# AMERICAN COUNCIL OF THE BLIND

# 1998 RESOLUTIONS

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# 98-01 Honors Oral O. Miller

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-01

**Honors American Council of the Blind (ACB) Executive Director Oral O. Miller at a time when he has announced he will soon retire, and declares the 1998 ACB Convention to be the "Miller Time Convention."**

**WHEREAS Oral O. Miller has devoted three decades of indefatigable service to the American Council of the Blind (ACB); and**

**WHEREAS, Oral has exemplified democratic principles which are integral to ACB through his service as member, board member, affiliate president, convention coordinator, president, National Representative, and the first Executive Director; and**

**WHEREAS, Oral has been a guiding force in ACB's emergence as the premiere blindness consumer organization in the United States, and beyond; and**

**WHEREAS, Oral has played a pivotal role in paving the way for subsequent generations of productive blind individuals who are following in his footsteps; and**

**WHEREAS, Oral has distinguished himself, and brought credit to ACB, through his work as a national ambassador for the advancement of blind people throughout the world, and has thus also made an indelible impact on the proceedings of the World Blind Union as well as other international blindness organizations; and**

**WHEREAS, Oral, though having announced his retirement, has graciously agreed to a role serving ACB as special consultant on sports and recreation activities for the blind;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 6th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization pauses to acknowledge its gratitude and profound admiration regarding the accomplishments of Oral O. Miller and his service to ACB and its members; and**

**BE IT FURTHER RESOLVED that in recognition of Oral's unparalleled contributions to the field of blindness, the 1998 convention of the American Council of the Blind shall be dedicated as the "Miller Time Convention."**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-04 Randolph-Sheppard Program

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-04

**Urges the Commissioner of Rehabilitation Services to vigorously advocate with federal property managing agencies, and with the United States Department of Justice, that the Randolph-Sheppard priority is superior to the general preference under the Javits-Wagner-O'Day Act.**

**WHEREAS, the Secretary of Education and the Commissioner of Rehabilitation Services are charged by federal law, regulation, and executive branch of government for the Randolph-Sheppard blind vending facility program; and**

**WHEREAS, to an increasing extent officials of federal property managing agencies have rejected or ignored the primacy of responsibility vested in the secretary and the commissioner by assuming such responsibility to themselves;**

**WHEREAS, the Committee for Purchase from People Who Are Blind or Severely Disabled, and one of its central non-profit agencies, National Industries for People who are Severely Disabled (NISH), formerly National Industries for the Severely Handicapped, erroneously assert that the preference granted service contracts under the Javits-Wagner-O'Day Act is equal to or superior to the priority accorded under the Randolph-Sheppard Act in licensed blind vendors;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization strongly urge the Commissioner of Rehabilitation Services to vigorously advocate with federal property managing agencies, and with the United States Department of Justice, which may ultimately rule concerning this issue, that the Randolph-Sheppard priority is superior to the general preference under the Javits-Wagner-O'Day Act.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-05 Randolph-Sheppard Program

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-05

**Notes incursions and misinterpretations of the Randolph-Sheppard Act by the United States Department of Defense, and the Committee for Purchase from People who are Blind or Severely Disabled, and Urges the Commissioner of Rehabilitation Services to stand firm against assaults on the Randolph-Sheppard program, and further to lodge with the President's Domestic Policy Council strenuous complaints against all incursions upon the integrity of the Randolph-Sheppard Act.**

**WHEREAS, the Department of Defense, this year and last year, has sought, through the Office of Management and Budget, legislation to exempt dining hall mess services on military installations from the Randolph-Sheppard Act priority; and**

**WHEREAS, the Committee for Purchase from People who are Blind or Severely Disabled, and particularly its executive director, as well as the National Industries for People who are Severely Disabled (NISH), support the position that the Department of Defense repeatedly place food service contracts on the procurement list, including most recently the Great Lakes Naval Air Station in Illinois, over the objections of the RSA Commissioner, who has statutory responsibility to interpret the Randolph-Sheppard Act, and continue to question the act's priority to blind vending operations; and**

**WHEREAS, the Acting Assistant Secretary of the Army for Procurement on May 11, 1998 issued a memorandum asserting that the Randolph-Sheppard priority does not apply to troop dining facilities supported with appropriated funds; and**

**WHEREAS, the Department of Veterans Affairs has ignored or rejected the Randolph-Sheppard priority for blind vending facilities; and**

**WHEREAS, the Department of Justice frequently has not supported the Secretary of Education and the Commissioner of Rehabilitation Services in the administration of the Randolph-Sheppard program;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that the Commissioner of Rehabilitation Services is urged to stand firm against any and all assaults on the Randolph-Sheppard program, and to lodge with the President's Domestic Policy Council strenuous complaints against all incursions by any federal department, agency, or instrumentality upon the integrity of the Randolph-Sheppard Act.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-06 Randolph-Sheppard Program

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-06

**Urges the Commissioner of Rehabilitation Services to develop and issue unambiguous instructions which quantify how Randolph-Sheppard programs can successfully bid, within the meaning of the Randolph-Sheppard Act, for Department of Defense contracts**

**WHEREAS, many state licensing agencies under the Randolph-Sheppard Act are unfamiliar with military contracting and procurement processes; and**

**WHEREAS, many contractors with whom licensed blind vendors deal also do not understand the military contracting and procurement procedures; and**

**WHEREAS, there has been profound misunderstanding of the priority of the Randolph-Sheppard Act, and of the capabilities of its blind vendors, on the part of military contracting and procurement officials; and**

**WHEREAS, this lack of information has resulted in diminished employment opportunities for licensed blind vendors;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization strongly urge the Commissioner of Rehabilitation Services to develop and issue unambiguous instructions which quantify how Randolph-Sheppard programs can successfully bid, within the meaning of the Randolph-Sheppard Act, for Department of Defense contracts; and**

**BE IT FURTHER RESOLVED that these instructions be conveyed to all state licensing agencies, state committees of blind vendors, national organizations of blind vendors, interested food service contractors, and military installation procurement or contract officers.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-07 Honors the memory of Jennings Randolph

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-07

**Honors the memory of Jennings Randolph and his accomplishments on behalf of people who are blind, visually impaired, and who otherwise have disabilities.**

**WHEREAS, Jennings Randolph, United States Senator from West Virginia from 1959 to 1985, and member of the House of Representatives from 1933 to 1947, died in St. Louis, Missouri on May 8, 1998 at the age of 96; and**

**WHEREAS, Senator Randolph, during his tenure as both senator and representative, was a premiere champion of blind people as well as of those with other disabilities; and**

**WHEREAS, Senator Randolph was the author of the Randolph-Sheppard Act, first enacted June 20, 1936, and last amended December 7, 1974, which legislation has provided employment to tens of thousands of blind vendors and their employees, many of whom are also disabled; and**

**WHEREAS, Senator Randolph was for many years the chairman of the Subcommittee on the Handicapped of the Senate Committee on Labor and Public Welfare, and in that capacity presided over the enactment of the Rehabilitation Act of 1973 and subsequent amendments, as well as the Randolph-Sheppard Act, and was instrumental in the passage of the Education for all Handicapped Children Act and subsequent amendments, and many other laws benefitting millions of Americans; and**

