

S. 2355

UNITED STATES GOVERNMENT

memorandum

DATE: January 4, 1983

REPLY TO
ATTN OF: Jack Lee, Legislation 

SUBJECT: Hearing Impaired Bill

TO: Chairman and Commissioners
OGC
CCB
OST
OPP

On January 3, 1983 the President signed into law S. 2355 "Telecommunications for the Disabled Act of 1982." We do not have the Public Law number at this time.

Attached is a copy of an earlier memo from this office explaining the provisions of the Act.

memorandum

DATE: December 20, 1982

REPLY TO
ATTN OF: Jackson F. Lee, Director of Legislative Affairs 

SUBJECT: S. 2355, the "Telecommunications for the Disabled Act of 1982"

TO: Commissioners
Bureau and Office Chiefs

Over the weekend the Congress approved and sent to the President a bill which would add a new section to the Communications Act.

The final version of S. 2355, the "Telecommunications for the Disabled Act of 1982," was approved by the Senate late on Friday and by the House on Saturday afternoon. The Act would require that the FCC adopt rules within one year to ensure that persons with impaired hearing have access to telephone service, by requiring that "essential telephones" be compatible with hearing aids. A copy of the bill is included with this memo.

"Essential telephones" are defined as "coin operated telephones, telephones provided for emergency use, and other telephones frequently needed for use by persons using such hearing aids." The FCC may delegate to the state PUCs the authority to enforce compliance with the regulations.

The Act provides that the FCC's rulemaking proceeding shall balance the costs and benefits to all telephone users; and the regulations should not impede technology. In addition, the FCC shall establish technical standards for such equipment and labeling requirements for packaging materials to advise consumers of the compatibility of telephones and hearing aids.

The Act also provides that a common carrier may provide specialized equipment for disabled persons, and state PUCs may permit the carrier to recover the costs of such equipment in its tariff.

The Senate added two unrelated amendments to the bill: (a) An amendment to insure that the CPB Board of Directors retains its political balance during its reduction in size from 15 to 10 members, by modifying Pub. L. No. 97-35. (b) An amendment eliminating the requirement that 50 percent of any new issuance of Comsat stock be reserved for purchase by common carriers.

(Over)

OPTIONAL FORM NO. 10
(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
5010-114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Telecommunications for the Disabled Act of 1982".

Sec. 2. The Congress finds that—

(1) all persons should have available the best telephone service which is technologically and economically feasible;

(2) currently available technology is capable of providing telephone service to some individuals who, because of hearing impairments, require telephone reception by means of hearing aids with induction coils or other inductive receptors;

(3) the lack of technical standards ensuring compatibility between hearing aids and telephones has prevented receipt of the best telephone service which is technologically and economically feasible; and

(4) adoption of technical standards is required in order to ensure compatibility between telephones and hearing aids, thereby accommodating the needs of individuals with hearing impairments.

Sec. 3. Title VI of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end thereof the following new section:

"TELEPHONE SERVICE FOR THE DISABLED

"Sec. 610. (a) The Commission shall establish such regulations as are necessary to ensure reasonable access to telephone service by persons with impaired hearing.

"(b) The Commission shall require that essential telephones provide internal means for effective use with hearing aids that are specially designed for telephone use. For purposes of this subsection, the term 'essential telephones' means only coin-operated telephones, telephones provided for emergency use, and other telephones frequently needed for use by persons using such hearing aids.

"(c) The Commission shall establish or approve such technical standards as are required to enforce this section.

"(d) The Commission shall establish such requirements for the labeling of packaging materials for equipment as are needed to provide adequate information to consumers on the compatibility between telephones and hearing aids.

"(e) In any rulemaking to implement the provisions of this section, the Commission shall specifically consider the costs and benefits to all telephone users, including persons with and without hearing impairments. The Commission shall ensure that regulations adopted to implement this section encourage the use of currently available technology and do not discourage or impair the development of improved technology.

"(f) The Commission shall complete rulemaking actions required by this section and issue specific and detailed rules and regulations resulting therefrom within one year after the date of enactment of the Telecommunications for the Disabled Act of 1982. Thereafter the Commission shall periodically review such rules and regulations. Except for coin-operated telephones and telephones provided for emergency use, the Commission may not require the retrofitting of equipment to achieve the purposes of this section.

"(g) Any common carrier or connecting carrier may provide specialized terminal equipment needed by persons whose hearing, speech, vision, or mobility is impaired. The State commission may allow the carrier to recover in its tariffs for regulated service reasonable and prudent costs not charged directly to users of such equipment.

"(h) The Commission shall delegate to each State commission the authority to en-

force within such State compliance with the specific regulations that the Commission issues under subsections (a) and (b), conditioned upon the adoption and enforcement of such regulations by the State commission."

Sec. 3. Subparagraph (B) of paragraph (2) of section 1225(a) of the Public Broadcasting Amendments Act of 1981 is amended to read as follows:

"(B) Notwithstanding the provisions of subsection (c) of section 396 of the Communications Act of 1934, in the case of the offices of director the terms of which expired March 1982, persons appointed to fill two of such vacancies existing as of December 13, 1982, shall be appointed for terms which shall expire on March 1, 1984 and shall not be representative of the political party having a majority of the directors of the Board on December 13, 1982. Persons appointed for a term beginning March 1, 1984, to fill the vacancies occurring in such offices the terms of which, by reason of the preceding sentence, expire on March 1, 1984, shall not be filled by persons representing the political party having a majority of the directors of the Board on March 1, 1984. Persons appointed on or after March 1, 1984, to fill vacancies in the two such offices shall be appointed for terms of five years. On March 1, 1984, there are abolished those five offices of director the terms of which, without application of the preceding provisions of this paragraph, expire on such date. In administering the provisions of this paragraph a director is a minority member of the Board if he is not a member of the political party to which the majority of the directors of the Board are members."

Sec. 4. The Communications Satellite Act of 1962, as amended (47 U.S.C. 701 et seq.), is amended by deleting the second sentence of section 304(b)(2) of such Act.