

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN COUNCIL OF THE BLIND, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.
)	1:02CV00864 JR
)	
TIMOTHY F. GEITHNER, Secretary of the)	
Treasury,)	
)	
Defendant. ¹)	
)	

**DEFENDANT'S FIRST STATUS REPORT PURSUANT TO ORDER
AND JUDGMENT OF OCTOBER 3, 2008**

Defendant, by his undersigned counsel, hereby submits the first status report pursuant to paragraph 4 of the Court's Order and Judgment of October 3, 2008 (Doc. #96), which requires the defendant to "file periodic status reports describing the steps taken to implement this Order and Judgment."²

1. As described in Defendant's Status Conference Statement and the Declaration of Larry R. Felix on August 29, 2008 (Doc. #80), the Bureau of Engraving and Printing ("BEP" or "Bureau") has contracted with ARINC Engineering Services, LLC, a nationwide engineering, communications, testing, and "human factors" firm, for a comprehensive study to gather data and to research and analyze options for the BEP's development of a method or methods to provide meaningful access to United States currency for blind and other visually impaired persons

¹ Timothy F. Geithner, Secretary of the Treasury, has been substituted for Henry M. Paulson, Jr., as the defendant in this case pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

² The Order and Judgment requires that defendant's first status report be filed "no later than" March 16, 2009.

("Contractor Study"). The contractor has made significant progress toward completing Phase 1 and Phase 2 of the study, and has given the Bureau a comprehensive draft report of its analysis and findings from those phases. Significant elements of Phase 3, the final phase, remain to be completed.

Phase 1 of Contractor Study

2. Phase 1 of the Contractor Study, which is essentially complete, has involved gathering data about the demographics of visually impaired persons and information about the usefulness of various alternatives for facilitating their identification of currency. As part of Phase 1, the contractor has, among other things, conducted numerous focus groups, open forums, and usability studies,³ which provided information regarding challenges that blind and other visually impaired persons encounter when using currency and the usability of potential methods for providing meaningful access. These included focus groups and open forums conducted with blind and other visually impaired members of various organizations, including members of the American Council of the Blind and the National Federation of the Blind during the annual conferences of these two organizations. In the usability studies, conducted with blind and other visually impaired individuals in all age categories from elementary school age to senior citizens, the contractor video-recorded participants as they used various technologies, including foreign currency with tactile features, currency with large print numerals, different-sized currency, currency with varying color and contrast features, currency readers, and cell phone technology. Altogether, more than 150 blind and other visually impaired individuals have participated in the focus groups, open forums, and usability studies during Phase 1 of the Contractor Study.

³ The information gathered during the usability studies was also used as part of Phase 2.

3. Also as part of Phase 1, the contractor prepared and sent surveys to the blind and visually impaired community, and received over 400 responses. These responses provided additional demographic information, supplemented the information learned from the focus groups and open forums, characterized vision-related difficulties with currency, and enhanced the contractor's understanding of how various potential methods might enable blind and other visually impaired persons to better denominate currency.

4. The contractor has also conducted a comprehensive study of both government and academic sources to determine the current population of blind and other visually impaired persons in the United States, and to estimate their numbers through 2020. The contractor consulted with a Professor of Ophthalmology at the Wilmer Eye Institute of Johns Hopkins Hospital in Baltimore regarding how best to quantify this population.

5. Additionally, the Bureau has recently identified several potential methods of providing meaningful access to the currency that were not available or were not identified when the contractor conducted its usability studies in Phase 1. The Bureau has asked the contractor to conduct usability studies on these additional methods. Specifically, the contractor will test two new tactile features — currency with tactile strips and a potential method for denominating currency using notches — that were recently developed by the Bureau's in-house engineering team. Also as part of this extension of Phase 1, the contractor will test a new currency reader, an improved version of another currency reader, and a cell phone technology.

Phase 2 of Contractor Study

6. Phase 2 of the Contractor Study has involved examining various potential methods to provide meaningful access to the currency by blind and visually impaired persons, including

different sized numerals, the use of color, optical and machine readable features, different sized currency, and various tactile features.

7. In the course of Phase 2, the contractor met with or received feedback from numerous experts in diverse fields, including entities involved in paper and ink production, the international banknote community, the United States Secret Service, the Federal Reserve Board, the Currency Technology Office of the Richmond Federal Reserve Bank, the National Council on Disability, cash handling organizations, cash machine manufacturers, and end users. The contractor has also studied the research used by Canada in creating its banknote accommodations, and has had discussions with the European Union about its banknote accommodations. Furthermore, the contractor has engaged an expert in tactility, and has held discussions with domestic banking institutions and the New England College of Optometry.

8. As noted above, the contractor has already given the Bureau a comprehensive draft report of its Phase 1 and 2 analysis and findings. This enabled the BEP to provide interim feedback and guidance regarding the remainder of the study. The analyses and findings in the draft report will be refined and supplemented in the final report, based on the contractor's further work in completing all phases of the study.

Phase 3 of Contractor Study

9. The contractor has also made progress toward completing Phase 3 of the Contractor Study. Phase 3 involves an economic cost-benefit analysis on the alternatives identified in Phase 2 that best address the needs of the blind and other visually impaired persons described in Phase 1. As part of Phase 3, the contractor has created an initial Decision Model, and the Bureau has determined which features to analyze (which may change following the additional usability studies) and has provided its initial ranking of non-cost factors.

10. Other significant elements of Phase 3 remain to be completed. The contractor will analyze the benefits associated with each feasible alternative or technological solution, based on what it has learned about the effectiveness of each potential method in assisting blind and other visually impaired persons. Comparatively, the contractor will also analyze the costs of implementing each alternative and the resultant costs of each alternative in relation to the Federal Reserve System, public sector banks, vendors, point of sale systems, retailers, taxpayers, and the United States Secret Service.

Status of Completion of Contractor Study

11. As described in Defendant's Status Conference Statement and the Declaration of Larry R. Felix (Doc. #80), the contractor was initially scheduled to provide its final report and findings to the Bureau on all three phases of the Contractor Study by February 28, 2009. As also noted in the declaration, however, that date was subject to change under the contract.

12. Due to a variety of circumstances, the final report and findings will not be completed until June 19, 2009. As noted above, the Contractor Study will now include usability studies regarding additional methods for providing meaningful access to the currency, and any resulting update in the Phase 1 and Phase 2 findings. The Bureau believes that adding these usability tests is critical to ensure the study's completeness and accuracy. Additionally, the study has included several other elements that were not initially anticipated, including usability testing, consultation with further outside experts, and more research to better understand the studies conducted by other countries. Also, discovering and polling domestic and foreign entities with relevant information has taken longer than the contractor initially expected, primarily because of delays in receiving responses from some of those entities. And finally, given the scope and complexity

of the Contractor Study, the contractor needs more time to organize and present the results of the study in a format conducive to review and commentary by a broad public audience.

13. The contractor and the Bureau have agreed to extend until June 19, 2009, the deadline for providing the contractor's final report and findings, and have executed a formal contract modification to that effect. The defendant believes that a thorough, complete Contractor Study will enhance the knowledge of the Secretary of the Treasury regarding all available currency features and how blind and other visually impaired persons interface with them, will assist the Secretary in considering which method or methods to use for providing meaningful access to the currency, and will ultimately lead to a decision that is best suited to enable blind and other visually impaired persons to distinguish among the denominations of currency without causing an undue burden.

Dated: February 27, 2009

Respectfully submitted,

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