellectual disability,” as well as substitute references to a “mentally retarded individual” with an “individual with an intellectual disability.” Particularly affected by the law would be language in the **Individuals with Disabilities Education Act**, the **Rehabilitation Act of 1973**, and the **Public Health Service Act**. It would also amend those acts that cover disability research.

The bill is named in honor of Rosa Marcellino. She and her family have worked with local disability organizations in the state of Maryland to address the issue of terminology used to describe individuals with intellectual disabilities. The bipartisan bill has gained increasing support, and it now has 10 co-sponsors in the Senate.

[Sources: Library of Congress and Sen. Barbara Mikulski]

Additional Information:

[Text of "Rosa's Law" \[S. 2781\]](#)

[<http://thomas.loc.gov/cgi-bin/query/z?c111:S.2781:>]

Comment Sought on Disaster Recovery to Improve Agencies, Future Legislation

November 1, 2009 – At the direction of the White House, the Department of Housing and Urban Development (HUD) and the Department of Homeland Security (DHS) have established the Long-Term Disaster Recovery Working Group. The group is composed of the Secretaries and Administrators of more than 20 departments, agencies, and offices. The purpose of the initiative is to discern and then provide operational guidance for recovery organizations, as well as make suggestions for future improvement. A stakeholder outreach effort undertaken during October and November 2009, involving state, local, and tribal government representatives, as well as a wide array of private organizations and private non-profit organizations, will inform these efforts.

In addition, the Working Group has established a questionnaire that will allow the public to comment. In particular, the group is seeking feedback on how people would define a successful disaster recovery. This input, coupled with that gathered from other outreach efforts will serve as the baseline material the

Working Group will review to develop both the Report to the President and the draft of the National Disaster Recovery Framework. To allow the Working Group time to review and analyze the large amount of input expected, the Working Group requests that individuals provide their comments as early as possible and no later than Mid-December.

[Sources: Department of Housing and Urban Development and Department of Homeland Security]

Additional Information:

[Long-Term Disaster Recovery Working Group website](http://www.disasterrecoveryworkinggroup.gov)

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

[Disaster Recovery Working Group questionnaire](http://www.disasterrecoveryworkinggroup.gov/questionnaire)

[<http://www.disasterrecoveryworkinggroup.gov/questionnaire>]

Regulatory Activities

Broadband Access for People with Disabilities Addressed in FCC Field Hearing

November 6, 2009 – The FCC held a field hearing on broadband access for people with disabilities at Gallaudet University in Washington, D.C. The hearing was part of the Commission’s broader effort to gather information from experts and consumers as part of the FCC’s formulation of a National Broadband Plan, which will be presented to Congress by February 17, 2010. The public was encouraged to attend and participate in this particular hearing.

The hearing involved two panels. The first was entitled, “Experiences, Opportunities, and Barriers.” In addition to distinguished experts from the disability community, the panel featured testimony from actress Marlee Matlin, who represented the National Association of the Deaf. The second panel, “Solutions and Recommendations,” was more technology and policy focused in nature. In addition to the panels, the FCC hosted a technology demonstration throughout the day, and commissioners delivered remarks.

[Source: FCC]

Additional Information:

- [Agenda: Field Hearing on Broadband Access for People with Disabilities \(MS Word and PDF available\)](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-294443A1.txt)
[http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-294443A1.txt]
- [Remarks of Commissioner Robert McDowell \(PDF also available\)](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-294547A1.doc)
[http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-294547A1.doc]

- [Remarks of Commissioner Michael J. Copps \(PDF also available\)](#)
[http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-294550A1.doc]

Broadband Deployment, Accessibility for People with Disabilities Focus of FCC Notice

November 2, 2009 – As part of its development of a National Broadband Plan, the FCC issued a *Public Notice* (DA 09-2369) seeking comment on broadband deployment in rural and tribal areas, as well as broadband accessibility for people with disabilities. In the notice, the FCC sought targeted comments on these issues. The comment period was somewhat brief, with a deadline of **December 1, 2009**.