**WHEREAS, Jennings Randolph was a friend to every blind and visually impaired person, and the members of the families of such persons, and will be greatly missed;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998, at the Clarion Plaza Hotel, Orlando, Florida, that this organization honor the memory of Jennings Randolph and rejoice in his accomplishments on behalf of people who are blind, visually impaired, and who otherwise have disabilities; and**

**BE IT FURTHER RESOLVED that a copy of this resolution shall be provided to the Secretary of the Senate and to the surviving family of Senator Jennings Randolph.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-08 Calls for Increases in Research Budgets

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-08

**Calls upon the governmental research entities to increase their blindness treatment research budgets.**

**WHEREAS, it is estimated that over fifteen million Americans are totally or legally blind; and**

**WHEREAS, these numbers continue to increase due to aging of the population; and**

**WHEREAS, many degenerative eye conditions such as retinitis pigmentosa, age-related macular degeneration, diabetic retinopathy, and glaucoma among many other diseases of the eye, lead to blindness; and**

**WHEREAS, the government does not allocate sufficient funds for medical and biological research regarding these and other eye conditions; and**

**WHEREAS, genetic research, biochemically based medical treatment and transplantation of retinal cells have yielded promising results which need to be investigated in much greater depth, and which will require far greater funds than are currently being devoted to these treatments; and**

**WHEREAS, the private sector alone has not been able to bear the burden of such research funding;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization support, and take all necessary steps to ask, the governmental research entities to increase their blindness treatment research budgets;**

**BE IT FURTHER RESOLVED that this organization take all necessary steps to see that this funding increase becomes part of the next federal research budget.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-10 Residential Schools for the Blind

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-10

**Expresses support for residential schools for the blind, pledges that the American Council of the Blind (ACB) will provide any requested assistance which is feasible to affiliates in states, such as Wisconsin, where closing of the residential school may be imminent**

**WHEREAS, The Individuals with Disabilities Education Act (IDEA) mandates that children with disabilities, including those who are blind or visually impaired, are entitled to an education in the least restrictive environment appropriate for that child; and**

**WHEREAS, IDEA also mandates that a continuum of placement options be available to facilitate education of children with disabilities, including those who are blind or visually impaired; and**

**WHEREAS, for many children who are blind or visually impaired, a short- or long-term placement in a residential school for the blind helps them learn vital skills such as braille, orientation and mobility, access technology, and activities of daily living, thus increasing their self-esteem and self-confidence; and**

**WHEREAS, like all children, those who are blind or visually impaired need varied educational settings; and**

**WHEREAS, education officials in some states, for example, Wisconsin, do not understand the importance or necessity of the residential school, and have attempted to close such schools; and**

**WHEREAS, the decision to close these schools is often based on incomplete information taken from studies with pre-determined conclusions; and**

**WHEREAS, such closings violate the fundamental requirement of IDEA, that a continuum of educational placements be available to children with disabilities;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 10th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization reaffirm its support for residential schools for the blind across the country; and**

**BE IT FURTHER RESOLVED that this organization provide any requested assistance which is feasible to affiliates in states, such as Wisconsin, where closing of the residential school may be imminent.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-12 Social Security

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-12

**Recognizes the importance of Social Security programs to blind and visually impaired citizens, and instructs the national office of the American Council of the Blind (ACB) to closely monitor and report to the ACB membership concerning all legislation concerning privatization of Social Security.**

**WHEREAS, exponentially large numbers of people who are blind or visually impaired depend upon the Social Security disability programs and related benefits to cover basic living expenses and health care costs; and**

**WHEREAS, the Congress of the United States has already convened hearings to discuss the merits of privatizing the Social Security system; and**

**WHEREAS, leading public and private interest groups are advocating a wide variety of proposals for and against privatization; and**

**WHEREAS, the American media have begun to focus on the competing proposals to privatize Social Security, and the forces of government, media, politics, and interest groups have converged to give momentum to the Social Security privatization debate; and**

**WHEREAS, the assured availability and scope of disability benefits under a privatized social insurance scheme is a vital concern that has been conspicuously overlooked by policy makers and is completely overshadowed by the future availability of retirement benefits; and**

**WHEREAS, the proposals for privatization advocated by some, while holding out the promise of greater return of investment, have so far failed to conceive of a system providing an equal or greater guarantee to senior citizens and people with disabilities as compared with current law;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization reaffirm its commitment to protect and improve the Social Security disability programs for blind and visually impaired people; and**

**BE IT FURTHER RESOLVED that ACB shall monitor and report to its members on any legislation pending before the United States Congress concerning the privatization of Social Security, and to make such recommendations as are consistent with the concerns addressed above.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-13 ADA Compliance

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-13

**Entreats the Architectural and Transportation Barriers Compliance Board (the Access Board) and the United States Department of Transportation to promulgate and implement guidelines pursuant to the Americans with Disabilities Act (ADA), and the Transportation Equity Act for the 21st Century (TEA-21), and expresses the expectation that such guidelines shall contain specific scoping for detectable warnings, audible crossing signals, and signals with other safety and wayfinding features, accessible features on signage, and other means of providing an accessible environment.**

**WHEREAS, the American Council of the Blind (ACB) has, since the passage of the Americans with Disabilities Act (ADA) consistently supported accessibility features to accommodate persons who are blind and visually impaired as a requirement for public rights of way; and**

**WHEREAS, current regulations do not exist for making public rights of way accessible for individuals who are blind or visually impaired; and**

**WHEREAS, both the Americans with Disabilities Act (ADA) and the Transportation Equity Act for the 21st Century (TEA-21) necessitate the promulgation of guidelines insuring access for persons who are blind and visually impaired for rights of way;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization urgently entreats the Architectural and Transportation Barriers Compliance Board (the Access Board) and the United States Department of Transportation to promulgate and implement guidelines pursuant to the above-cited statutes, providing for access to public rights of way for persons who are blind or visually impaired including: lines of demarcation between pedestrian ways and streets, particularly those featuring level or blended curbs, signals, traffic islands, crosswalks and street signs; and**

**BE IT FURTHER resolved that this organization expect that these guidelines shall contain specific scoping for detectable warnings, audible crossing signals, and signals with other safety and wayfinding features, accessible features on signage, and other means of providing an accessible environment.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-14 SSI Reform

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-14

**Urges the U.S. Congress to reject any Supplemental Security Income (SSI) reform purporting to reduce fraud, but which in fact negatively impacts recipients who are blind or visually impaired**

**WHEREAS, Congressman E. Clay Shaw Jr., Republican Representative from the 22nd District of Florida, has drafted legislation purporting to reduce fraud and abuse, but which will arbitrarily reduce SSI benefits to individuals residing with others who also receive SSI; and**

**WHEREAS, the Shaw proposal purports to eliminate the marriage penalty associated with couples both of whom are receiving SSI benefits by ensuring that the so-called "marriage penalty" is evenly meted out to all SSI beneficiaries; and**

**WHEREAS, many individuals who are blind or visually impaired reside, by choice or necessity, with another individual receiving SSI benefits; and**

**WHEREAS, the American Council of the Blind supports no reductions in SSI benefits for blind Americans, particularly given the high level of unemployment among blind citizens;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization oppose any efforts by Representative Shaw, or others, to attempt to reduce fraud in the SSI program by reducing or eliminating benefits to individuals who reside together while both are receiving SSI benefits.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-15 Federal Funding

