

## TECHNOLOGY AND DISABILITY POLICY HIGHLIGHTS 9.06

June-July 2009

### **Overview**

Legislators were particularly active during the past two months, as a number of bills were introduced that could impact the disability community with regard to technology. Most important was the introduction of the **"Twenty-first Century Communications and Video Accessibility Act"** by Rep. Edward Markey (D-MA). This extensive bill would mandate increased accessibility features in Internet-based communications technologies and online video programming, among other things. A notable feature of the proposed legislation is a requirement for accessible emergency announcements. Other legislation introduced in the House this summer included the **"Family Work Flexibility Act,"** which would provide employers with a tax credit for teleworking employees. While the bill does not provide direct benefits to employees, it could stimulate increased support for teleworking. Also, while the bill seems pitched at improving work-life balance for employees in general, teleworkers with disabilities are potential beneficiaries of the legislation.

In the regulatory arena, the Federal Communications Commission (FCC) has begun the development of its National Broadband Plan, a program to improve broadband deployment throughout the nation. Later this month, the FCC will hold a workshop specifically aimed at developing opportunities for people with disabilities. In other news, the Justice Department continued its efforts with Project Civic Access, an initiative to help bring local and state governments into compliance with the **Americans with Disabilities Act** (ADA). Agreements with two communities, one in Illinois and another in Texas, make government website accessibility an important priority.

Finally, another important development during the past two months was the President's decision to make the United States a party to the United Nations' **Convention on the Rights of Persons with Disabilities**. This agreement, which has been signed by over 140 countries, calls on signatory nations to ensure and promote the rights of people with disabilities. Of particular interest is the convention's emphasis on accessibility to information technologies and content.

## ***Legislative Activities***

### **Telework Equipment Bill Introduced in House**

06.11.2009 – Rep. Melissa Bean (D-IL) and six others introduced the “**Family Work Flexibility Act of 2009**” [H.R. 2826], a bill that would amend the federal tax code to establish a new employer tax credit to promote telework. Specifically, the proposed legislation would provide a credit equal to 1) “the cost of qualified teleworking equipment placed in service by the taxpayer during the taxable year,” and 2) “the amount of expenses paid or incurred by the taxpayer during the taxable year to maintain qualified teleworking equipment.” The bill imposes a cap of \$500 for each teleworking employee, or a maximum of \$50,000.

While the bill provides for an employer tax credit, it contains no similar provision for employees. In addition, the bill considers “teleworking equipment” to mean those telecommunications devices that are “used to enable employees of the taxpayer to telework,” and “the original use of which begins with the taxpayer.” In addition, the Act defines teleworking employee as a worker who provides services to the employer under an arrangement where the employee teleworks for at least “20 hours per week” during the year. For the purposes of this bill, “telework” means “to perform work functions using electronic information and communication technologies and thereby reducing or eliminating the physical commute to and from the traditional worksite.” While the bill does not provide direct benefits to employees, it could stimulate opportunities for teleworking among workers with disabilities.

[Source: Library of Congress]

### **Additional Information:**

[Text of the "Family Work Flexibility Act of 2009" \[H.R. 2826\]](#)

[\[http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.2826:\]](http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.2826:)

### **Communications and Video Accessibility Act Introduced in House**

06.26.2009 – Rep. Edward Markey (D-MA) introduced the “**Twenty-first Century Communications and Video Accessibility Act of 2009**” [H.R. 3101]. This comprehensive bill has two parts, one that addresses the accessibility of Internet-based telecommunications, and another regarding video programming. The legislation would amend the **Communications Act** to mandate that Internet protocol telecommunications technology be hearing aid compatible, have accessible user interfaces, and offer text messaging and other services that have been historically inaccessible. In addition, it would revise the Lifeline and Linkup services to ensure they meet the needs of people with disabilities regarding the access to advanced communications service. The bill would also require emergency announcements and similar information to be accessible to people with disabilities through audible presentation of on-screen alerts.

Regarding video programming, the proposed legislation would mandate that content offered on the Internet be both captioned and described. It would also require devices that receive and play back video programming to employ accessible user interfaces and allow ready access to captioning and description. Finally, the bill would strengthen consumers' rights to information and complaints through the FCC in order to hold parties accountable to these requirements.

[Sources: Library of Congress, Coalition of Organizations for Accessible Technology, and American Association of People with Disabilities]

#### **Additional Information:**

[Text of the "Twenty-first Century Communications and Video Accessibility Act of 2009" \[H.R. 3101\]](#)  
[<http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.3101:>]

#### **U.S. to Sign International Convention on the Rights of Persons with Disabilities**

07.24.2009 – At a recent ceremony to commemorate the 19<sup>th</sup> anniversary of the **Americans with Disabilities Act**, the President announced that the United States would be a signatory to the United Nations' **Convention on the Rights of Persons with Disabilities**. President Barack Obama has directed U.N. Ambassador Susan Rice to sign the document, joining 140 other nations as parties to the convention.