On the issue of people with disabilities, the FCC specifically sought comment on the issue of public safety communications to and from individuals in need of emergency assistance. The Commission wanted to know whether and how broadband applications can help first responders communicate with people with disabilities. For example, it noted the potential of video remote interpreting that facilitates person-to-person communications through sign language using interpreters located off-site. The FCC inquired whether such a service could be used in an emergency context, and if so, what barriers might exist. The Commission also sought comment on what other applications could assist people with disabilities in an emergency situation, as well as the barriers and possible solutions for overcoming them.

[Source: FCC]

Additional Information:

[Public Notice: Broadband Communications and Persons with Disabilities \(MS Word and PDF available\)](#)
[http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-2369A1.txt]

Critical Gaps in Path to Universal Broadband Discussed by FCC Task Force

November 18, 2009 – The task force charged with gathering data and developing draft proposals for the FCC's National Broadband Plan has released a summary of its initial findings. The summary focuses on challenges and gaps to universal broadband in the United States, based upon almost 40 workshops and field hearings, over 10,000 comments on the National Broadband Plan through 15 public notices, and an analysis of the existing data.

The main challenges include the structure of the federal Universal Service Fund (USF), which doesn't support broadband deployment and adoption despite spending over \$7 billion annually to subsidize telecommunications. Other issue categories include gaps in broadband adoption, consumer information, spectrum allocation, deployment, television set-top box innovation, and personal data. In order to address these problems, many of which affect people with disabilities, the task force has concluded that a "broadband ecosystem" will be required.

[Source: FCC]

Additional Information:

"FCC Identifies Critical Gaps in Path to Future Universal Broadband" (MS Word and PDF available)

[http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-294706A1.txt]

FCC Presentation: "Broadband Gaps" (PDF only)

[http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-294708A1.pdf]

Video Relay Fraud Results in 26 Indictments by Department of Justice

November 19, 2009 – The U.S. Department of Justice, working with the FCC and U.S. Postal Service, announced indictments against 26 individuals in nine states who allegedly engaged in a scheme to defraud the FCC's Video Relay Service (VRS). The federal agencies investigating the case concluded that the defendants stole tens of millions of dollars from VRS by making it appear that deaf users were using the service in order to generate fraudulent call minutes that were reimbursable to the companies in question.

The defendants included owners and employees of seven communications companies. Companies charged with defrauding the VRS program include Viable Communications Inc., of Rockville, Maryland; Master Communications LLC, of Las Vegas; KL Communications LLC, of Phoenix; Mascom LLC, of Austin, Texas; Deaf and Hard-of-Hearing Interpreting Services Inc., of New York and New Jersey; Innovative Communication Services for the Deaf Corp., of Miami Lakes, Florida; and Deaf Studio 29, of Huntington Beach, California.

[Sources: Department of Justice and FCC]

Additional Information:

Statement by the U.S. Department of Justice (PDF only)

[<http://www.fcc.gov/111909-dojonvrs.pdf>]

Statement by the FCC (MS Word and PDF available)

[http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-294764A1.txt]

Other Items of Interest

Google Unveils System to Caption YouTube Videos

November 19, 2009 – Google launched a system to automatically caption videos on its YouTube site. The machine-run service will make more videos on the site accessible to Deaf and hearing impaired users. While hundreds of thousands of videos on Google sites already contain caption tracks, these

were created and added manually by users of Google's preexisting captioning service. However, the overwhelming majority of video content on YouTube still lacks captioning, and the new automated system is expected to help address this barrier to accessibility.

To develop automatic captioning, Google relied upon the voice recognition software currently used for Google Voice's call management service. However, the speech-recognition technology remains a work in progress, so Google is limited the automatic captioning service to select partners at present, including PBS, National Geographic, and several large universities. However, the company believes the system will continue to improve, and it has plans to increase the rollout. In the meantime, Google has made some changes to its manual captioning system that will make it easier to use.