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-15

**Calls upon the executive branch and Congress to provide appropriations for all authorized, but unfunded, categorical programs intended to serve people who are blind, and to do so without diminishing current annual allocations which may be provided through portions of Section 110 monies under the Rehabilitation Act, IDEA, or other more generic funding formulas. The resolution further cites the Randolph-Sheppard Act as a prime example of a program which provides quality employment opportunities for blind Americans at an excellent value for the tax dollars expended, is in need of the additional appropriations in order to maintain and strengthen its effectiveness, and which has never received appropriations authorized under its 1974 amendments.**

**WHEREAS, the United States Congress has enacted laws authorizing numerous programs to assist people who are blind, and has made provisions for appropriations within the authorizing statutes to finance the programs; and**

**WHEREAS, neither the executive branch nor Congress have actually requested or adopted appropriations for those programs;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled, this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization call upon the executive branch and Congress to review and provide appropriations for all authorized, but unfunded, categorical programs intended to serve people who are blind, and to make these appropriations without diminishing current annual allocations which may be provided through portions of Section 110 monies under the Rehabilitation Act, IDEA, or other more generic funding formulas; and**

**BE IT FURTHER RESOLVED that this organization point to the Randolph-Sheppard Act as a prime example of a program which provides quality employment opportunities for blind Americans at an excellent value for the tax dollars expended, is in need of the additional appropriations in order to maintain and strengthen its effectiveness, and which has never received appropriations authorized under its 1974 amendments.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-16 Reauthorization of the Rehabilitation Act

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-16

**Urges members of Congress participating in the conference committee negotiations concerning the reauthorization of the Rehabilitation Act to accept the Senate's proposed amendments strengthening Section 508.**

**WHEREAS, Section 508 of the Rehabilitation Act of 1973, as amended (hereafter the Rehabilitation Act) requires in principle that the federal government procure electronic and information technology which is accessible to people with disabilities; and**

**WHEREAS, the current provisions of Section 508, while well-intended, lack the strength, and sufficient enforcement mechanisms, to prevent federal government employees who are blind or visually impaired from losing their jobs, or from being unable to compete effectively for advancement, because the technology they are required to use is inaccessible; and**

**WHEREAS, the availability of accessible electronic and information technology is also of great importance and utility to members of the general public who are blind or visually impaired; and**

**WHEREAS, key staff to the United States Senate, principally responsible for drafting the Senate's Rehabilitation Act reauthorization amendments, has proposed changes to Section 508 requiring the federal government to purchase technology that is accessible to and usable by people with disabilities unless doing so would result in an undue burden; and**

**WHEREAS, these proposed changes would also require that standards promulgated under Section 508 shall be made part of the Federal Acquisition Regulations and, thereby, maximize enforcement; and**

**WHEREAS, these proposed changes, including language guaranteeing the right of organizations representing people with disabilities to have input in the standard setting process, are substantial improvements over existing language;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization commend Senate staff for advocating amendment language which, if enacted, would dramatically improve Section 508 of the Rehabilitation Act and would help to ensure the fulfillment of the federal government's responsibility to be a model of accessibility thereby insuring employment of people with disabilities; and**

**BE IT FURTHER RESOLVED that this organization urge members of Congress participating in the conference committee negotiations concerning the reauthorization of the Rehabilitation Act to accept the Senate's proposed amendments to Section 508 referenced above.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-17 Commends the Visually Impaired Persons-Specialty Practice Group

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-17

**Commends the Visually Impaired Persons-Specialty Practice Group (VIP-SPG) and the American Association of Diabetes Educators (AADE) for their work in advocating for accessible materials for persons who have diabetes and who are blind, urges National Library Services for the Blind (NLS) to work with AADE and its associated agencies to implement recommendations concerning the updating of diabetes-related materials in accessible formats, and urges the American Diabetes Association to immediately begin producing and distributing "Diabetes Forecast" in recorded format, in its entirety, including advertisements.**

**WHEREAS, on April 18, 1998, in Chicago, Illinois, a conference titled, "Consensus Conference on Production of Diabetes Education Materials In Low Vision Format," was sponsored by the American Association of Diabetes Educators (AADE); and**

**WHEREAS, this conference was initiated by Visually Impaired Persons - Specialty Practice Group (VIP-SPG); and**

**WHEREAS, a number of national organizations of and for the blind, or which work with people with diabetes who are blind, prior to, and in preparation for, the Chicago event, held comprehensive focus groups consulting with people who have diabetes who are blind; and**

**WHEREAS, the focus groups, along with the conference as a whole, determined that, while a great many materials concerning diabetes are available in accessible formats, many such documents are five years or more out of date, and advertisements concerning diabetes related products and services are generally not available in accessible formats at all; and**

**WHEREAS, a draft conference summary released in June of 1998 recommends: 1. National Library Services for the Blind bring materials about diabetes education up to date. 2. There is also an urgent need to get "Diabetes Forecast," a magazine published by the American Diabetes Association (ADA), produced in accessible formats, including all articles, advertisements, etc.; and**

**WHEREAS, the American Council of the Blind (ACB) has had representatives, and has actively participated, in all of the above described focus groups and conference activities;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Hotel, Orlando, Florida, that this organization commend the VIP-SPG and the AADE for taking the lead in this important work; and**

**BE IT FURTHER RESOLVED that ACB urge National Library Services for the Blind (NLS) to work with AADE and its associated agencies to implement recommendations of the conference concerning the updating of materials; and**

**BE IT FURTHER RESOLVED that ACB urge NLS to insure that it produces and circulates the ADA's new reference book, "Complete Guide to Diabetes;" and**

**BE IT FURTHER RESOLVED that ACB urge the American Diabetes Association to immediately begin producing and distributing "Diabetes Forecast" in recorded format, in its entirety, including advertisements.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-18 Urges the President of the United States to instruct HHS to issue a directive that durable medical equipment (DME) may be provided even though medically necessary items do not appear on lists of approved devices

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-18

**Urges the President of the United States to instruct HHS to issue a directive that durable medical equipment (DME) may be provided even though medically necessary items do not appear on lists of approved devices, thereby opening the door for classification of, and payment for, devices used by persons who are blind and low vision as DME.**

**WHEREAS, low vision aids and devices, such as closed-circuit televisions, as well as other technology meeting the needs of people who are blind and visually impaired, are medically necessary appliances which provide greater security, independence and quality of life for many people with low vision, especially older Americans who experience age-related vision loss; and**

**WHEREAS, such low vision aids and devices are often priced in a range that places them effectively out of reach for most people with low vision; and**

**WHEREAS, such aids and devices should be made more readily available through the Medicare and Medicaid systems; and**

**WHEREAS, growing administrative and judicial precedent clarifies that low vision and blindness-related aids and devices are medically necessary prosthetic appliances or durable medical equipment (DME) that fall within the scope of the Medicare and Medicaid regulations; and**

**WHEREAS, the Department of Veterans Affairs medical centers have declared a closed-circuit television magnification device (CCTV) as a piece of durable medical equipment (DME); and**

**WHEREAS, the decision of the United States Court of Appeals for the Second Circuit in DeSario v. Thomas undermines this precedent by declaring that specific pieces of DME need not be provided, even where medically necessary, when such items are not expressly included in a state Medicaid agency's list of approved items; and**