The Convention on the Rights of Persons with Disabilities serves as a policy instrument in which signatory nations pledge to promote, protect, and ensure full human rights of people with disabilities. The convention is driven by eight specific principles: 1) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons, 2) non-discrimination, 3) full and effective participation and inclusion in society, 4) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity, 5) equality of opportunity, 6) accessibility, 7) equality between men and women, and 8) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities. In particular, the convention is concerned about the accessibility of information and communications technologies (ICTs), and it calls upon member nations to promote the research and development of universally designed and accessible technologies, as well as ensure equitable access to information, communications, and the Internet by people with disabilities.

[Sources: The White House, United Nations, *USA Today*, and *New York Times*]

#### **Additional Information:**

[Remarks by the President on the Rights of Persons with Disabilities](#)  
[[http://www.whitehouse.gov/the\\_press\\_office/Remarks-by-the-President-on-Rights-of-Persons-with-Disabilities-Proclamation-Signing/](http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-on-Rights-of-Persons-with-Disabilities-Proclamation-Signing/)]

[United Nations Convention on the Rights of Persons with Disabilities](#)

[\[http://www2.ohchr.org/english/law/disabilities-convention.htm\]](http://www2.ohchr.org/english/law/disabilities-convention.htm)

### **Workforce Investment Act Focus of Senate Subcommittee Hearings**

07.16.2009 – The U.S. Senate Committee on Health, Education, Labor & Pensions' Subcommittee on Employment and Workplace Safety held the first of several hearings on the reauthorization of the **Workforce Investment Act of 1998 [Public Law No. 105-220]**. The Act authorizes the various programs for workforce development in the United States, including the Job Corps. In addition, the law reauthorized and updated the **Vocational Rehabilitation Act** as Title IV.

The current hearings are the first step in the Senate's process to update and modernize the **Workforce Investment Act** for the 21<sup>st</sup> century. In this first round of hearings, Subcommittee members heard from officials from the Departments of Labor and Education, as well as other employment community stakeholders, such as William Keirnan, director of the Institute for Community Inclusion.

[Source: Senate Committee on Health, Education, Labor & Pensions]

### **Additional Information:**

Video and Prepared Witness Testimony: "Modernizing the Workforce Investment Act"

[\[http://help.senate.gov/Hearings/2009\\_07\\_16/2009\\_07\\_16.html\]](http://help.senate.gov/Hearings/2009_07_16/2009_07_16.html)

## ***Regulatory Activities***

### **Project Civic Access Agreements Target Web Accessibility**

07.28.2009 – The U.S. Department of Justice announced agreements with two communities as part of its Project Civic Access (PCA) initiative. As an alternative to litigation, this program helps bring state and local governments into full compliance with the ADA by improving access of people with disabilities to programs, services, activities, and facilities. There are currently 163 PCA agreements with communities throughout the nation.

In one agreement, the Village of Midlothian, Illinois, will work to ensure that the village's official website is accessible to people with disabilities, make certain that village employees are trained and practiced in using the Illinois Relay Service to make and receive phone calls, and ensure that people with disabilities have access to the community's emergency management program and services, among other things. In another agreement with the Justice Department, Gregg County, Texas, will improve the accessibility of the county's official website for people with disabilities, as well as take the necessary steps to ensure that all appropriate employees are trained and practiced in using the Texas Relay Service to make and receive calls. In addition, the county will develop methods for providing emergency management policies and procedures for persons with disabilities and for providing

information for interested persons with disabilities concerning the existence and location of the county's accessible services, activities and programs.

[Source: U.S. Justice Department]

#### **Additional Information:**

[PCA Agreement between Justice Department and the Village of Midlothian, Illinois](http://www.usdoj.gov/opa/pr/2009/July/09-crt-730.html)

[<http://www.usdoj.gov/opa/pr/2009/July/09-crt-730.html>]

[PCA Agreement between Justice Department and Gregg County, Texas](http://www.usdoj.gov/opa/pr/2009/July/09-crt-731.html)

[<http://www.usdoj.gov/opa/pr/2009/July/09-crt-731.html>]

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

##### **Mobile Texting Technology Provides Emergency Communications for People with Disabilities**

06.09.2009 – The Black Hawk County 911 Service Board in Iowa reported on a new mobile phone texting technology to facilitate emergency communications by users with disabilities. The technology allows users to send text messages to emergency dispatchers without requiring specialized communications devices or relay centers. In particular, this technology could greatly enhance access to emergency communications by users with speech or other communication impairments.