[Sources: American Association of People with Disabilities and *USA Today*]

Perez Sworn In as Department of Justice's Head of Civil Rights Division

November 13, 2009 – Thomas Perez formally took office as the new Assistant Attorney General of the Department of Justice's Civil Rights Division. As part of his responsibilities, Perez and his office will be charged with overseeing enforcement of the Americans with Disabilities Act (ADA) and other civil rights legislation that impacts people with disabilities. Perez's office would also be charged with overseeing laws that govern Internet and web site privacy and civil rights statutes.

Regarding disability rights, Perez has stated, "Too many individuals with disabilities still struggle to access the basic services the rest of us take for granted...We need a Civil Rights Division to bring these people out of the shadows." His reference to "basic services" suggests a broader approach to the civil rights of people with disabilities than that codified in the ADA.

[Source: Department of Justice]

Additional Information:

Civil Rights Division: "A Message from Assistant Attorney General Thomas E. Perez"

[http://www.justice.gov/crt/aag_page.htm]

Wireless RERC Updates

2009 State of the Technology Conference Proceedings Now Available

November 1, 2009 – The Conference Proceedings for the Wireless RERC's 2009 State of the Technology (SoT) Conference on Wireless Emergency Communications (WEC) are now available. The SoT conference was held on September 21-23, 2009 in Atlanta, and it focused on the accessibility of emergency communications for people with disabilities. The conference had 65 speakers on panels and sessions that discussed the accessibility of emergency communications and alerts for people with disabilities. Among the topics covered were technological solutions, user needs, policy and regulatory

aspects, social networks, emergency management, and deployment strategies to ensure that people with disabilities are included in the development of next generation emergency communications.

The Conference Proceedings are available at [<http://www.wirelessrerc.org/publications/wireless-emergency-communications-2009-conference-proceedings/>].

Hearing Aid Compatibility Videos: Choosing a Cell Phone that Works For You

March 1, 2009 – The Rehabilitation Engineering Research Center on Wireless Technologies (Wireless RERC) and CTIA - The Wireless Association® announced the release of a new consumer education video series, “Hearing Aid Compatibility: Choosing a Cell Phone That Works For You.” Available for viewing at [<http://www.AccessWireless.org>], these videos will help wireless consumers who use hearing aids to identify and choose a hearing aid-compatible (HAC) wireless device that meets their needs.

Each video outlines the key information consumers need to choose a HAC wireless device. The first segment presents general HAC and wireless device information as told by a certified audiologist. The second segment demonstrates a suggested “try and buy” process between a customer representative and a consumer at an actual wireless carrier's retail store.

CTIA's AccessWireless.org hosts the video series, which is accessible to visitors through captioning, audio description and both high- and low-resolution versions. This video series may also be used by wireless carriers as a training tool for sales and customer support staff. The video series was produced by the Wireless RERC with the support of the Alliance for Telecommunications Industry Solutions (ATIS), AT&T, Audiological Consultants of Atlanta, CTIA - The Wireless Association®, Gallaudet University's Technology Access Program, the Hearing Loss Association of America (HLAA), Nokia, Research In Motion (BlackBerry ®), Samsung and T-Mobile USA, Inc.

Additional Information:

[Hearing Aid Compatibility Videos: Choosing a Cell Phone that Works for You](http://www.accesswireless.org/hearingaid/hac_video.cfm)

[http://www.accesswireless.org/hearingaid/hac_video.cfm]

[Wireless RERC Consumer Forum: My Wireless Review](http://www.mywirelessreview.com)

[<http://www.mywirelessreview.com>]

Upcoming Events

CSUN Conference on Technology and Persons with Disabilities

March 22, 2010 - March 27, 2010 – The 25th Annual International Technology and Persons with Disabilities Conference, hosted by California State University, Northridge, will be held at the **San Diego** Manchester Grand Hyatt Hotel, on **March 22-27, 2010**. For more information about the conference, please visit the CSUN Center on Disabilities website at [<http://www.csunconference.org/index.cfm?EID=80000218>].

[Source: CSUN Center on Disabilities]

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, Nathan W. Moon [nathan.moon@cacp.gatech.edu] or Paul M.A. Baker, Ph.D., AICP, CACP Director of Research [paul.baker@cacp.gatech.edu].

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