**WHEREAS, policy guidance from the Health Care Finance Administration (HCFA) clarifying the rightful place of low vision aids and devices among the prosthetic appliances and DME recognized by HCFA would eliminate the need to regularly establish their coverage jurisdiction by jurisdiction; and**

**WHEREAS, the United States Department of Health and Human Services (HHS) has the authority to clarify by directive that DME may be provided even though medically necessary items do not appear on lists of approved devices;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization urge the President of the United States to instruct HHS to issue a directive consistent with this resolution; and**

**BE IT FURTHER RESOLVED that this organization urge HCFA to expand coverage of low vision aids and devices, and to issue policy guidance clarifying that such aids and devices qualify as prosthetic devices or DME; and**

**BE IT FURTHER RESOLVED that this organization seek the assistance of Congress to accomplish the objectives of this resolution.**

**Adopted**

**Cynthia Towers, Secretary**

# 98-20 Urges Congress to add language to S. 1693, which relates to concession contracts on National Park Services property

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-20

**Urges Congress to add language to S. 1693, which relates to concession contracts on National Park Services property. The proposed language would clearly state that Congress has not in any way intended to supersede, diminish, eliminate or repeal by implication the existing priority in favor of licensed blind vendors in the Randolph-Sheppard Act of 1936 as amended.**

**WHEREAS, S. 1693 was introduced in the U.S. Senate and was passed by that body on June 11, 1998, and is currently pending before the House of Representatives' Committee on Resources; and**

**WHEREAS, S. 1693 contains a title which repeals the current statutory scheme and establishes a wholly new statutory scheme for the advertising, competitive bidding and awarding of concession contracts on National Park Service property; and**

**WHEREAS, the new statutory scheme set forth in the National Park Service Concession Reform title of S. 1693 does not in any way mention or refer to the existing priority in favor of licensed blind vendors under the Randolph-Sheppard Act of 1936 as amended; and**

**WHEREAS history within the Department of the Interior would suggest that it will interpret the concession reform title to be the exclusive way in which concession contracts are to be solicited, competed for, and awarded, given that Congress failed to mention the Randolph-Sheppard Act priority;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization urge the addition of language which would clearly state that Congress has not in any way intended to supersede, diminish, eliminate or repeal by implication, the existing priority in favor of licensed blind vendors in the Randolph-Sheppard Act of 1936 as amended; and**

**BE IT FURTHER RESOLVED that in the alternative, this organization, at a minimum, work with Senate staff to establish the philosophy of this resolution in the Congressional Record.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-21 Notes that Executive Order 13078 creates a National Task Force on Employment of Adults with Disabilities

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-21

**Notes that Executive Order 13078 creates a National Task Force on Employment of Adults with Disabilities, charges this task force with doing certain special investigations with regard to the Randolph-Sheppard Act and the Javits-Wagner-O'Day Act (JWOD). ACB calls upon the Task Force to assess categorical programs serving people who are blind, such as Randolph-Sheppard and JWOD, with no more rigorous scrutiny than is applied to other employment programs, and expresses the expectation that any such review should result in strengthening of Randolph-Sheppard and JWOD. ACB also calls upon the task force to communicate the mechanisms they plan to use for receiving comprehensive and systematic input from disabled consumers.**

**WHEREAS, the President of the United States has issued Executive Order 13078, establishing a National Task Force on Employment of Adults with Disabilities; and**

**WHEREAS, one of the charges to the task force is to "assess the impact of the Randolph-Sheppard Act and the Javits-Wagner-O'Day Act (JWOD) . . . on employment and small business opportunities for people with disabilities"; and**

**WHEREAS, historically, the Randolph-Sheppard Act and JWOD programs have led to the employment of tens of thousands of blind individuals; and**

**WHEREAS, while other federal agencies charged with aspects of employment are named in the executive order as full participants on the task force, the Committee for Purchase from People who are Blind or Severely Disabled, the entity administering the JWOD program, has been invited, through the executive order, to offer input to the task force only with regard to JWOD and Randolph-Sheppard issues; and**

**WHEREAS, the executive order does not provide any cogent mechanism for comprehensive and systematic input from consumers with disabilities;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 10th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization call upon the task force to assess categorical programs serving people who are blind, such as Randolph-Sheppard and JWOD, with no more rigorous scrutiny than is applied to other employment programs; and**

**BE IT FURTHER RESOLVED that this organization urge the task force, and has the expectation that, review of Randolph-Sheppard and JWOD will result in strengthening and support of these programs as continuing categorical services programs for the blind; and**

**BE IT FURTHER RESOLVED that this organization call upon the task force to immediately communicate the mechanisms they establish for receiving comprehensive and systematic input from disabled consumers.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-22 Encourages the Rehabilitation Services Administration (RSA) to promote the use of all viable systems of information delivery for people who are blind or visually impaired

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-22

**Encourages the Rehabilitation Services Administration (RSA) to promote the use of all viable systems of information delivery for people who are blind or visually impaired, including radio reading services, Newsline for the Blind, and other dial-in systems, as opposed to supporting exclusive use of Newsline for the Blind, and urges RSA to encourage those agencies serving people who are blind or visually impaired to seek funding to establish and maintain any and all viable information technologies.**

**WHEREAS, the American Council of the Blind (ACB) believes that consumers should have a choice of information technologies; and**

**WHEREAS, ACB recognizes that each technology has unique advantages and disadvantages for particular groups of people with disabilities; and**

**WHEREAS, The Rehabilitation Services Administration (RSA) has encouraged rehabilitation agencies serving people who are blind or visually impaired to apply for grants toward the establishment and/or operation of only the Newsline for the Blind, at the expense of other viable information technologies such as radio reading services;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization encourage the RSA to promote the use of all viable systems of information delivery, including radio reading services, Newsline for the Blind, and other dial-in systems; and**

**BE IT FURTHER RESOLVED that this organization urge RSA to strongly encourage those agencies serving people who are blind or visually impaired to seek funding to establish and maintain any and all viable information technologies.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-23 Requests that the Federal Communications Commission (FCC) require that adequate bandwidth or data stream be made available

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-23

**Requests that the Federal Communications Commission (FCC) require that adequate bandwidth or data stream be made available on digital television, digital audio broadcasting, and or any other digital information delivery systems to be used exclusively for radio reading services.**

**WHEREAS the American Council of the Blind (ACB) has long recognized and supported the importance of radio reading services as a viable means of information access for people who are blind and visually impaired, as well as for people with other disabilities; and**

**WHEREAS, technologies such as high-speed data transmission, paging systems, and other digital media, are encroaching on FM broadcast subcarrier space; and**

**WHEREAS, FM subcarriers have been the primary means for distribution of radio reading services; and**

**WHEREAS, some radio reading services have had their subcarriers bought from under them by large, commercial conglomerates, leaving such services to scramble for survival, and leaving listeners without access to current print information; and**

**WHEREAS, the emergence of digital technology will make available considerable bandwidth that will be allocated for various purposes;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization request that the Federal Communications Commission (FCC) require that adequate bandwidth or data stream be made available on digital television, digital audio broadcasting, and or any other digital information delivery systems to be used exclusively for radio reading services to deliver accessible information to blind or other print impaired individuals; and**