The technology was developed by a group of companies and public safety organizations, including public-safety service provider Intrado, network provider Racom, and I Wireless, a partnership of T-Mobile and Iowa Network Services in Iowa and western Illinois. Researchers enhanced the Short Message Service (SMS) to establish a text-conversation directly between the caller and 911 dispatchers. Developers have called attention to the growing acceptance of SMS throughout the speech- and hearing-impaired community, as well as its potential for use by emergency responders. [Source: InformationWeek]

#### ***Wireless RERC Updates***

##### **2009 State of the Technology Conference**

09.21-23.2009 - The Wireless RERC reminds readers that registration is still open for the **Wireless Emergency Communications State of Technology Conference**. This event will take place at the Georgia Tech Research Institute Conference Center in **Atlanta, Georgia, USA on September 21-23, 2009**. Don't miss this exciting opportunity to participate in interactive sessions, weigh in on federal policy initiatives, and view promising technology demonstrations.

Speakers will include representatives from:

CTIA-- Wireless Association

Coalition of Organizations for Accessible Technology

Federal Communications Commission

Gallaudet University

National Emergency Number Association

National Telecommunications Information Administration

Research in Motion

WGBH National Center for Accessible Media

Topics will cover:

**Technological** solutions for accessible emergency alerting.

**Barriers and opportunities** for emergency alerting.

**User needs** to achieve accessible emergency communications.

**Policy and regulatory** actions needed to achieve accessible wireless alerts.

**Social networks** and collaborations to promote accessible mobile wireless systems.

**Inclusion** of people with disabilities in emergency scenarios.

**Emergency management** technologies for connectivity to the disability community.

**Deployment strategies** by emergency management or public safety entities to provide emergency alerts over wireless networks.

Special networking events will provide attendees the opportunity to meet speakers, sponsors and connect with colleagues. There are limited slots for attendees, so register now! Web address: [<http://sot.wirelessrerc.org>]

If you have questions, please contact:

**Salimah LaForce**

**Conference Coordinator, Wireless RERC**

**404-894-8297 (office)**

**404-791-9692 (mobile)**

**Booz Allen Hamilton to Conduct Tabletop Exercise**

09.23.2009 – In conjunction with the Wireless RERC's State of the Technology Conference, technology consulting firm Booz Allen Hamilton is designing and facilitating a special conference session called a Tabletop Exercise (TTX). A TTX is designed to be a scenario-driven drill of a natural disaster impacting several states. Participants will get to reenact in a "safe space" what their roles and responsibilities would be in an actual critical incident. Carefully designed scenarios run by a master facilitator will allow real-time to be collapsed, restored, or accelerated. The TTX will be used to capture any outcomes, interesting solutions, or information on accessible wireless emergency communications for incorporation into the final SOT proceedings report to stakeholders.

The TTX will be held on Wednesday, September 23, 2009 from 4:00pm – 5:30pm. Space is limited to 40 participants. If you want to participate, don't hesitate to [register now](#).

*Registering for the TTX is not a conference registration. Please be sure to register for the [conference](#) first.*

Step 1: Conference Registration

<http://sot.wirelessrerc.org/registration-accommodations/register-1>

Step 2: TTX Registration

<http://sot.wirelessrerc.org/registration-accommodations/Special-Session-Registration>

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

03.01.2009 – 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>]

***Upcoming Events***

**FCC Workshop on Broadband Opportunities for Individuals with Disabilities**

08.20.2009 – As part of its National Broadband Plan, the FCC will hold a workshop entitled “Broadband Opportunities for Individuals with Disabilities” on August 20, 2009. The purpose of the meeting is to create a dialogue between the FCC and people with disabilities, as well as relevant stakeholders in the future of broadband and its access by individuals with disabilities. Broadband Internet applications already provide a number of benefits for the disabled community ranging from the Video Relay Service (VRS) to the capacity for telework by people with mobility impairments. The purpose of this workshop is to discuss new ways that broadband may improve access and inclusion by people with disabilities. Preliminary topics for consideration will include:

- Challenges persons with disabilities face in gaining access to broadband services
- The potential for broadband services (including Internet-based telecommunications relay services) to enhance the communications options available to persons with disabilities
- Economic, educational, and other benefits of making broadband services more available to persons with disabilities
- Methods to incorporate universal design features into equipment and software to ensure that they are accessible
- Experiences about ways to serve individuals with disabilities through broadband
- Funding from other sources that can help drive broadband adoption among persons with disabilities
- Use of broadband to drive health care, education and job training to persons with disabilities.

The meeting will begin at 9:30 a.m. and will be held in Room TW-C305 (Commission Meeting Room) of the FCC, 445 12<sup>th</sup> Street SW, Washington, D.C. 20554. To register or for more information, please contact Cheryl King at [Cheryl.king@fcc.gov](mailto:Cheryl.king@fcc.gov) or 202-418-2284.

## Additional Information

FCC Workshop: Broadband Opportunities for Individuals with Disabilities

[[http://www.broadband.gov/ws\\_disability.html](http://www.broadband.gov/ws_disability.html)]

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June-July 2009

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](mailto:nathan.moon@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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