**BE IT FURTHER RESOLVED that this organization also ask the Department of Commerce to support the allocation of this broadcast spectrum as outlined above.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-24 Urges for the development of standards for accessible use of consumer electronics products

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-24

**Urges the Institute of Electrical and Electronic Engineers (IEEE), the American National Standards Institute (ANSI), and the National Association of Manufacturers (NAM) to develop standards for accessible use of consumer electronics products, and advocates for the adoption of policies which would require all such products sold carrying the Underwriters Laboratory label to meet these standards for access, or have the ability to interface with an adaptive technology device.**

**WHEREAS, many home electronic devices, such as sound and video systems, kitchen and laundry appliances are ever more sophisticated; and**

**WHEREAS, these devices continue to add graphical menus for the purpose of controlling their functions; and**

**WHEREAS, at this time, few of these devices are being manufactured with any type of interface which would allow persons who are blind or low vision to access the functions of these devices;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization strongly urge the Institute of Electrical and Electronic Engineers (IEEE), the American National Standards Institute (ANSI), and the National Association of Manufacturers (NAM), in close conjunction with the Trace Research and Development Center, and other such adaptive technology research organizations, to develop standards for accessible use; and**

**BE IT FURTHER RESOLVED that this organization advocate for the adoption of policies which would require all such products sold carrying the Underwriters Laboratory label to meet these standards for access, or have the ability to interface with an adaptive technology device.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-25 Companion Resolution to 98-23

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-25

**This resolution is a companion to Resolution 98-23. It specifically asks the Federal Communications Commission (FCC) to mandate the granting of at least 60 kilobits per second (KBS) of all digital television signals (DTV) for services which allow for full access to information for persons who are blind, visually impaired, or who have other print disabilities.**

**WHEREAS, the American Council of the Blind (ACB) has long recognized and supported the importance of radio reading services as a viable means of information access for people who are blind and visually impaired, as well as for other people with other disabilities; and**

**WHEREAS, the emergence of digital technology will make available considerable bandwidth, which will be allocated for various purposes; and**

**WHEREAS, the vital need of blind Americans for access to information makes it clear that, even if protected for use of blindness related services, digital radio band allocations may be inadequate to meet the needs of blind citizens;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization ask the Federal Communications Commission (FCC) to mandate the granting of at least 60 kilobits per second (KBS) of all digital television signals (DTV) for services which allow for full access to information for persons who are blind, visually impaired, or who have other print disabilities.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-26 Membership Lists to Be Submitted Electronically

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-26

**Directs the American Council of the Blind (ACB) Board of Directors to ensure the development of, for implementation with the membership lists due by March 15, 2000, a system by which those affiliates who wish to convey membership roster information to the ACB office by electronic means, in the fulfillment of membership reporting requirements, may do so.**

**WHEREAS, the American Council of the Blind (ACB) has many affiliates who maintain membership rosters on computers; and**

**WHEREAS, ACB requires that updated rosters be submitted annually; and**

**WHEREAS, electronic maintenance and sharing of data are fast becoming standard business practices;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled, this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that the board of directors of this organization is directed to ensure the development of, for implementation with the membership lists due by March 15, 2000, a system by which those affiliates who wish to convey membership roster information to the ACB office by electronic means, in the fulfillment of membership reporting requirements, may do so, with said electronic conveyance being regarded as meeting reporting obligations provided that all required information is included and is received by ACB in accordance with established deadlines; and**

**BE IT FURTHER RESOLVED that this organization convey this resolution to its Constitution and Bylaws Committee, and direct that changes required to implement this resolution be proposed by this committee during the 1999 ACB Convention;**

**BE IT FURTHER RESOLVED that return receipt of electronic data be a part of the electronic reporting process.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-27 Commends Lions Districts and Lions Clubs for their great community contribution in working with people who are blind, partially blind, and deaf-blind

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-27

**Commends Lions Districts and Lions Clubs for their great community contribution in working with people who are blind, partially blind, and deaf-blind, and for their work in prevention of blindness, but reminds Lions representatives that, when Lions Districts and Clubs use the "White Cane Symbol" or the "Help the Lions Help the Blind" campaign in fund-raising efforts, these funds collected should be used only to assist people who are blind, partially blind, and deaf-blind. The resolution also encourages Lions International to initiate District and Club "Work for the Blind" Committees, line item budgets for the purpose of reaching out to the blind community worldwide.**

**WHEREAS, a highlight of Lions early history was a speech at the 1925 convention, during which the legendary Helen Keller challenged the Lions to become "Knights of the blind in the crusade against darkness;" and**

**WHEREAS, since that convention, Lions Clubs have adopted he primary mission of aiding the blind and visually impaired; and**

**WHEREAS, however, Lions have also made a strong commitment to community service in serving youth throughout the world; and**

**WHEREAS, in 1931, the Lions Clubs International adopted the promotion of the white cane for people who are blind as a national program; and**

**WHEREAS, White Cane Week was first launched when a group of people who were blind expressed to the Lions the view that there was a lack of understanding about what the white cane represents; and**

**WHEREAS, in cooperation with Canadian Lions in 1947, the first week of February was designated White Cane Week by the Canadian Council of the Blind and the Canadian National Institute for the Blind; and**

**WHEREAS, the focus of the week was, and continues to be, on the abilities, concerns, and needs of people who are blind, visually impaired, or deaf-blind; and**

**WHEREAS, today, the white cane is a symbol of courage, and independent spirit on the part of people who are blind; and**

**WHEREAS, the Lions are now best known for their sight-related programs, including Sight First, the world's largest blindness prevention program; and**

**WHEREAS, in many Lions Districts, clubs are using the white cane symbol in their "Help the Lions Help the Blind Campaign" to solicit money from the general public who perceive that all such monies are used to aid people who are blind; and**

**WHEREAS, in some instances, monies raised under this are instead used for purposes other than providing direct aid to people who are blind or to those organizations and entities who serve people who are blind;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization joins its special-interest affiliate, the American Council of Blind Lions, to hereby acknowledge, support and express appreciation for the great community contribution of Lions Districts and Lions Clubs as they honor their commitment to Helen Keller; and**

**BE IT FURTHER RESOLVED that the ACB commend the Lions' efforts to prevent blindness; and**

**BE IT FURTHER RESOLVED that ACB reminds Lions representatives that, when Lions Districts and Clubs use the "White Cane Symbol" or the "Help the Lions Help the Blind" campaign in fund-raising efforts, these funds collected should be used only to assist people who are blind, partially blind, and deaf-blind in reaching independence, employment and self-sufficiency; and**

**BE IT FURTHER RESOLVED that ACB encourage Lions International to initiate District and Club "Work for the Blind" Committees, and line item budgets for the purpose of reaching out to the blind community worldwide providing assistance to elevate blind individuals into taking a new role and accepting new challenges as they become productive citizens.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-29 Notes that an increasing quantity of services are being delivered to an increasingly large number of people with visual impairments

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-29

**Notes that an increasing quantity of services are being delivered to an increasingly large number of people with visual impairments by allied health professionals, such as occupational therapists, who do not have the specialized training and certification in orientation and mobility, low vision, and/or rehabilitation teaching, expresses concern about the quality of services, specific to blindness, delivered by allied health professionals, and directs the leadership of the American Council of the Blind (ACB) to actively participate in an initiative being convened by the American Foundation for the Blind to attempt to resolve these concerns.**

**WHEREAS, organizations of and for people who are blind or visually impaired have always supported the provision of orientation and mobility and rehabilitation teaching services by professionals specially trained to meet the needs of consumers who are blind or visually impaired; and**

**WHEREAS, in recent years, services are being delivered to an increasingly large number of people with visual impairments by allied health professionals, such as occupational therapists, who do not have the specialized training and certification in orientation and mobility, low vision, and/or rehabilitation teaching; and**

**WHEREAS, many in our field are concerned about the quality of services specific to blindness and visual impairment that allied health professionals are equipped to provide to individuals who are blind or visually impaired; and**

**WHEREAS, the American Foundation for the Blind has agreed to convene a group of professionals and consumers to study and make recommendations to resolve this situation;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 7th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization recognizes that this issue must be immediately and vigorously addressed; and**

**BE IT FURTHER RESOLVED that this organization directs its officers and directors to participate actively in the initiative being sponsored by the American Foundation for the Blind.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-30 Expresses support of S. 1529, the Hate Crimes Prevention Act of 1998

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-30

**Expresses support of S. 1529, the Hate Crimes Prevention Act of 1998, and urges Congress to include language in the "findings and purposes" portion of S. 1529 clearly articulating Congress' intent to address the rising rate of hate crimes against blind people and guide dog teams. The resolution further urges that Congress should be unmistakably clear that, for the purposes of any hate crime statute, a guide dog is an extension of its blind handler.**

**WHEREAS, people who are blind, including those working with guide dogs, experience hate crimes based on their disability of blindness and/or their use of guide dogs; and**

**WHEREAS, such hate crimes have increased significantly nationwide as blind people have achieved greater visibility and community participation; and**

**WHEREAS, positive visual identification of the perpetrators of random violence against people who are blind and guide dog teams is often extremely problematic because sighted witnesses fail to make themselves known; and**

**WHEREAS, recurrent targeted harassment is often deliberately perpetrated in environments devoid of sighted witnesses; and**

**WHEREAS, both random and recurrent harassment have an unquestionable detrimental effect on guide dogs and often result in the premature retirement of dogs victimized by such hate crimes; and**

**WHEREAS, state guide dog-related laws universally fail to provide adequate remedies for the permanent stress-related damage to guide dogs caused by such hate crimes; and**

**WHEREAS, the average estimated cost, and thus value, of a fully and properly trained guide dog is often as high as $30,000; and**

**WHEREAS, local law enforcement agencies rarely understand or acknowledge the profound impact of random and recurrent harassment of guide dog teams and often fail to complete, or even initiate, investigations of such hate crimes on the grounds that "no credible visual evidence" is available;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 7th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization express its support of S. 1529, the Hate Crimes Prevention Act of 1998, which would firmly establish and expand the current scope of federal penalties for hate crimes against people with disabilities; and**

**BE IT FURTHER RESOLVED that this organization urge Congress to include language in the "findings and purposes" portion of S. 1529 clearly articulating Congress' intent to address the rising rate of hate crimes against blind people and guide dog teams. Congress should be unmistakably clear that, for the purposes of any hate crime statute, a guide dog is an extension of its blind handler. Congress should adopt evidentiary criteria that acknowledge the validity of visual evidence but endorses alternate means of identification.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-31 Urges the developers of adaptive technology to develop software or hardware to interface with palm top products

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-31

**Urges the developers of adaptive technology to develop software or hardware to interface with palm top products, urges the Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) to appropriate funds for the purpose of conducting research into the development of adaptive palm top computers, and demands that the manufacturers of these devices incorporate a means by which these products may be made accessible for people who are blind or have low vision.**

**WHEREAS, palm top computers are proliferating and are becoming increasingly important in the workplace; and**

**WHEREAS, at this time, none of the mass market products brought to market can be accessed by people who are blind or of low vision;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization urge the developers of adaptive technology to develop software or hardware to interface with palm top products; and**

**BE IT FURTHER RESOLVED that this organization urge the Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) to appropriate funds for the purpose of conducting research into the development of adaptive palm top computers; and**

**BE IT FURTHER RESOLVED that this organization demand that the manufacturers of these devices incorporate a means by which these products may be made accessible for persons who are blind or have low vision.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-33 Malls and Transportation

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-33

**Describes a situation where malls are discriminating against persons who must use public transit by not allowing public transit vehicles to enter mall parking lots or to let riders off, or pick them up near mall entrances. The resolution encourages entities who have filed legal actions and/or administrative complaints with civil rights enforcement agencies to continue to pursue this line of attack against de facto discrimination on the part of malls despite initial legal setbacks. It also urges state affiliates and local chapters of the American Council of the Blind (ACB) to closely monitor public transportation policies of malls in their areas, and to rigorously try in the court of public opinion, through positive contacts with local press outlets, any attempts at discriminatory practices.**

**WHEREAS, in many communities certain types of retail outlets are located only in shopping malls; and**

**WHEREAS, many mall shopping opportunities are marketed largely toward consumers who drive their own personal automobiles to the malls; and**

**WHEREAS, shoppers who are blind join other public transit dependent persons, including persons with other disabilities, the aged, youth, and other minorities, in experiencing a greater need to use public transit in order to access malls; and**

**WHEREAS, many mall owners and management corporations, including Simon Property Management, which owns or supervises approximately 70 percent of all retail malls in the United States, have banned or restricted fixed route transit vehicles from bringing customers into mall parking lots, and letting them off or picking them up at mall entrances; and**

**WHEREAS, these bans or restrictions normally are implemented because the on-site management of the particular mall property claims that there is evidence that buses are causing the need for an excessive amount of parking lot repairs; and**

**WHEREAS, it is, to say the least, perplexing, to fathom how such mall on-site management personnel can determine parking lot damage caused by a bus as opposed to parking lot damage caused by trucks used in delivering merchandise to mall retail tenants; and**

**WHEREAS, despite the functional discrimination which public transit restrictions or bans cause to occur, litigation and administratively filed civil rights complaints explored thus far on this subject in several jurisdictions suggest that the Americans with Disabilities Act (ADA), and other prominent civil rights laws, do not apply; and**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization encourage entities who have filed legal actions and/or administrative complaints with civil rights enforcement agencies to continue to pursue this line of attack against de facto discrimination on the part of malls despite initial legal setbacks; and**

**BE IT FURTHER RESOLVED that this organization urge its state affiliates and their local chapters to closely monitor public transportation policies of malls in their areas, and to rigorously try in the court of public opinion, through positive contacts with local press outlets, any attempts at discriminatory practices which in effect bar public transit users from access to malls due to their refusal to allow bus stops near entrances.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-34 Supports proposed legislation in Congress designed to re-authorize the Technology Related Assistance for Individuals with the Disabilities Act of 1988

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-34

**Supports proposed legislation in Congress designed to re-authorize the Technology Related Assistance for Individuals with the Disabilities Act of 1988.**

**WHEREAS, the Technology Related Assistance for Individuals with Disabilities Act of 1988 (the Tech Act) is an existing federal law designed to make assistive technology more widely available to individuals with disabilities through state-based delivery systems; and**

**WHEREAS, the Tech Act is slated to sunset as of September 30th, 1998; and**

**WHEREAS, several states, which have received their Tech Act grants late in the act's ten-year authorization period, are still in the middle of completing their Tech Act plans for the project; and**

**WHEREAS, in light of these facts, the National Governor's Association has, belatedly, come forward to support at least a limited re-authorization of the Tech Act; and**

**WHEREAS, recently, key members of Congress, have proposed legislation which contains language reauthorizing the Tech Act; and**

**NOW, THEREFORE BE IT RESOLVED by the American Council of the Blind in convention assembled on this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization support proposed legislation in Congress designed to re-authorize the Tech Act so that more blind, visually impaired, and otherwise disabled Americans may have the opportunity of gaining access to, and available training with, assistive technology systems and products which, in turn, will lead to enhanced employment opportunities and greater independence.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-36 Access issues between software and adaptive equipment

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-36

**Insists that government agencies that have purchased application software, which is either inaccessible to, or incompatible with, adaptive technology, take all steps necessary to actively resolve such accessibility and incompatible issues. The resolution requests that the appropriate congressional committees which provide oversight of governmental agencies be advised of these agencies failure to reasonably accommodate employees who are blind or visually impaired.**

**WHEREAS, the Social Security Administration, Internal Revenue Service, Department of Defense, and other federal government agencies have begun using Windows NT-based software applications; and**

**WHEREAS, employees of these agencies who are blind or visually impaired are expected to use this software in the performance of their jobs; and**

**WHEREAS, adaptive technology which blind or visually impaired people are required to use to access these applications is not compatible with them, causing computer crashes and other problems; and**

**WHEREAS, employees who are blind or visually impaired are often not receiving adequate or effective training or technical support enabling them to use application software; and**

**WHEREAS, those who manage employees who are blind or visually impaired are not being adequately trained to understand the capabilities and incompatibilities of adaptive technology and application software; and**

**WHEREAS, this lack of effective training has caused those who manage employees who are blind or visually impaired to blame the employees when access problems are brought to managerial attention; and**

**WHEREAS, government agencies are required under, Sections 501, 504, and 508 of the Rehabilitation Act, and other reasonable accommodation provisions of Title II of the Americans with Disabilities Act, to provide reasonable accommodations to employees with disabilities in order that they may perform the essential functions of the job; and**

**WHEREAS, the incompatibility of adaptive technology and application software results in a situation where employees who are blind or visually impaired cannot perform their jobs at expected levels of performance;**

**NOW THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization insist that government agencies that have purchased application software, which is either inaccessible to, or incompatible with, adaptive technology, take all steps necessary to actively resolve such accessibility and incompatible issues; and**

**BE IT FURTHER RESOLVED that the appropriate congressional committees which provide oversight of governmental agencies be advised of these agencies failure to reasonably accommodate employees who are blind or visually impaired; and**

**BE IT FURTHER RESOLVED that these committees be informed about the inadequate training provided to employees who are blind or visually impaired as well as to managerial and technical support staff.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-37 Guide Dogs

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-37

**Instructs the president of the American Council of the Blind (ACB) to meet with the president of Guide Dog Users, Inc. (GDUI) and the chairperson of the convention committee to develop recommendations concerning future conventions which will be presented to both boards at the 1999 mid-year board meeting.**

**WHEREAS, the participation of Guide Dog Users, Inc. (GDUI) members has increased significantly, and continues to do so, resulting in a higher need for accommodation; and**

**WHEREAS, GDUI acknowledges and appreciates the efforts of the American Council of the Blind (ACB) in taking steps to insure that GDUI's members' needs are reasonably accommodated; and**

**WHEREAS, GDUI promotes and encourages responsible dog handling by all guide dog users in attendance;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization instruct its president to meet with the president of GDUI and the chairperson of the convention committee to develop recommendations which will be presented to both boards at the mid-year board meeting.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-38 Veterans Affairs

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-38

**Instructs the president of the American Council of the Blind (ACB) to coordinate discussions with interested ACB members and others including the president of Visually Impaired Veterans of America or his designee, and also instructs the president to meet with Togo West, acting secretary, United States Department of Veterans Affairs, to explore opportunities for collaboration between the two organizations. The resolution requires that recommendations be presented to the ACB Board of Directors at the 1999 mid-year meeting.**

**WHEREAS, many people who are blind and visually impaired are currently either employed by, or served through, the United States Department of Veterans Affairs; and**

**WHEREAS, the American Council of the Blind (ACB) desires to develop areas where it can be of service to individuals working for this department, and to those receiving services from it; and**

**WHEREAS, an accreditation process through the Council on Accreditation of Rehabilitation Facilities (CARF) is being developed for Blind Rehabilitation Services Programs administered by the Department of Veterans Affairs, and which may not include sufficient input from employees who are blind or from the blind people served by the United States Department of Veterans Affairs;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that the president of the American Council of the Blind is instructed to coordinate discussions with interested ACB members and others including the president of Visually Impaired Veterans of America or his designee;**

**BE IT FURTHER RESOLVED that the president of the American Council of the Blind is instructed to meet with Togo West, acting secretary, United States Department of Veterans Affairs, to explore opportunities for collaboration between the two organizations; and**

**BE IT FURTHER RESOLVED that recommendations for further action shall be presented to the Board of Directors of the American Council of the Blind in time for action at the 1999 mid-year ACB board meeting.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-39 Develop alternatives to Blazie products

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-39

**Encourages other manufacturers of assistive technology for the blind to exponentially increase research and development of competitively priced alternatives to all Blazie products including easily portable, refreshable Braille displays, and refers the matter of Blazie Engineering's refusal to attend American Council of the Blind (ACB) conventions to the ACB Board of Directors for further action.**

**WHEREAS, Blazie Engineering Corporation has chosen to insult and snub a very large segment of their customer base, and in many cases, former customer base, by announcing unequivocally that they do not intend to participate in conventions of the American Council of the Blind (ACB); and**

**WHEREAS, the result is that current users of Blazie products will not be able to secure, as they have in the past, training, technical assistance, new products, and service while attending ACB conventions; and**

**WHEREAS, Blazie manufactures a number of products for which there is inadequate competition from a standpoint of both quantity and quality, particularly with regard to easily portable, refreshable braille displays; and**

**WHEREAS, a large number of ACB members in fact express an urgent need for competitively priced products which are of similar function to those made by Blazie, but are of equal or superior quality; and**

**WHEREAS, a number of other manufacturers of assistive technology for persons who are blind and low vision are very close to having the expertise and capability to develop and manufacture products of similar function and equal or superior quality to those made by Blazie Engineering, including portable, refreshable braille displays;**

**NOW THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization strongly encourage other manufacturers of assistive technology for the blind to exponentially increase research and development of competitively priced alternatives to all Blazie products including easily portable, refreshable braille displays; and**

**BE IT FURTHER RESOLVED that this organization refer the matters discussed in this resolution to its board of directors for further action as may be necessary or appropriate between this date and the 1999 convention.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-40 Expresses indignation at RFB&D

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-40

**Expresses indignation at the failure of Recording for the Blind and Dyslexic (RFB&D) to attend the 1998 convention of the American Council of the Blind, and calling for assurances that unequal treatment of blind consumers by RFB&D will not continue in the future.**

**WHEREAS, Recording for the Blind and Dyslexic (RFB&D) is a large, national organization with offices and studios in many cities and its headquarters in Princeton, NJ; and**

**WHEREAS, the American Council of the Blind has frequently passed resolutions and provided lobbying support for RFB&D's requests for federal funding of their programs; and**

**WHEREAS, for many years RFB&D has attended our convention and, in addition to exhibiting, has regularly participated in programs of the American Council of the Blind and its affiliates; and**

**WHEREAS, RFB&D committed to provide programming and to exhibit at our 1998 convention; and**

**WHEREAS, barely a month prior to the convention they cancelled their program participation and decided not to exhibit at our convention; and**

**WHEREAS, RFB&D is participating as an exhibitor and is providing programming at the National Federation of the Blind convention;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization express its indignation and sadness at this evidence that RFB&D has chosen to provide unequal treatment to people who are blind; and**

**BE IT FURTHER RESOLVED that this organization instruct the president of the American Council of the Blind to immediately contact the chair of the Board of Directors of Recording for the Blind and Dyslexic and convey the sense of this resolution; and**

**BE IT FURTHER RESOLVED that this organization wishes assurances from the Board of Directors of RFB&D that such unequal treatment will not be repeated.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-41 Social Security

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-41

**Urges Senators Jeffords and Kennedy to include the following changes to their Social Security reform proposal: (1) The definition of personal assistance services should be amended to include by direct reference reader services and personal assistance with transportation to and from work. Should this recommendation be rejected, references to these components of personal assistance services should be included as part of the legislation's findings and purposes and should be reinforced by accompanying report language and floor language. (2) The legislation should include substantial financial incentives to rehabilitation providers to offer assistive technology devices and services to their clients. At least one milestone payment for the provision of these important services should be a part of the payment structure described in the legislation.**

**WHEREAS, legislation now pending before the United States Senate would make significant changes to the Social Security disability programs, especially with respect to the availability of health care coverage; and**

**WHEREAS, the legislation's principal proponents, Senators Jeffords, (R-VT), and Kennedy, (D-Mass), fully intend to move their proposal during this session of Congress; and**

**WHEREAS, the Jeffords/Kennedy legislation would, among other things, expand the availability of personal assistance services to Social Security benefits recipients and would create incentives for public and private rehabilitation providers to use their best efforts to assist people with disabilities to leave the Social Security rolls; and**

**WHEREAS, the definition of personal assistance services included in the Jeffords/Kennedy legislation and found in other statutes, while expansive in scope, is routinely interpreted not to apply to reader services and personal assistance with transportation to and from work for individuals who are blind or visually impaired; and**

**WHEREAS, few public or private rehabilitation providers are likely to voluntarily agree to serve individuals with disabilities who require substantial investment, such as costly provision of assistive technology devices and services;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization urge Senators Jeffords and Kennedy to include the following changes to their Social Security reform proposal:**

* **The definition of personal assistance services should be amended to include by direct reference reader services and personal assistance with transportation to and from work. Should this recommendation be rejected, references to these components of personal assistance services should be included as part of the legislation's findings and purposes and should be reinforced by accompanying report language and floor language.**
* **The legislation should include substantial financial incentives to rehabilitation providers to offer assistive technology devices and services to their clients. At least one milestone payment for the provision of these important services should be a part of the payment structure described in the legislation.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-42 Thanks NAPVI

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-42

**Thanks the National Association of Parents of the Visually Impaired (NAPVI) for holding its convention jointly with the American Council of the Blind (ACB), discusses the benefits of this joint arrangement, and expresses the strong desire to continue to hold joint meetings in the future.**

**WHEREAS, for the first time ever, the National Association of Parents of the Visually Impaired (NAPVI) and the American Council of the Blind (ACB) jointly conducted conventions, July 1998; and**

**WHEREAS, both organizations benefitted from mutual learning, blind children having the opportunity to interact with successful, blind adult role models, and parents having the opportunity to more clearly understand the potential of their blind children; and**

**WHEREAS, parents of blind children had the opportunity to share important issues about the education and rearing of blind children;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization thanks NAPVI for sharing with us this unique and positive convention experience; and**

**BE IT FURTHER RESOLVED that it is the hope of ACB to continue this joint partnership in the years ahead.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-43 Commends the host committee

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-43

**Thanks and commends the host committee for the 1998 American Council of the Blind (ACB) Convention.**

**WHEREAS, the host committee for the 1998 American Council of the Blind convention in Orlando, Florida has had many responsibilities in the planning of the convention; and**

**WHEREAS, the efforts put forth by this committee have expended incredible effort and energy for this convention; and**

**WHEREAS, the success of this great convention was due in significant part to the working of this committee;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization express its great appreciation to the host committee for all of its efforts with regard to this convention; and**

**BE IT FURTHER RESOLVED that this organization commend each and every member of the fine ACB affiliate in Florida for their excellent work in this regard.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-44 Thanks the Clarion Plaza Hotel

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-44

**Thanks the Clarion Plaza Hotel, Orlando, Florida, for its work with the American Council of the Blind 1998 convention.**

**WHEREAS, the Clarion Plaza Hotel, Orlando, has provided an exceptional level of services and accommodations for members of the American Council of the blind attending its 1998 convention; and**

**WHEREAS, the staff of the Clarion Plaza Hotel, Orlando, has been remarkably friendly and helpful throughout this convention; and**

**WHEREAS, the success of a convention is often dependent on the quality of the services of the headquarters hotel;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization extends to the Clarion Plaza Hotel, Orlando, our thanks and appreciation of the outstanding services and accommodations provided to our members; and**

**BE IT FURTHER RESOLVED that this organization direct the staff of ACB to, through the Clarion's management, extend our warm appreciation to the Clarion Plaza Hotel, Orlando, direct service staff, for the manner in which they interacted with the members of the American Council of the Blind.**

**Adopted.**

**Cynthia Towers, Secretary**

# 98-45 Thanks and commends volunteers

# AMERICAN COUNCIL OF THE BLIND RESOLUTION 98-45

**Thanks and commends volunteers at the 1998 American Council of the Blind convention, and commends volunteers who were working in capacities relating to the range fires in Florida during the time of the convention.**

**WHEREAS, volunteer assistance is an essential element of a successful convention of the American Council of the Blind; and**

**WHEREAS, the coordination of volunteer services, and the training of volunteers are crucial in order that conventions run smoothly;**

**NOW, THEREFORE, BE IT RESOLVED by the American Council of the Blind in convention assembled on this 11th day of July, 1998 at the Clarion Plaza Hotel, Orlando, Florida, that this organization express its sincere appreciation to those persons who so graciously gave of their time during the convention week, and also to the coordinator of volunteer services for her training and coordination of volunteers; and**

**BE IT FURTHER RESOLVED that this resolution be conveyed to the coordinator of volunteers for this convention, Margarine Beaman, with the request that she convey this organization's most sincere thanks to all of the many volunteers who assisted us; and**

**BE IT FURTHER RESOLVED that this organization further express its sincere commendation to all of those potential convention volunteers who, due to the situation with range fires in Florida, made the difficult decision to instead direct their volunteer efforts toward the very worthwhile endeavor of fighting fires or providing aid to the victims of fire damage.**

**Adopted.**

**Cynthia Towers, Secretary**